IN THE WAITANGI TRIBUNAL
OF NEW ZEALAND

IN THE MATTER	of the Treaty of Waitangi Act 1975
A N D	
IN THE MATTER	of the Te Rohe Pootae District Inquiry (Wai 898)
A N D	
IN THE MATTER	of Wai 1588, 1589, 1590, 1591 being claims by Phillip Tauri King and Verna Tuteao for and on behalf of Ngaati Mahuta

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STATEMENT OF EVIDENCE OF SHIRLEY TUTEAO
ON BEHALF OF NGAATI MAHUTA

21 February 2013

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WELLINGTON

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LAWYERS

He peepeha naa taku tungaane a Jason King:

Whakapiripiri mai i te taahuhu o Auaukiterangi
He oranga hinengaro, oranga tiinana, oranga wairua
Te Tumu ki Maketuu, Aaruka ki Tahaaroa, Te Oohaakii ki Kooraha
Ngaati Mahuta ki te Hauaauru kia mau ki te korowai o te aroha me te whakaiti.
Paimaarire.

Gather together under the haven of Auaukiterangi
Where the mind, body and spirit is nurtured
Anchored at Maketuu, across to Aaruka at Tahaaroa, then on to Te Oohaakii at Kooraha
The coastal descendants of Ngaati Mahuta, adorn the cloak of humility.
Paimaarire.

Introduction

1. My name is Shirley Tuteao (nee Kana). I am the daughter of George Te Kaahumu Kana Te Puhi, a local cattle and sheep farmer, and Amy Milly King, both from Tahaaroa. I was born and raised at our family homestead called Te Waipounamu (the treasured waters). I am the youngest daughter.

2. I have 12 siblings - six girls and six boys. This includes mum and dad's first mokopuna, Steven Kana. I also acknowledge two others who we refer to as sisters - Gail Taite (nee Falwasser), who is fondly referred to as Rakei, and Joy Greenbank (nee Kana). One of my sisters, Peggy Willison has also filed evidence to support our claim.

3. I am a mother of 3 children and have 13 mokopuna.

4. I grew up with the knowledge that we are all descendants of Ngaati Rangitaka, Ngaati Hui a Rangi and Ngaati Te Ata, through both of our parents. As other witnesses have explained, these hapuu were gifted the name of Ngaati Mahuta by Kingi Mahuta, the third reigning Maaori monarch. This occurred at Te Kooraha Marae after he departed Tahaaroa, to never return again. From then on all hapuu of Te Kooraha, Aaruka and Maketuu Marae were combined and known as Ngaati

Mahuta (or Ngaati Mahuta ki te Hauaauru, to differentiate the coastal Ngaati Mahuta from inland Ngaati Mahuta).

Maintaining Mana Whenua

5. Although my parents lived in Tahaaroa for all of their lives, our family has a long history of maintaining the mana whenua of Ngaati Mahuta ki Tahaaroa and Ngaati Mahuta ki Maketuu.

6. This began with our grandfathers, Koro Wani King and Kana Te Puhi, who both maintained proactive roles at Maketuu Marae. They were the beginning of a long line of executive members of the marae that was to follow in future years.

7. From that platform stems an unbroken line of commitment to the ahi kaa of Ngaati Mahuta mai Tahaaroa ki Maketuu. After our tuupuna above, my dad's brother, Fred Haunui Kana Te Puhi (senior), served as chairperson for approximately three to five years. He was later replaced by my father who served for 15 years and was succeeded by my late brother, Fred Keith Kana. Fred served as chairperson for the same amount of time as my father. During this time I was elected as a Maketuu Marae trustee and have remained so for the last 17 years.

8. I also acknowledge the other chairpersons who have served in between our families, such as John (Tata) Keepa, Peter Sidney Tuteao and Alan Rubay.

9. All of the above chairpersons maintained one of the significant themes of this claim namely that the boundaries (at least the more contemporary boundaries) of Ngaati Mahuta encompassed the boundaries of Tahaaroa through to Maketuu.

10. We were always reminded by our parents of our affinity to Maketuu Marae and the importance of maintaining ahi kaa when growing up. We would do this by travelling back and forward to Kaawhia for the annual Maketuu Marae poukai or for other marae hui, for shopping excursions or for tangihanga. We would travel by horseback, leaving our horses at either Te Onehari or Te Maika, and would cross the Kaawhia Harbour by boat.

