OFFICIAL

BEFORE THE WAITANGI TRIBUNAL

WAI-898

IN THE TE ROHE PŌTAE DISTRICT INQUIRY (WAI 898)

HEARING WEEK 3 – FRIDAY, 8 MARCH 2013

MAKETU MARAE, KĀWHIA

Hui Commenced: 4 March 2013 to 8 March 2013

Tribunal:	Judge D J Ambler Professor Sir Hirini Mead Professor Pou Temara	Mr John Baird Dr Aroha Harris
Crown Counsel:	Geoffrey Melvin Stephanie Jones	Rachel Groot
Lead Counsel:	Glenn Tootill Adian Warren Eloise Lonnberg Maui Solomon Karen Feint	Jason Pou Peter Johnston Mark McGhie Annette Sykes Alex Hope

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Waitangi Tribunal
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	Te Kani Williams	Gene Bagsic
	Matanuku Mahuika	Linda Thornton
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	Tom Bennion	Clare Savali
	Kirikaiahi Albert	Hemi Te Nahu
	Cameron Hockly	Paul Jackson
	Tavake Afeaki	Miharo Armstrong
Witnesses:	Rahui Papa	Trevor Malcomson
	Verna Tuteao	Paranapa Otimi
	John Forbes	Louis Chase
	Merv Ranga	Te Ngaehe Wanikau
	Harry Maki-Midwood	Bruce Stirling
	Connie Hepi	Leanne Boulton
	Nellie Whitiora	Grant Young
	Peggy Willison	Georgina Houpapa
	Trustees of Taharoa A7A2A	Tangiwai King
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TAKEN BEFORE JUDGE D J AMBLER

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
08.30AM	**HEARING RESUMES, DAY 5 FRIDAY 8 MARCH 2013**	
	TŪ TE MAHURANGI TE UIRA	
	Tēnā koutou katoa i te ata tino ātaahua nei. Nō reira i roto i te rā whakamutunga o tātou nei hui nō reira tēnā koutou, tēnā koutou, tēnā koutou katoa. Tō tātou karakia tīmatanga i tō tātou rā whakamutunga he hīmene, ka [pātai] atu tētahi o ngā rōia o te Karauna, he aha te wā wai anō, ā tēnei te wā. He karakia tō tātou karakia i tēnei rā, nō reira āwhinatia mai rā. E noho, e tū. Tēnei tō tātou karakia.	Good morning everyone, lovely day in this our last day of our hui. Our prayer will commence on our last day - a hymn. I call upon one of the Crown counsel, and so we shall have our hymn to commence our prayer.
	HIMENE	
	Tēnā koutou.	
08.32.49	**JUDGE AMBLER**	
	Tēnā koe, e Tū	Thank you Tū.
	HEMI TE NAHU	
	Mōrena Ms Boulton.	
	LEANNE BOULTON	
	Mōrena.	
	HEMI TE NAHU	
	I'm going to be referring to your report #A67 and some of the matters I'll be canvassing with you were canvassed with you by the Crown yesterday in relation to mistakes and omissions, particularly page 239. Do you remember the discussions you had with the Crown yesterday on that	

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	matter?	
	LEANNE BOULTON	
	I need to refresh my memory about that. That was page 239.	
	HEMI TE NAHU	
	Correct.	
	LEANNE BOULTON	
	Yes I do remember that matter.	
	HEMI TE NAHU	
	Those discussions that were had were in relation to mistakes and omissions that were made in a list of owners in relation to the blocks that you list in that section, particularly Wharepūhunga, Puketarata, Puketarata Number 6?	
	LEANNE BOULTON	
	Yes that's right.	
	HEMI TE NAHU	
	Before we begin, first of all I'm counsel for a number of groups within this inquiry, Ngāti Whakatere is one, Ngāti Hikairo, some whānau from Ngāti Uekaha, Ngāti Tamakana, Tamahaki, Uenuku and Ngāti Hinemata. Now Ngāti	

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	Hinemata have interests in the Wharepūhunga block.	
	LEANNE BOULTON	
	Āe.	
	HEMI TE NAHU	
	Hence the reasons why I'm asking questions on these sections. It was the Native Land Court's authority, wasn't it, that corrected omissions and mistakes to ownership lists, correct?	
	LEANNE BOULTON	
	Yes.	
	HEMI TE NAHU	
	So where these blocks were concerned, would you know whether the Court did indeed rectify the mistakes and omissions that were identified by Morrison?	
	LEANNE BOULTON	
	I don't know, I haven't looked into that matter.	
	HEMI TE NAHU	
	You would agree that as a consequence of these mistakes and omissions to those ownership lists and Morrison identified those mistakes in these blocks, you would agree	

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	that a number of whānau were left landless as a consequence wouldn't you?	
	LEANNE BOULTON	
	If people were left out of the ownership list, certainly their legal position was that they were not owners in that land. On the ground they still obviously may have been living there amongst their kin, but the legal position would have been that they had no interest until that list was corrected.	
	HEMI TE NAHU	
	Thank you. And where the Native Land Court failed to rectify those mistakes and omissions to those ownership lists, would you agree that whānau were left in a state of despair and loss as a consequence?	
	LEANNE BOULTON	
	I'm afraid I don't have enough evidence to make a judgement on that.	
	HEMI TE NAHU	
	Well if they've got no shares and legal title?	
	LEANNE BOULTON	
	Certainly if they became aware that they weren't on the owner list and what that actually meant in legal terms, that certainly would have been distressing for them, and I	

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	presume that they would have tried the best they could to rectify that with the Court, but again I'm not – I haven't made a full study of the Wharepūhunga block's history. Although I would note that Ms Marr in her Rangahaua Whānui Report Number 1 which is on this record of inquiry, did make a reasonably detailed case study of the Wharepūhunga block and I just wanted to draw that to people's attention and I do have the reference for that. I believe was it you who asked me a question of clarification about that? Yes here it is. Ms Marr's Rangahaua Whānui Report Number 1, which was #A55 on this record, there's a case study of the Wharepūhunga block at pages 112 to 121. There's also Paula Bergin's block narrative of the Wharepūhunga block in her title histories for this block in her title histories for this block narratives for this inquiry. I don't have the record number but it's pages 1208 to 1255 and that's probably the, for me that's probably the best source of our collective knowledge on the Wharepūhunga block as far as I understand.	
	HEMI TE NAHU	
	Thank you. How do you think the situation -	
	JUDGE AMBLER	
	Sorry. Perhaps if we just record that number, the Bergin report is #A60.	
	HEMI TE NAHU	

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	Just in terms of that issue, Ms Boulton, you would accept that as a consequence of omissions made there are also mistakes where whānau were put on ownership lists that had no link to the land whatsoever, correct?	
	LEANNE BOULTON	
	Yes, that does seem to be the case. Sometimes people were put on for a variety of reasons. Sometimes through aroha, the fact that they perhaps were temporarily staying on the block or, you know, had some tenuous connection, yeah.	
	HEMI TE NAHU	
	Would you have a view on the consequences of relationships that occurred between those whānau who rightfully belonged there, were left off the ownership titles, with those whānau who didn't belong there and were put on?	
	JUDGE AMBLER	
	Mr Te Nahu, I'm not sure where this is going to take us. These are very general questions. Ms Boulton has confirmed that she hasn't looked into this in any detail and that others have. You're going to get a very generic answer that doesn't take us very far.	
	HEMI TE NAHU	
	Okay. I was just raising it, Sir, because it's issues that are raised in that section but I'll move on.	