My Roles within Ngaati Mahuta

11. My roles within Ngaati Mahuta include:

    (a) Trustee for Maketuu Marae (as stated above);

    (b) Te Kauhanganui member in the Tainui governance parliament at Hopuhopu for the last 13 years;

    (c) Trustee of Te Ruunanga o Ngaati Mahuta ki te Hauaauru for 8 years; and

    (d) Justice of the Peace to assist the community of our tribal estate and many other communities.

12. I believe that based on the experience noted above, the mandate from our tribal members and my passion, commitment and pure aroha for our people, I have a sound basis to present evidence on behalf of Ngaati Mahuta in relation to the matters set out in my koorero, which are:

    (a) Ngaati Mahuta today;

    (b) The key challenges facing Ngaati Mahuta, both in general and also for our rangatahi;

    (c) The establishment of Te Ruunanga o Ngaati Mahuta ki te Hauauru; and

    (d) Ngaati Mahuta aspirations for the future.

Ngaati Mahuta Today

13. There are around 4,000 Ngaati Mahuta (ki te Hauaauru) members. The majority of the hapuu members live in New Zealand. Some live throughout the boundary of Ngaati Mahuta at Tahaaroa, Kaawhia, Hamilton, Hauturu, Aotea, Ngaruawaahia, Waitomo, Otorohanga, Te Awamutu, Pirongia, Te Kuiti, Marokopa, Whaingaroa and other outlying areas, including Mokau. Others live in and around Auckland, the South Island, Taranaki, the East Coast and many other parts of New Zealand.

14. Many tribal members now live in Australia for work and/or to play sport. Otherwise they are scattered throughout Asia, America and Europe.

15. Our hapuu members are involved in different professions such as law, health, education, teaching, Te Reo Maaori, environmental, trade and engineering and many other sectors.

16. Ngaati Mahuta members range from the very proactive to those that are totally removed from local events.

17. Many of the tikanga that we grew up with continues to be practiced today. The tribal members from the three marae maintain and uphold the tikanga of our tuupuna.

18. This is particularly the case with events such as the annual poukai at Maketuu Marae where tribal members get to host the reigning monarch, Kiingi Tuheitia, descendant of Kiingi Mahuta. Another event that we celebrate is the annual koroneihana (coronation). This is celebrated at Te Kooraha Marae and is a one-day event held on the same day as that which is held at Turangawaewae each year.

19. Despite tribal members having different views when attending hui, kootahitanga (togetherness), whakaiti (humility) and whakapono (faith) usually reign, allowing for a one-minded outcome. Kaumaatua views are seriously considered and decisions are made as tribal members move ahead together for the betterment of the tribe.

Key Challenges for Ngaati Mahuta

20. There are a number of challenges facing Ngaati Maahuta today. The main challenges of course come from the fact that we have lost our mana whakahaere and tino rangatiratanga over our land, moana, lakes and other taonga. We also feel like our views on how our taonga are managed and governed are ignored – that the Government simply pays lip service to the idea of consultation. Tom Moke has talked about these issues in more detail.

21. Although we have kaitiakitanga for the takutai moana and tribal members in Environment Waikato, there is a lack of involvement of Ngaati Mahuta in local and regional Council activities and development, both on land and in the coastal marine area. This includes the catchment planning project for the Kaawhia and

Aotea Harbours, namely the Shore Futures.[1] This is partly due to some hapuu members having a lack of knowledge and understanding of Council processes. We also feel somewhat powerless in terms of influencing decisions that they make because they have the advantage – they have the knowledge about the processes, they have the funding and the decision-making power. Instead of consulting with us, they use RMA processes to undermine us. An example is DOC's efforts to stop the construction of our windmills in Tahaaroa. We understand that, as kaitiaki, it is important to continue to build relationships with local and regional councils to enhance our involvement and increase our knowledge. However, this is difficult when their processes are so foreign to us.