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0840	I'm going to your page 250 and it's in relation to reserves and that was also an issued discussed with the Crown yesterday. Now, you have a reference, footnote 774 on page 250 and it's referring to a telegram that Lewis sent to Wilkinson. Correct?	
	LEANNE BOULTON	
	Yes I do.	
	HEMI TE NAHU	
	Are you able to confirm when that telegram was sent by Lewis to Wilkinson, whether, when he was making reference to Wilkinson applying a test of undesirable and unnecessary to lands for the Crown, did that telegram contain a criteria or a list that Wilkinson needed to comply with in order to ensure that he met that test?	
	LEANNE BOULTON	
	As far as I remember. It's just simply a general instruction to him as quoted there. This is, if you turn back to page 249 this is specifically in relation to the 10 percent seller reserves so that should be remembered. This was an instruction to Wilkinson about that matter. But I do note that there was a 10 percent seller reserve made in the Wharepūhunga block and I believe I list that in my table. If I can just quickly find that for you. Yes, page 433, which is in my other volume. Yes, table 33. You'll see there the Wharepūhunga reserve at the bottom of that table. It was one of the 10 percent seller reserves and	

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	it was the largest of them all. It was 3776 acres and, yeah, .75. It became Crown land in 1917. I don't know all the details of that but again I understand that Ms Bergen in her block narrative has a separate narrative of that reserve and it's subsequent title history which might assist.	
	HEMI TE NAHU	
	Thank you, but there is no reserves allocated in the Wharepūhunga Number 2 block though, were there?	
	LEANNE BOULTON	
	Not that I know of but I would need to check that.	
	HEMI TE NAHU	
	And I'm just focusing on this test that Lewis made reference to in his telegram to Wilkinson. That basically gave Wilkinson a free reign didn't it in the application of that test?	
	LEANNE BOULTON	
	It gave Wilkinson the ability to exercise his discretion. At that time, by that time he was pretty much a trusted official and instructions from Lewis, Lewis often gave him, he often made comments like, you know, "You know what you're doing. I trust you. Just use your discretion." You know, "Use your judgement." That kind, those kinds of remarks. So Wilkinson was in the bounds of the policies and instructions he has was very much trusted to make an assessment of a situation before he then put that forward for action from	

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	Lewis. So this is a similar sort of situation where the instruction seems quite vague, but it was understood that Mr Wilkinson would rely on his judgement. But I agree there's no criteria set out here to guide him about that.	
	HEMI TE NAHU	
	Thank you. You would agree that the application of that test by Wilkinson was a Crown benefit wasn't it?	
	LEANNE BOULTON	
	Potentially it meant that the Crown could get away with not making reserves.	
	HEMI TE NAHU	
	Correct.	
	LEANNE BOULTON	
	But again I don't know the full circumstances of the block, you know, of the blocks that he used, you know, he actually applied that in, so I'd need to have more information before I could give you a firm answer as to whether the Crown benefited.	
	HEMI TE NAHU	
	So when you make your statement that this rather cynical reserves policy had little regard for the interests of Māori owners and was instead designed primarily to assist	

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	purchasing, it's just another way of saying that Crown just didn't care as long as they got Māori land despite what duties and obligations that they owed to Māori. Is that correct?	
	LEANNE BOULTON	
	Sorry, can you take me back to the page that we're originally referring to? Oh yes I have it here now. This is actually in the summary to my chapter, and in my chapter I give some more details about Wilkinson's original instruction about making 10 percent seller reserves and I comment that he seemed to use this policy only early on in the, in his time as a purchasing officer and that he makes comments that clearly indicate that he's using it as an enticement for people to sell and I've concluded that he basically stops using, stops making those 10 percent seller reserves by the end of sort of 1890 because he feels that they're starting to break a bit of ice and they don't really need them as an inducement anymore. So those were the comments that I was referring to when I wrote that in my summary here on page 250.	
	HEMI TE NAHU	
	Thank you. So that kind of conduct and the statements you make would support what my friend Mr Melvin said yesterday when during this period the focus of the Crown was to settle the colony. Would you agree with that?	
	LEANNE BOULTON	
	Certainly the land purchasing was very much about	

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	settlement and making the railway area economically viable by settling a large number of settlers on that land. That's quite clear from, from 1844.	
	HEMI TE NAHU	
	So if Wilkinson hadn't applied that test, would there have been more reserves allocated to Māori?	
	LEANNE BOULTON	
	It's difficult to speculate on that. Certainly, Wilkinson stopped making those 10 percent seller reserves very early on in the piece. If he had continued to do so and perhaps if he had had slightly less discretion in his instructions, then he may have felt more compelled to make those reserves and there may have been more reserves made. It's about as far as I can take that.	
	HEMI TE NAHU	
	Would you have a view as to how big those reserves would be?	
	LEANNE BOULTON	
	No. I think it's pretty, that's pretty speculative.	
	HEMI TE NAHU	
	Yeah. But fundamentally if Wilkinson did not do that, there probably would have been a lot more Māori who would have	

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	had land still in their ownership today, wouldn't there? And Ngāti Hinemata would be one of those wouldn't they?	
	LEANNE BOULTON	
	Potentially, we can sort of see from my table – I can see from my table of reserves, 10 percent seller reserves on page 433, that so far I've managed to track down about 5000 acres of 10 percent reserves and you can see there that those, virtually all of those were alienated from Māori freehold title anywhere between sort of the first one was alienated very quickly in 1889.	
1850	But most of them were alienated in the first half of the twentieth century, so even if Māori had had more reserves, obviously you know just by the numbers game, probably more of it would've survived so Māori might've been better off with more land, but the pressures that came to bear on Māori and their in the twentieth century also would've played a role in terms of further alienating that land and it's something Mr Hearn can take up in his twentieth century land report. So possibly Māori would've been better off but there's no, there's no sort of guarantees of that. Certainly they would've started in a better position.	
	HEMI TE NAHU	
	Thank you Ms Boulton, I've got no further questions, and I thank you for the work you've done for this Tribunal.	
	LEANNE BOULTON	

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	Thank you.	
	HEMI TE NAHU	
	Thank you Sir.	
	JUDGE AMBLER	
	Mr Solomon?	
	MAUI SOLOMON	
	Yes thank you Sir. Mōrena Ms Boulton?	
	LEANNE BOULTON	
	Mōrena.	
	HEMI SOLOMON	
	I represent three claimants in this inquiry, Ngāti Rangatahi, Ngāti Hari and Pukepoto Farm Trust.	
	LEANNE BOULTON	
	Āe.	
	HEMI SOLOMON	
	I'm going to be referring to your #A67 report and also raising with you some of the issues that my friend Mr Melvin for the Crown raised with you, in particular Wahanui's presence	

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	before the Native Affairs Committee in 1885?	
	LEANNE BOULTON	
	Āe.	
	HEMI SOLOMON	
	So if you can have in front of you that document from the Crown bundle.	
	JUDGE AMBLER	
	And what page is that?	
	HEMI SOLOMON	
	They are pages 80 – I'll be referring to a number of pages but page 86 of the bundle. And my friend Mr Melvin questioned you about – oh are you ready?	
	JUDGE AMBLER	
	So this is #J25 Mr Solomon?	
	HEMI SOLOMON	
	Yes thank you Sir.	
	LEANNE BOULTON	
	Yes I'm ready now.	

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	HEMI SOLOMON	
	Mr Melvin questioned you about some anomalies in the data that you have used in your report and you indicated that you would be rechecking some of those figures?	
	LEANNE BOULTON	
	Yes.	
	HEMI SOLOMON	
	And my question is this, even if it were found that some of these figures were higher or lower than the figures you have used, would this materially change or alter your general views of conclusions about the methods that were employed by the Crown in acquiring land in the Rohe Pōtae district?	
	LEANNE BOULTON	
	I can say that if the figures were higher or lower, it wouldn't change my analysis of the legislative framework, the intentions of the Crown, the intentions of iwi and hapū and the narrative I've set out of, of the Crown's planning of a purchasing programme and how that, how that went. So I don't believe it would change my, my conclusions. Certainly, would perhaps change the detail in a couple of chapters but really those chapters simply frame my central analysis and give a sense of the result of, of those events.	
	HEMI SOLOMON	

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	Thank you. You'll also recall that my friend Mr Melvin took you to some statements that Wahanui had made to the .Native Affairs Committee in 1885?	
	LEANNE BOULTON	
	Yes.	
	HEMI SOLOMON	
	And he put to you that Wahanui and I think he was referring at this point to paragraph 117 of that narrative, that Wahanui's comments that he didn't understand or the response, that he didn't understand it. Benefits would accrue to Māori from the railway and Mr Melvin's words were that, "This must be taken as a grain of salt." Do you recall that?	
	LEANNE BOULTON	
	Yes I do recall that.	
	HEMI SOLOMON	
	And I think I recall your answer was, "Possibly. That might possibly be correct."	
	LEANNE BOULTON	
	Mmm I think what I said was that the comment, the brief answer by Wahanui in line 117 when he was asked, "Do you recognise –	

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0855	"Do you recognise – do you not recognise that the railway would give enormous value the land beyond its present value to the railway," and he says, "I do not know, I do not know that it would have that affect at all." Is open to a number of readings and it may be read that Wahanui was expressing scepticism about the added value that the railway will bring to the, the land.	
	HEMI SOLOMON	
	Yes, because what I'd like to put to you Ms Boulton, is that indeed far from Wahanui (inaudible 08:55:46) or being flippant in his responses to the committee, when you read his responses as a whole in those 1885 minutes, he is entirely consistent in his arguments and his advocacy of his position, and namely that Māori in the Rohe Pōtae were and remained willing to prepare, to deal fairly with the Crown, but only on the condition that their mana and their rangatiratanga concerning the disposal or leasing of lands along the railway lines, was respected. So what I'm putting to you is that, in fact when you take his narrative as a whole, he's been entirely consistent in his advocacy. Would you agree with that?	
	LEANNE BOULTON	
	Certainly I would agree that his central messages about Māori retaining authority, his wish that the committee Kāwhia Native Committee should play an important role, those central messages, his rejection of the land Court until he was satisfied with the laws that would be put in place. Those	

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	central messages in this transcript of evidence are very consistent and they are consistent I think with other records of other meetings and hui during the sort of 1885 to 1885 period.	
	HEMI SOLOMON	
	So if you go and if you can go to page 85 of the bundle, paragraph 46, and this is really where – it's a Wednesday 19th of August 1885, Wahanui – the questioning of Wahanui is commenced, and he's asked to state his opinions, and he says, "The reason I (his opinion about the bill)." He says, "The reason I speak about this bill is on account of the statement contained in my petition." So he's referring to the 1883 petition here isn't he?	
	LEANNE BOULTON	
	He is yes.	
	HEMI SOLOMON	
	Yes, and that's of course as we know the petition where he was seeking to have their control, mana and rangatiratanga retained over how land was dealt with within the Rohe Pōtae. Essentially that's what they were asking for wasn't it?	
	LEANNE BOULTON	
	Yes I believe it was.	

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	HEMI SOLOMON	
	And he also expressed his concern there at, at paragraph 46, and if you go to the bottom of that paragraph, he says the – his main concern with this bill, he says he compares it, and this is the final sentence, "I may compare these provisions to a captain directing a ship. The real authority is vested in the Government." So that was his essential concern with the bill or one of his concerns with the bill?	
	LEANNE BOULTON	
	Certainly that seems to have been one of his key concerns with the bill as it stood as the Native Land Disposition Bill at that time. And that's, that analogy is similar in some ways to other analogies that I've quoted my report. His analogy of taking out his watch on the 1st of November and likening that to his land. Another analogy I quote at a later point was him talking about his land being like a horse, where he has the control. He's the one who can let it in and let it out, can tie it up, let it lose. Those analogies were quite a common device that Wahanui used as obviously as an orator, but they all drive at the same central point of retaining control and authority over their land.	
	MAUI SOLOMON	
	But Wahanui wasn't just there to advocate for (excuse me) for the position that he and the other tribes had outlined in the petition. He was also there to try and achieve a win, win,	

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	situation.	
0900	Something for – that satisfied the Government of the day, but also that would satisfy his own people. So that for example if you look at paragraph 106, and if I can take you to the second sentence, he says, "My sincere wish is that prosperity may come to the Government of the colony, that the railway should be made. We will give the land for the railway and for the railway station. This is my contribution. This proves my love to the undertaking. I want to know what return the Māoris are to get. We show our love to Europeans. What returns will they make for our giving our land for the railway and the railway station?" Now that is a central tenant of Wahanui's position to the committee isn't it?	
	LEANNE BOULTON	
	It is and elsewhere he, he says, "I don't want to obstruct the Government in any way. I want to assist, but I do need these things addressed before that can happen." In the Railway Select Committee he says, "You know, before I can assist you with the railway, I have these little, I have these matters in my calabash that I need. I need those to be tended to." And on another occasion he says, "You know I don't want to obstruct the Government. I want to work with the Government." So yeah he's quite clear about that, that he believes that they can work together, but each side must give and take, and he's saying, "Well we've given – now it's your turn to reciprocate that."	
	HEMI SOLOMON	

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	Yes, yes thank you. And throughout this narrative and throughout Wahanui's responses, he expresses concern and even some frustration at being constantly questioned about the Crown wanting to purchase large tracts of land adjacent to the, to the railway. So if you look at paragraph 120, he says in reply to a question, "You keep constantly asking me about land on either side of this railway. I've given land for the railway, and I've given land for the stations yet you keep asking me about land on each side." So he's clearly frustrated at the way in which the Crown appear to be constantly asking him about not just the railway land but about other large tracts of land they want to acquire?	
	LEANNE BOULTON	
	Mmm I think also we have just before this, the sort of revelation that he doesn't really – this is new to him that he doesn't understand that – he had previously understood that the Crown would be seeking land along either side of the railway, and then he's asked again you know, several questions about what Māori would be willing to do in that regard. And so here at line 120 does, he does express some frustrations about this issue, but he also goes on to say, "I have no fault find with the direction of your question. If I were the sole owner of these lands, I will give answer to the whole question at once. I will be in a position to do so." So he's very clearly saying, "I can't give you an answer about this matter until I've taken it back to my people, and we've had a really good discussion and we've reached a decision about that matter." And elsewhere it's outlined in my section on hapū and iwi intentions. There are a number of times	

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	where Wahanui and Ormsby and others seem to be saying, "Can we have some breathing space please? You know we want to sort all these matters out before we make decisions about leasing or selling." You see that in 1891 in front of the Rees Carol Commission where they're being again asked, "If the restrictions are lifted, what will you do? Will you leas or will you sell? And those speaking on behalf of Maniapoto at that time said, "You know, we haven't made up our mind. We haven't looked at that yet, because we are not in a position to do that yet. So, so there's a number of – there's a sense for me that things are moving pretty fast in this district. There has been all these matters to deal with. There's been the railway, there's been the boundary survey	
0905	There's been the railway issues. There's been the issues around the Court. There's been trying to run the Kāwhia Native Committee and seek greater powers for that. There's been so much on the plates of these rangatiratanga that they're actually, there times when I were saying to the Crown, "Could we just have a bit of space to go back to our people and really sort of make some clear decisions about that. Once, once we're satisfied that the legislative frameworks are in place that are fair and just for us," and that's what Wahanui was saying in his speech in 1884 in front of the House and the Legislation Council. You know, "We're willing to work with you but we need, we need to work with you first the frames and legislation that will be good for both of us." So that's the sense I get and that's the wider context of these remarks.	