22. We are also faced with increasing pressure from developers and local and regional councils for land use change and subdivisions within the Kaawhia and Aotea catchments, particularly near the coastal margin. An example is the proposed housing development around Puti bridge, which is located about 5kms north of the Kaawhia township and the Aotea harbour. As kaitiaki, development in our region is a matter that we need to consider carefully however, the majority of Ngaati Mahuta hapuu members have not had experience with this before so there are many uncertainties. We are concerned with what will happen if development continues or increases and how we should manage that. We cannot stop it but we can put systems in place that bring every development to our table for consideration. In our view, Ngaati Mahuta should be the decision-maker regarding the kaitiakitanga of our rohe at all times.

23. It is becoming unaffordable for whaanau to live on our lands. Pieces of land that were once large shareholdings are no longer viable enough to sustain our people. The fragmentation of our land blocks after years of partitioning and succession has, in some cases, resulted in very minimal pieces remaining for whaanau and/or hapuu members. Some pieces of land are only big enough to drive a stake in the ground. In some cases land has been lost altogether. Traditionally, access to whenua was always available and/or negotiable for Maaori, as long as you could whakapapa to the whenua.[2] (Other witnesses have spoken about these issues in more detail). As a result of this process, we want any lands that were taken to be

[1] Shore Futures project is to provide for the integrated and consistent management of the Kaawhia and Aotea catchments, Sept 16 2007, http://www.ew.govt.nz/projects/shorefutures/index.htm.

[2] Other witnesses have spoken about these issues in more detail.

returned where possible – lands that can sustain our tribal members – or adequate compensation for what has been lost.

24. There are also identity issues for Ngaati Mahuta in that many assume that we are Maniapoto. This assumption undermines our ability to address agencies such as the Federated Farmers, the Ministry of Fisheries and the Historic Places Trust. Connie Tuaupiki (Hepi) has talked about how our three marae (Maketuu, Aaruka and Te Kooraha) have been included as marae of the Ngaati Maniapoto Maaori Trust Board and the issues arising from that. We have sent letters to the Trust Board asking them to correct their records, but have received no response. It is time for imminent change. We are a coastal faction of Ngaati Mahuta ki uta and have our own identity and mana. We are not part and parcel of Ngaati Maniapoto. This insinuation has a serious impact on our identity and our mana.

25. We are also frustrated by ongoing attempts to advocate our tribal boundaries with neighbouring tribes who claim mana whenua in some areas of our rohe. To enable Ngaati Mahuta to operate effectively regarding all of the different aspects and issues that affect us, it is important for all parties that are involved in Ngaati Mahuta affairs to record boundaries correctly and consistently. This includes not only neighbouring hapuu and iwi, but also regional and local councils and other Government bodies. Otherwise the wrong message will be passed on to future generations. The mahi that has gone into this claim, the evidence produced, will ensure that they get the correct records regarding our boundaries. Once that has been completed, mutual understanding will lead to better and healthier partnerships and development will be inevitable.

Particular Challenges of our Rangatahi

26. I see it as a challenge for Ngaati Mahuta rangatahi to keep Te Reo Maaori me ngaa tikanga and the concept of the Kiingitanga alive for our hapuu. Most of our rangatahi grew up with the knowledge that their parents and/or tuupuna were chastised for using Te Reo Maaori in the classroom (my sister, Peggy, has filed evidence on this). As a result, the message that is etched in the minds of our rangatahi is that Te Reo Maori leads to punishment. So why would I want to learn Te Reo me ngaa tikanga?

27. Our rangatahi no longer have an interest in Te Reo Maori and, for many, they do not want to revisit that again. Thereby a generation of Te Reo Maori learners is lost and, with the loss of our language, our culture is also lost.

28. Other challenges for our rangatahi include work pressures, as the main focus has become ensuring that we are the best provider for our children and whaanau. Te Reo Maaori me ngaa tikanga does not feature high in their lives, or is even non-existent.

29. In my view, how we revitalise Te Reo for Ngaati Mahuta and its descendants rests with three key people in the tribal estate - Haki Tuaupiki, Roy Willison and Jason King, our remaining koroheke and ruuruhi, as well as a handful of others, including Sonny Te Ako.

30. For our Ngaati Mahuta tuupuna, a lot of their strength was drawn from the kaupapa of Kiingitanga however, today it is a challenge for a lot of our rangatahi to maintain. We need to encourage and assist our rangatahi to increase their knowledge of the Kiingitanga.