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	HEMI SOLOMON	
	Thank you for that. I think the point you touched on too is, that Wahanui is not just there, speaking for himself, and Ngāti Maniapoto, he's there speaking and representing the views of Tūwharetoa, Hikairo, Whanganui, so there's obviously a lot of pressure and weight and responsibility on Wahanui, and it's quite clear from some of his responses that he feels the weight of that responsibility as well.	
	LEANNE BOULTON	
	Mmm certainly I mean the petition that was placed in front of Parliament just shortly before Wahanui was allowed to speak on the 1st of November which is printed alongside his speech in the 1884 volume of the debate, is a petition from Whanganui people saying you know we're sending him so that he can, he can talk to Parliament and Parliament can talk back to him on our behalf. We know that Wahanui wasn't alone in Wellington. We don't know who the rest of his party is and where it was unfortunately, but we know in 1885 when he came back, he was accompanied by Hone Tione from here, and he may have been accompanied by others. So we don't actually know who else in terms of other hapū and iwi leaders who were with him. And that's – it's a bit unfortunate that we don't know that because I think that if we did know that, we would find that he wasn't just there speaking alone. That he was actually with a whole bunch of other leaders who he was talking with and we don't have any sense of what they were talking about and how, how that was working. And that's pretty unfortunate that we have	

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	such a piecemeal picture of that 1884 yeah.	
	HEMI SOLOMON	
	Mmm and Wahanui for example at paragraph 106 of that narrative, he refers to how Māori are suspicious of the motives of the Crown, and therefore, are on their guard. Wahanui himself at paragraph 109 in his response, he says that he's been hedged around, and to quote, "If I do not give a very careful answer, I could be caught." So clearly Wahanui is on his guard. He's been very cautious, as he well should be, because he's got – he's in front of seasoned experienced politicians. He's carrying the weight and responsibility of four or five iwi within the Rohe Pōtae so here is a man who has all of that responsibility and trying to cope with the complexity and detail of this bill, while at the same time trying to ensure that his people get a positive outcome. So there is, there is a whole lot of complexities around what's going on at this time, isn't there?	
	LEANNE BOULTON	
	There is, and you get the sense that Wahanui's feeling, as you said, the pressure of having to give careful answers, particularly in regard to matters relating to giving further land or disposing further land. I'd agree with that.	
	HEMI SOLOMON	
	And then if I can take you to paragraph 123, and Wahanui's response to a question about the effect of or would he	

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	consent to the railway going through and the sale of land, he says, and this is the last two last sentences, "If this railway is made and the Government and the Native owners can come to a unanimous understanding, then perhaps the land will be sold and leased," is not that fair. So really that is summarising quite succinctly what Wahanui and Māori views are concerning the railway isn't it?	
	LEANNE BOULTON	
0910	Yes and also the issue of leasing and selling. They're basically saying, "If we can negotiation something that's going to work for both of us and we're both happy, then perhaps we will, we will lease or sell some land." You know that's, that's their position at that time, and he says to the Government essentially, "You know surely that's fair that, that we would – that we would work together as partners and work out something that meet the needs of both of us."	
	HEMI SOLOMON	
	Yes.	
	LEANNE BOULTON	
	Mmm.	
	HEMI SOLOMON	
	And so really what he wanted was a fair deal, as you say, a fair deal for the Crown and a fair deal for Māori. In other words, he was advocating for a form of partnership whereby	

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	both parties would treat each other fairly and in good faith. Would you agree with that?	
	LEANNE BOULTON	
	He certainly seems to be using the language of partnership here.	
	HEMI SOLOMON	
	But this is not what he got is it.	
	LEANNE BOULTON	
	No.	
	HEMI SOLOMON	
	Thank you. Now my friend Ms –	
	JUDGE AMBLER	
	Mr Solomon, you are twice the time you estimated.	
	HEMI SOLOMON	
	Oh.	
	JUDGE AMBLER	
	What else have you got to take us through?	

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	HEMI SOLOMON	
	Probably another five minutes Sir.	
	JUDGE AMBLER	
	All right.	
	HEMI SOLOMON	
	Now Mr Melvin also referred to you about the severe economic conditions that were confronting the country in the 1880s, and that you said you hadn't looked into those matters because they weren't part of your commission. But you acknowledged that the country was in a grip of depression. You also mentioned that the Crown prior to 1900 generally offered half the price of what they should've for the blocks of land they were buying for Māori. Do you recall that?	
	LEANNE BOULTON	
	I do recall that I, I said that I hadn't studied the economic conditions, but I acknowledge that there had been a depression. I certainly made some comments about – they were very particular comments about some sources that show the Crown estimating the maximum price that it would pay, and what kind of profit margin it would hope to make. And I did comment that the Crown's maximum price at that time, that it was paying, was in a number of cases, half of what the maximum price the surveyor general had estimated.	

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	HEMI SOLOMON	
	Yes...	
	LEANNE BOULTON	
	But as – but I take Mr Melvin's point also that these were, these were working calculations estimates. They, they hadn't actually come to pass that time.	
	HEMI SOLOMON	
	Would you agree with me that what the Crown was doing in offering much less of the land was funding the railway there. The chief acquisition of Māori land in the Rohe Pōtae?	
	LEANNE BOULTON	
	Certainly it was clear in the legislation in the railway loan legislation that the profits from on selling land that had been bought with railway loan money, was going to be used to directly fund railway construction. In the wider sense, it's clear from the evidence that there was always connection between acquiring land for settlement and making sure that you had a hinterland around the railway that was – that had a productive population that would then produce things that would economically support the railway. So that was closely tied to the acquisition of Māori land. I think that's as far as I can go on that point.	
	HEMI SOLOMON	

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	But the consequences of this for Māori that they couldn't sell to European, and that they were forced to sell for lower prices, they in affect took a bigger hit for the economic benefit of the country than was fair and reasonable for them to have done so. Would you agree with that?	
	LEANNE BOULTON	
	I would agree that Māori were promised repeatedly that their land would grow in value, greatly increase in value because of the railway. So that the remaining land would be more valuable, which implied that they would get a – when they sold it, they would get a higher price.	
0915	There's certainly evidence that Māori had been told that, you know, they would earn pounds per acre on their land once the railway went through rather than shillings and pence. Because the Crown was the only buyer in the market that price wasn't realised and it's clear that Māori did not reap that benefit directly financially from the railway through the price for their land. In terms of perhaps the more intangible benefits that would flow from settlement Dr Loveridge has made a comment, and if I can find it in my report, Dr Loveridge has made a comment that by the end of this period by 1908-1910, there wasn't actually much to show in the way settlement. The Crown had only been able to on-sell about I think 14,000 acres of the land it had acquired so far.	
	MAUI SOLOMON	