31. However, our old ways of learning through traditional whare waananga and marae have been suppressed. We are instead expected to attend modern day institutes, which is a takahi on our mana whenua.

32. Isolation and higher school learning for rangatahi in Tahaaroa and Kaawhia is another challenge. The Tahaaroa and Kaawhia Primary School education system only goes to year eight and all other levels of schooling are accessed well outside of both Kaawhia and Tahaaroa (approximately 112kms). This means that parents are required to make arrangements for their children to board away from home each week, or until the end of each school term. As such, they miss out on a lot of valuable time with their children.

33. The isolation also affects the ability of our rangatahi to pursue specialist education that would have particular application within the rohe, such as environmental management, as well as opportunities in the arts or sports.

Te Ruunanga o Ngaati Mahuta ki te Hauaauru

34. Investigation for the establishment of a governance body for Ngaati Mahuta (ki te Hauaauru) was initiated in 2004 after particular issues were raised and discussed at our three marae. Some of those issues included the West Coast Harbour claim, off-shore drilling on the west coast of North Island, an application for sprat – oyster farming, and the Foreshore & Seabed response to the Government's proposal. It was decided that Ngaati Mahuta needed a governance body to govern the historical, traditional, cultural, spiritual and intellectual affairs of Ngaati Mahuta tribal members.

35. As well as myself, the founding members of the ruunanga were Ruhia King (nee Hepi), Verna Tuteao, Maea Marshall and Delwyn Hepi (nee King).

36. Going through the process of setting up a legal structure such as Te Ruunanga o Ngaati Mahuta Charitable Trust was very long and arduous. The rules and regulations around legal structures presented an issue, particularly because advice from different departments was variable. Some of us did not understand the process, there was so much red tape to deal with and there was no room for negotiation or compromise. It took over eight years and countless hui to get to the point of registering our ruunanga.

37. Traditionally, tribal members would choose representatives at tribal hui. Elders would gather at these hui and groups would be formed by an election of people. The groups would be mandated by the tribe. Those chosen would meet to discuss the current affairs of the hapuu. The mandate of the people was essential to each matter of discussion. Decisions were made after long and deliberate discussions. This kind of forum is usually evident at the poukai gatherings that take place throughout the year in the Tainui area. Our traditional systems work for us. They are simple but effective. If we were able to do it our way, we could have started our mahi a lot sooner.

38. The ruunanga is a registered Charitable Trust and is to be incorporated. As well as myself, the current trust members are Verna Tuteao, Maea Marshall, Roy Willison, Ruhia King, Tom Moke, John Forbes and Cathy Moke.

39. The purposes of the ruunanga are to protect, to preserve and to administer Ngaati Mahuta (ki te Hauaauru) interests and affairs and assets bequeathed by our ancestors for the benefit of all descendants of the tribe, both present and future. The ruunanga is also committed to enhancing, supporting and inspiring all tribal members to develop opportunities, to create healthy alternatives, to enhance education and to aspire to achieve great things in their lives.

40. The goals for the ruunanga include:

(a) Mana Whenua

To make sure the "protection of ancestral possession of land and records" is maintained.

(b) Mana Moana

To secure hapuu "recognition as guardians of the foreshore, seabed and waterways".

(c) Mana Puutaia

To set strategies for the prevention of environmental issues.

(d) Mana Taangata

To "progress into the future in unity" for ongoing excellence for education, knowledge and hapuu systems of kawa and tikanga and future economic development with agriculture and aquaculture business opportunities.

41. The costs of the work that we have carried out to date have come out of our own pockets. We have been on the lookout for funding to assist but completing the process of setting up a proper legal structure is a prerequisite to obtaining funding. We hope that, at the end of this process, we will have sufficient funding and other resources to make our mahi a priority.

Ngaati Mahuta Aspirations

42. In filing this claim we seek acknowledgement and recognition that our claims are well-founded and, importantly, that it was **Ngaati Mahuta (ki te Hauaauru)** that were prejudiced by the Crown in the area in which we claim mana.

43. Once our identity and our claims have been acknowledged and confirmed by the Waitangi Tribunal, we want to have the ability:

    (a) To negotiate the return of our harbour;

    (b) To review and analyse environmental surroundings and seek funding to access grants or other assistance to build on the capacity and expertise of Ngaati Mahuta tribal members;

    (c) To work together with councils and other environmental groups to build and establish iwi and hapuu resource management units and for the development of iwi and hapuu resource management plans to address the concerns of Ngaati Mahuta;

    (d) To conduct further research and seek feedback from iwi and local and regional councils to improve skills and understanding amongst elected councillors, council personnel, resource consent applicants and tangata whenua. This is in order to bring together positive solutions to ensure the environment is preserved of its natural resources and that Ngaati Mahuta values and goals in environmental management are followed and our participation in council environmental affairs increase;

    (e) To assist our ruunanga by initiating opportunities to encourage Ngaati Mahuta values in the Kiingitanga, Te Reo Maaori, and also to encourage cultural, historical, social and economic growth, and education for the recognition and preservation of Ngaati Mahuta individuals' responsibilities, obligations and well-being;

    (f) To assist with initiating ongoing education and waananga, to provide (as well as the above), information on coastal land marks, place names along the coastal boundary, maataitai (kai moana) location and information of significant events;

(g) To maintain Ngaati Mahuta ties with the Kiingitanga and educate our rangatahi about the historical importance of the Kiingitanga in our rohe; and

(h) To assist in protecting the waka from e.g. environmental impacts, based on our duties as kaitiaki of the waka.

44. Overall, this claim is about Ngaati Mahuta having autonomy and future economic opportunities, e.g. development (i.e. aquaculture). It is also about ensuring that there is less beaurocracy and more time "playing on our field" instead of just sitting in the stands watching others play our game for us.

45. I ai ki a raatou maa (according to our ancestors):

(a) Acknowledgement of our whakapapa to Ngaati Mahuta (ki te Hauaauru) is foremost;

(b) Knowing where you come from guides you to where you are going;

(c) Investment in the youth is of utmost importance as it is they who will be our leaders of tomorrow, as this whakautauki highlights for me:

"Te Taimaiti i akona i te kainga tau ana i runga i te Marae" [3]

(d) Finally, the protection and acknowledgement of customs and protocols of the tribe are engraved on our hearts and etched into our souls. Unification under the auspices of the Kiingitanga.

[3] Naa taku tungaane a Jason King.

46. I leave you all with a waiata that includes some historical landmarks that are significant to Ngaati Mahuta and supports our claim:

Tau ana ki runga i te tihi oo Oorangiwhao
Titiro whakararo ki Te Oohaakii runga Kooraha
Hoki whakamuri ki ngaa tae paapaki o Honipaka
Taapapa atu ki te paataka ngaru o Paparoa
Whakarongo kau ana ki te tangi uru moana

Whaatoro atu ki te ruku hiinaki ki te roto o Tahaaroa runga Aaruka
Pikihia a Mangatangi te tihi okiokinga
Pare whakararo atu ki muri whenua
Ki ngaa kooiwi maatua tuupuna

Huri taiaawhio ki te rohe o te Tahaaroa
Ka tangi tonu te hau uru moana
He tangi mai raa anoo, he tangi moo ngaa maatua tuupuna
Whakawhiti atu ki Te Ahurei, ki te waka Tainui
Ki Auaukiterangi runga Maketuu
Auee huri taiaawhio ko Ngaati Mahuta e!*

Naa Shirley Tuteao

*This song follows the flight of a bird as it circles our rohe. It wakes on our sacred mountain, looks down on our marae at Te Kooraha and the papa before it, acknowledging our house. It takes a journey back to our sacred rock, near Albatross point, then continues along the calabash of Ruapuutahanga, while listening to the sound of the blowing sand.

It glides across to Lake Tahaaroa, where it dives and fishes for eels, then continues on to the meeting house at Te Aaruka. It ascends the sacred resting place, Mangatangi, and rests. It then continues to glide across to Te Maika, to muri whenua, to the sacred burial place of our ancestors.

From there it is able to circle the rohe of Tahaaroa. It sheds tears for our ancestors. It flies across to Te Ahurei, to the resting place of the Tainui waka, to the sacred meeting house at Maketuu, Auaukiterangi. There it exclaims, this is Ngaati Mahuta!