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	Okay.	
	LEANNE BOULTON	
	So, you know, in terms of tangible benefits by the end of this period that might flow from European settlement, European settlement actually was quite limited in scope compared to the sort of picture that Ballance had been painting in 1884-85 where he was saying, you know, there would be settlement from one end of, of the country to another. That really hadn't happened by that time.	
	MAUI SOLOMON	
	Thank you. I just have one last question. In his opening submissions my friend Mr Melvin says at paragraph 47 that the Crown purchased from willing sellers. Now my question is, to you is that if you have regard to the legal and political environment at the time, the aggressive purchasing tactics of the Crown, and Crown counsel has conceded that there were aggressive tactics in buying land from Māori, surely it can't be the case that Māori were willing sellers in the normal sense that we understand that term. Would you agree with that?	
	LEANNE BOULTON	
	Certainly the circumstances in which they were selling, the problems they were having with debt, the pressures that they faced from Crown purchasing agents suggest to me that, that we cannot say that, we cannot say that they were willing	

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	sellers in that sense. Their circumstances pressed in upon them to such an extent that it made it much more difficult to resist the pressures to sell at least some of the land for most of the people within the inquiry district. There were those who managed to somehow hold onto land, some of them managed to pay survey costs in cash especially on smaller blocks, which meant they sometimes were able to hold on to their blocks longer. But certainly the pressures were pretty large and we need to take account of the circumstances that the Crown's pre-emption and restrictions on alienation put around the people here.	
	MAUI SOLOMON	
	Yes, okay thank you very much Ms Boulton I have no further questions. And Sir, like my friend Mr Te Nahu, I have – I'd like leave with withdraw from the hearing at the morning adjournment. I've other commitments in Auckland this afternoon.	
	JUDGE AMBLER	
	Yes certainly.	
	MAUI SOLOMON	
	Thank you Sir.	
	LEANNE BOULTON	
	Just for the panel sorry, I've now located that reference from Dr Loveridge's report. It's Loveridge #A68 page 206 and he	

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	makes comments about. "When the new century dawned, (the twentieth century), the Aotea Block as a whole had been markedly less developed than anyone in the 1880s would have anticipated. Prior to 1900 a few European settlers had been able to gain a foothold there, other than in settlements around the railway stations Te Kūiti and Otorohanga. Private individuals could not legally acquire, use or occupy Māori land" because of the restrictions. "Seddon himself acknowledged in November 1899, while boasting about the amount of Māori land acquired since 1891, that only 14,000 acres of Crown land in the King Country had actually been thrown open for settlement to date. That's considerably less than 1 percent of the acreage which had been purchased by the Crown to date." And he makes that the absence of settlers of course meant that Māori had few local customers for their produce and labour before the end of the century. The pace of development quickened after 1900, but even by but even by 1907 the record was not an impressive one. Certainly it was a far cry from the rapid expansion of settlement and development envisaged in 1885." So in terms of those benefits that would flow from settlement for Māori, they really weren't particularly large by, certainly by 1908.	
	JUDGE AMBLER	
	Thank you.	
	GENE BAGSIC	
	Thank you Sir. First of all, Mr **(inaudible 09:21:03)** sends her apologies for not being here today and I'll be asking the	

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	questions on his behalf. Tena koe Ms Boulton.	
	LEANNE BOULTON	
	Tena koe.	
	GENE BAGSIC	
	My name is Gene Bagsic from Te Mata Law. My questions will be limited to the Wharauroa block to which our claimants, Ngāti Te Wehi have an interest.	
	LEANNE BOULTON	
	Āe.	
	JUDGE AMBLER	
	Which block is that again?	
	GENE BAGSIC	
	Wharauroa. If you need assistance Sir, it's map, it's on page 25 of the CFRT map. And it's on A70 of your report Ms Boulton.	
	LEANNE BOULTON	
	Āe.	

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	GENE BAGSIC	
	If I could point out some comments and conclusions you made about the Wharauroa block, Ms Boulton, and this is just preliminary. You say that on page 362 that no evidence of public hui was held to discuss the sale?	
	LEANNE BOULTON	
	Yes I do say that.	
	GENE BAGSIC	
	And it was in the **(inaudible 09:22:07)** of McLean's tactic of buying whatever interests he could and hoping to wear down the opponents to selling so that all the interests would be eventually purchased.	
	LEANNE BOULTON	
	Yes.	
	GENE BAGSIC	
	And it was untidy and incomplete. And on page 263 you went on to say that it was acquired in a piecemeal fashion. And on 364 you say that there was confusion and a lack of knowledge about the details of the sale. Is that a fair summary of or description of the purchase, Ms Boulton?	
	LEANNE BOULTON	

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	I think that's a fair summary of the points I've made about that purchase.	
	GENE BAGSIC	
	Thank you Ms Boulton. On page 362 as well you said that further cited that Fargher said that McLean was no longer seeking the free consent of those entitled to sell. Instead, he was resorting to transactions with a high level of rangatira sometimes in secret. My question is is it fair to assume that McLean possibly sought those not entitled to sell but willing to sell?	
	LEANNE BOULTON	
	I think here I was describing the piecemeal acquisition of this block during 1854. This was a block where there were quite a large number of payments for small ill-defined pieces of land which is pretty typical of this Whaingaroa area at this time, and I'm quoting Fargher, Ray Fargher who's the biographer, recent biographer of *Donald McLean*. Just a general comment that he makes about McLean's shift from the early 1850s where he did seem to want to have large public hui to try and get consensus or certainly make known the land negotiation that was going on. But here in this district and in this block as in other blocks, it seems that McLean by 1854 was very much coming in quite quickly. You know, the actual dates, if you look at all the dates of the deeds and receipts, there's these little bursts of, of action sort of over a period of three or four days where a lot of receipts or deeds are signed and it seems to me that McLean must	

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	have made kind of flying visits to the district and made a quick round of the district and signed, you know, made payments to whoever was willing to make, willing to take those payments off – usually there's only a small, relatively small number of people signing the receipt for these payments in this block. So I think my, my use of the quotation there is just to indicate that there is support for seeing McLean's practice at this time as being very much one of buying from willing sellers and then coming back later hoping to perhaps make another payment to another group of people, and over time possibly, possibly over a period of years actually, complete a purchase.	
	GENE BAGSIC	
0925	Thank you. If I can take you to page 316 Ms Boulton, you wrote that on the 2nd of December 1857 Logan paid £170 to Te Tana, Hemi, Aperahama, Hone and Hakopa, described as 'the Chiefs and people of Ngāti Te Wehi is that correct?	
	LEANNE BOULTON	
	Yes that's right.	
	GENE BAGSIC	
	And is it possible that the list naming the deed was not a full list of those people entitled to sell?	
	LEANNE BOULTON	

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	Certainly I would suspect there would be more people than those five named there. This is a final payment that's been made by Mr Rogan to complete the sale of the block after there's been a number of other payments earlier on by McLean. But by paying five people, the money may have been distributed more widely, but certainly there were more than five people with customary interests left in that block, unpaid for surely.	
	GENE BAGSIC	
	Is it correct as well in pages 363 to 67, that various rangatira complained to Crown departments asking – saying that the block was sold to the wrong people or that there wasn't paid balance for the block?	
	LEANNE BOULTON	
	The disputes seems to have been – started in the mid-1880s so the first letters seemed to have rolled in to Crown officials asking whether all of the purchase money had been paid. So there seemed to be quite a bit of confusion amongst the community whether that had been paid at all. And I think it's the nature of so many small payments being made over a scattered period, over an extended period of time, and I detailed there how Crown officials tried to untangle what payments had in fact been made. But the issue doesn't go away, page 365. It's 1894 and people are still writing in saying essentially the same things. 1895 another complaint – in fact it goes on into the 1900s actually. And the Crown – Crown officials do try to untangle it from the sources they	

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	have, and generally they conclude, “We’ve made all the payments that should’ve been made. Just tell the people that,” which isn’t really a particularly satisfactory answer on its own. So I’m not sure that it really did satisfy people in the end.	
	GENE BAGSIC	
	Is it correct to say that the Crown failed to fully investigate the claims and determine the rightful owners of the block? And they were in fact very dismissive of their claims as well?	
	LEANNE BOULTON	
	There were times when Crown officials were dismissive of those requests to understand whether all the payments had been made. Sometimes they would say, “Look this is just ages ago, and really you know, we can’t be going into a matter that’s so long ago. Just tell them you know, I’ve gone through what records we have and we can – we think there’s no more money to be paid, and so just tell them there’s no more money. It’s all been paid.” There doesn’t seem to – there certainly wasn’t from the 1880s any attempt that I can see by Crown officials to actually look into whether the right people or all of the people at that time, who had interests, were paid for them. That certainly never entered the heads of officials when they were dealing with those complaints. They simply looked at the money, tried to find the receipts, tried to add it all up to see if the right amount had been paid. So in a sense they, they did do that, but there certainly wasn’t any wider inquiry into the problem.	

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	GENE BAGSIC	
0930	And for the last question Ms Boulton, based on the conclusion made on the Oioroa block yesterday, and I'm quoting on this, are you able to say that the Crown did not get it right **(inaudible 09:30:01)** block?	
	LEANNE BOULTON	
	Certainly in this block, the initial payments were made in such a way that there doesn't seem to have been any – from the scanty records that we have and they are very scanty records, there doesn't seem to have – McLean doesn't seem to have inquired widely into who the owners might be. He does seem, on the face of it, to have made scant payments to whoever was about. That's the impression you get from the deeds and receipts. There doesn't seem – Rogan does not seem to have made any final inquiry when he made the final payment, but again all we have is really a very thin chain of his correspondence with McLean at that time in mid-1850s. So for what I can see, there isn't any evidence that there were – that there was great care taken to work out who should – who all the owners were at that time. So in that sense, these transactions are, are not very robust.	
	GENE BAGSIC	
	No further questions Sir. Thank you Ms Boulton and...	
	JUDGE AMBLER	

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	Thank you. Mr Tootill?	
	GLEN TOOTILL	
	Tēnā koe Ms Boulton.	
	LEANNE BOULTON	
	Tēnā koe.	
	GLEN TOOTILL	
	I, for a number of Ngāti Mahuta claimants, a number of whom gave evidence earlier in the week –	
	LEANNE BOULTON	
	Āe.	
	GLEN TOOTILL	
	– and I'm going to be focussing solely on your #A70 report.	
	LEANNE BOULTON	
	Yes.	
	GLEN TOOTILL	
	So turning to page 5 of that report, you set out a number of claims in this inquiry, you see that?	

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	LEANNE BOULTON	
	On page 5 of my report, I give a brief summary of who some of the claimant groups are in the inquiry, and I recognise that this was done pretty early, relatively earlier on and I noticed that I have not included Ngāti Mahuta there, and I do apologise for that omission. It was, it was unfortunate and, and I would certainly wish to remedy that.	
	GLEN TOOTILL	
	Ka pai.	
	LEANNE BOULTON	
	I have now read Ngāti Mahuta's oral and traditional history report, and I have a slightly better understanding of who they are and where they are.	
	GLEN TOOTILL	
	Turning then to page 15 of your report, you note there that customary interests were complex in intercepting but in general the people in the north of the inquiry district identified themselves with their ancestor Tūrongo and the Tainui canoe which made its final landfall at Kāwhia Harbour. You'd accept thought there were specific groups involved or affected by these transactions such as Ngāti Mahuta?	
	LEANNE BOULTON	

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	I certainly would and I note in my report across from that comment that in particular Ngāti Mahuta had customary interests at the mouth of Kāwhia Harbour and I sight the Ngāti Mahuta oral and traditional report #A101 which has quite a useful map at page 7.	
	GLEN TOOTILL	
	Sorry where were you referring to there?	
	LEANNE BOULTON	
	Oh sorry, I just noted that in my review of my evidence before this hearing so I acknowledge that Ngāti Mahuta are here amongst others.	
	GLEN TOOTILL	
	Turning then to the Harihari purchase and this is set out at pages 306 to 314 of your report. We've heard evidence earlier in the week that Ngāti Mahuta had an arrangement regarding Harihari with Pumipi whereby Ngāti Mahuta allocated Pumipi rights after the conquest and subsequent occupation in the 1820s by Ngāti Mahuta. My question is there's no evidence to suggest that the Crown, and in particular the agent McLean investigated who were the legitimate right holders before acquiring Harihari block were there?	
	LEANNE BOULTON	

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0935	Again the evidence here is really sketchy. McLean left no dairies that I can find of this period and I haven't been able to trace certainly any correspondence in English for this period that's relevant to the Harihari block. All that we have to go on here is the deeds and receipts themselves and so from that evidence there is no suggestion that McLean made any wider inquires as to who all of the customary owners are.	
	GLENN TOOTILL	
	And furthermore there's no evidence that the Crown inquired into whether there were any customary or tuku whenua arrangements that Ngāti Mahuta say were in place in respect of those lands is there?	
	LEANNE BOULTON	
	No again not from the, admittedly, scanty records we have.	
	GLENN TOOTILL	
	Thank you Ms Boulton those are my questions.	
	JUDGE AMBLER	
	Thank you.	
	HIRINI MEAD	
	Tēnā koe.	

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	LEANNE BOULTON	
	Tēnā koe.	
	HIRINI MEAD	
	Now Wahanui seems to loom large in the history of the Rohe Pōtae Pōtae and we've heard a lot about him during these days and even more about him today and he seems to be a remarkable man.	
	LEANNE BOULTON	
	Mmm.	
	HIRINI MEAD	
	He addressed Parliament, I think he was quizzed by a Select Committee and almost every word he uttered was recorded as part of the history of the nation and a whole lot of other things that distinguished him from a whole lot of other people, that he was the chief negotiator for Ngāti Maniapoto. Now that sort of treatment where a chiefly person like Wahanui is actually invited by Parliament, you know to address Parliament and the Legislative Council. Was that a one-off event? Had Parliament done that before?	
	LEANNE BOULTON	
	My impression was that this was a one-off event, that this was something very unique and special, all the reports of	

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	Wahanui's speech that day people comment that this is never happened before, that this is remarkable that a rangatira Māori should be speaking in front of the Parliament. So I haven't searched completely the records of Parliament to see if this ever happened again, but it certainly seemed to have been a very unique, well a unique occurrence.	
	HIRINI MEAD	
	Now the other remarkable thing about this man and came up in some of the discussions during these last few days, of him laughing at Ballance.	
	LEANNE BOULTON	
	Yes.	
	HIRINI MEAD	
	And that's recorded in the history books and here we are speculating as to why he was laughing. So his remarkable from that point of view too, that practically everything he did was being recorded as part of the history of the nation. But moving on from there, when we get into the 1890s during those depression years, we suddenly find Wahanui offering land for sale and you covered this in your #A67 report quite extensively and the question is why was he doing this? I mean before this he was very cautious about land sales, he was aware of the Kīngitanga's attitudes towards land sales and yet here he is in the 1890s offering to sell that block called the Waiaria.	

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	LEANNE BOULTON	
0940	Waiaria.	
	PROFESSOR HIRINI MEAD	
	Waiaria, yes. Taurangi and a few others. Why do you think he was doing that? Why did he do that?	
	LEANNE BOULTON	
	During that time when Wahanui was offering Waiaria and Taurangi, they were – Maniapoto and others were also in that critical 1891, '92 negotiation with Native Minister Cadman seeking I think a larger agreement about whether they could negotiation for the Crown to say well – for Māori and the Crown to say, "Well these will be the blocks that the Crown will have, and purchase, and the rest will be left for us." And I wonder whether Wahanui made those offers at that time of those blocks in the south, as a kind of goodwill gesture, as a demonstration that the people were willing to actually handover blocks to the Crown. I do wonder if it was seen – if he saw it as a sort of, a political act where he would, he would give something for the Crown and then hope that the Crown would see that they were sincere about coming to a wider agreement. I do wonder about that. I don't have a lot of evidence for that but the fact that this was happening at the same time as that very critical negotiation does make me wonder whether there was wider strategy that Wahanui was pursuing there. I've also talked there about – that there were some, there's some indications that the other owners in those	

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	blocks also needed to, desperately needed some money to pay off Court costs that they had incurred, and they perhaps had seen these blocks as blocks they could sell to regain some cash to keep them going. In fact they sort of – and the Court had been delayed and the people were there waiting for the Court and they really needed the money to you know to survive on. So there seems to be a number of things going on in the south there, but that's all that I can really say unfortunately.	
	PROFESSOR HIRINI MEAD	
	You can't say which was the more important reason?	
	LEANNE BOULTON	
	No I don't think I have enough evidence to say which was the more important reason, but Wahanui was a very – he was obviously a very intelligent and careful leader who had given great thought to where things were all going for his people and it wouldn't surprise me that he had you know actually thought of, this is a strategy perhaps to demonstrate to the Crown that the people would be willing to come to that agreement and would stick by an agreement like that. I guess that's as far as I can go. Unfortunately the evidence is a bit incomplete.	
	PROFESSOR HIRINI MEAD	
	But this was happening during the time of the depression.	

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	LEANNE BOULTON	
	It was.	
	PROFESSOR HIRINI MEAD	
	And we heard from Mr Melvin the difficulties the Crown was having –	
	LEANNE BOULTON	
	Mmm.	
	PROFESSOR HIRINI MEAD	
	– during this time, and I thought that if the Crown was having difficulty during this time, what about the Māori communities?	
	LEANNE BOULTON	
	Mmm.	
	PROFESSOR HIRINI MEAD	
	They might've been having difficulties too, and would this be the real reason why Wahanui was offering up some land for sale, and remember I saw a comment by him that he wasn't really interested in selling whole blocks was he?	
	LEANNE BOULTON	

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	No.	
	PROFESSOR HIRINI MEAD	
	But would poverty have been one of the main reasons why he was prepared to offer lands for sale?	
	LEANNE BOULTON	
	I think there was a growing sense of debt and the need for, the need for money here, and certainly if the economic conditions were bad, it may have been the overriding motivation here that they would be willing to sell some land to survive, yeah. I think that's a reasonable conclusion to draw even though our evidence is not at this point particularly strong.	
	PROFESSOR HIRINI MEAD	
	That strong, yeah. Thank you.	
	LEANNE BOULTON	
	Thank you Sir.	
	JUDGE AMBLER	
	We'll just take a two minute comfort stop and resume.	
	HEARING ADJOURNS: 9.46 AM	
	HEARING RESUMES: 09.51 AM	

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	DR AROHA HARRIS	
0951	I'm going to try and keep it as short as I can. On your #A70 report, the Old Land Claims?	
	LEANNE BOULTON	
	Āe.	
	DR AROHA HARRIS	
	Are you satisfied that you've exhausted the Government archive on Old Land Claims for this area? You pretty happy that you've got through all the Commission's files and...	
	LEANNE BOULTON	
	I believe I have found all of the Commission's working files that do exist now. They're a reasonably compact series that don't seem to have got scattered amongst other material, so I think that we've mined those as much as we can, mmm.	
	DR AROHA HARRIS	
	Okay. But still it's a sketchy record?	
	LEANNE BOULTON	
	It is a sketchy record particularly the Commission itself, the minutes of the Commission sittings are very, are very brief and as I said there were difficulties because we just have	

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	English replies by Māori witnesses. We don't have the questions they were asked, we don't have, yeah, we don't know if they were speaking in te reo and being translated, all of those issues that I outlined before.	
	DR AROHA HARRIS	
	Okay. You've taken a few questions about the absence of protest and -	
	LEANNE BOULTON	
	Mmm.	
	DR AROHA HARRIS	
	- I want to spin that a little bit and ask you about the continuation of business as usual. So, for example, when Old Land Claims weren't initially taken up can we expect that local Māori discontinued to use the land or did everybody clear off and say no, no, no you're keeping it for the claimant or...	
	LEANNE BOULTON	
	I think the interesting thing in this regard is that we know of quite a number of European men who are living on land that had been provided for them here, many of them married into the community, who never filed claims. Who just went on living and working on the land with their families and we sometimes know a little bit about what happens in their later life. So there was a lot of, there was a lot of people who just	

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	didn't feel the need to file a claim or perhaps didn't know about the claims process, a bit of both -	
	DR AROHA HARRIS	
	Or perhaps thought the arrangement that they had was -	
	LEANNE BOULTON	
	Was, they weren't, they didn't feel any threat or any need at all to make it into something else, mmm, I'd agree with that.	
	DR AROHA HARRIS	
	And what about in the later period with some of those later purchases, and I think it's the Mōkau-Awakino that's conducted in the 1850s but the Crown doesn't turn up for the auction until -	
	LEANNE BOULTON	
	1888.	
	DR AROHA HARRIS	
	1888.	
	LEANNE BOULTON	
	Mmm.	
	DR AROHA HARRIS	

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	Yeah, so and is it business as usual in the meantime? Is it, you know, people are still occupying the land as they had?	
	LEANNE BOULTON	
	It appears that way. Paul Thomas' report deals more with the long history in Mōkau and he certainly seems, from what I have read, to understand that people continued to live there at Mōkau in the way that they always had, and there wasn't any real sense that anything had changed until those blocks started to be dealt with by the Crown again in the 1880s.	
	DR AROHA HARRIS	
	Thank you. That perhaps is an explanation for absence of complaint or absence of protest over a period on the ground it doesn't look like there's anything to complain about yet?	
	LEANNE BOULTON	
	Yeah. You know, most of this land that was purchased by the Crown in the 1850s doesn't really seem to have been taken up by settlers. There's a little bit in the north and near in the Whaingaroa township sort of harbour area, little bit in the Karioi block is that I could trace. There certainly was quite a pronounced dispute between Wiremu Nera of Ngāti Māhanga and Captain Johnson, which suggests that Wiremu Nera certainly didn't seem to understand that the land had passed completely from the people. So, so yes I, I would, I would support that idea that, that often there wasn't complaint because everything had gone on as it had gone on before.	

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	DR AROHA HARRIS	
	Something else that I take it from your answers I think to Mr Pou yesterday that may have gone on as before is with the leasing, the so-called illegal leasing or informal leasing, and you referred yesterday I think to those arrangements being based on relationships which is something that you said in relation to Old Land Claims. So -	
	LEANNE BOULTON	
	Mmm.	
	DR AROHA HARRIS	
	- I was wondering if you mean to imply there that some of those customary practices regarding land actually continue, well I guess we're saying into 1890s. So within the Rohe Pōtae anyway Māori are still engaging from that traditional, that customary base?	
	LEANNE BOULTON	
	Mmm. I – the evidence is not clear, it's very spotty and a bit fragmented, but what you do find is that those leasing in the inland Mōkau area, those Europeans, do seem to have kind of built up. There's a network of those Europeans. Those Europeans actually know one another and they seem to know the people there as well, so they seem to be forming those relationships. I also think that this district, in this district Europeans weren't common for a very long time. There were	

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	some obviously in the 1820s to 1860s around the harbours and a few dotted around, Pākehā and Māori such as Hetet inland a little bit, but and then, then the Aukati. Some people stayed, people like Hetet stayed and other stayed, but in terms of of numbers there weren't that many Europeans and I do wonder whether those customary practices just continued because there wasn't a flood of Europeans, there wasn't sort of as there were in places like Wellington or New Plymouth. They are sort of organised immigrant community which became self-sufficient. Those Europeans who continued to live in the district continued very much to live with, surrounded by Māori communities and their livelihoods were very much dependent on Māori communities. So I suspect that, I suspect that those, that relationships still were quite important even into the 1890s with those scattered people and I have documented a case which is a fairly rich record of a man who had an agreement with some of the people on the Te Kūiti-Te Kumi block about mining limestone and it's quite a rich record there of his agreements with one of the rangatira there, and they seem to be very much based on an understanding that had come out of a relationship over a number of years, mmm.	
	DR AROHA HARRIS	
	And no complaints from him, as far as you can tell?	
	LEANNE BOULTON	
	No. Things did go a bit wrong there for a time and that's why we know about it because the Government officials sort of	

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	had to step in and try and sort it out, and often the records we have actually we only know about the ones that go wrong.	
1000	There must've been many others that didn't go wrong and never came to the notice of officials, so in a way our record is a bit slanted by the fact that, you know the record is there precisely because it comes to the notice o the Government for some reason.	
	DR AROHA HARRIS	
	To what extent do you think we could reasonably expect the Crown at the time to have understood that some of these customary practice was still going on within Te Rohe Pōtae and to, so first of all to understand that, and we've had some discussion so I don't need the, you know, more definition, but –	
	LEANNE BOULTON	
	Yeah more detail.	
	DR AROHA HARRIS	
	To what extent can we expect the Crown to have understood that and also to have allowed that understanding to influence how they dealt with Te Rohe Pōtae?	
	LEANNE BOULTON	
	Mmm.	

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	DR AROHA HARRIS	
	Is it a reasonable expectation or was it, were they too burdened by the ideology of the time, you know was it too hard or is it a reasonable expectation?	
	LEANNE BOULTON	
	I think that, I think that in general Government officials, even those on the ground, seem to be quite strongly tied into their own, I suppose, Victorian ideologies of property and law and legal title and things like that. Some of them show some real insight, moments of reason insight, Rogan, for example, says at one point, "I know that by putting this surveyor line across here that it doesn't represent how the people see and use this land," and he ends up sorting out a dispute between one of his survey party and a, who's accused of sleeping with a Māori woman and that's upset the community and he goes in and he mediates that situation and Ballance at times says, "I know for Māori is really precious, it's really important, they really care about this." So officials often have little flashes of understanding of Māori perceptions and ways of doing things, but I think in general they really don't get it and I think that officials dealing with, in the early period up to the sort of 1860, often were elsewhere, they were in Auckland, they weren't here in Kāwhia or Aotea, they didn't come here and talk with people in detail about what those transactions had been, that was a process that was removed from the ground. So they're understanding I think was quite blunted and being locked into a process that they were trying to do, and I think trying to do relatively quickly at this point to get those claims	

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	sorted out. As far as the leases go, the Crown did only seem to intervene when a European came and sort of complained or, sometimes another European would inform upon another European who is illegally leasing, say, “Oh, that guy down there, he's paying money to Māori, he shouldn't be there,” and sometimes that was commercial jealously, that they wanted to get in there and hadn't been able, but in general the Government didn't really, they were a bit ineffectual in dealing with that situation, they basically, I think I document a couple of cases where they were going to bring them, bring the European, find the European under the Māori Land Fraud legislation and they basically said, “Look this guy’s got no money anyway,” and prosecutions under that Act had just been really unsuccessful and, “Let’s not do it, let’s just kind of let it go.” So it's quite difficult to get a sense of whether Government officials really did understand that there maybe relationships here and they should allow them to happen, but in practice they sometimes did allow them to happen because these people were in remote places that the Crown didn't really care that much about or sometimes there were influential people involved, either European or Māori, who they didn't really want to mess with so they let it slide a bit. Sorry that’s not a very coherent answer but –	
	DR AROHA HARRIS	
1005	Okay that’s okay. Just – so letting it slide, is that, on the ground does that look like tacit approval?	
	LEANNE BOULTON	

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	Well certainly, to Māori it might've – if Māori knew what was – that there'd been a complaint and that the Government officials have been involved and nothing happened, they probably thought, yeah our Government doesn't have a problem with it mmm.	
	DR AROHA HARRIS	
	Okay I'll just move forward to – oh we'll take the Waipā, Waitetuna purchase perhaps as an example.	
	LEANNE BOULTON	
	Āe.	
	DR AROHA HARRIS	
	I just have a question about purchasing during war time in the efforts and politics of purchasing during war time, and I wanted to know if you had any thoughts about that. I note that you mentioned a threat of confiscation.	
	LEANNE BOULTON	
	Mmm.	
	DR AROHA HARRIS	
	In that particular purchase, that's at page 447. But I just wanted to know – just want to get a sense of your thoughts overall about the efforts of war time land purchasing?	

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	LEANNE BOULTON	
	I think that it was a highly charged time for Māori and for the Crown in the lead up to that invasion of the Waikato, and through that confiscation period. It does – would seem to me that often during that time, I know from my research in Taranaki that people during that time, iwi and hapū often displaced and on the move. Communities were often divided by labels like "loyal and rebel". Some people moved backwards and forwards to alliance with – you know taking pledges of allegiance with the Crown and then going back out again as rebels. I know that happened in Taranaki. So it was a very disruptive time and I'm not sure what the experience was here, but if it was anything like what happened there, it was a very, it was a very frightening time, and settlers were uncertain about what was going to happen and certainly Māori were probably equally uncertain about what was going to happen. So for land negotiations to be happening in the midst of those kinds of things, and here we also have some, some really sort of strong political currents between Ngāti Māhanga who had been for their own reasons, perhaps, perhaps perceived as more friendly towards the Crown, and the Kīngitanga. So we've got all these different things swirling around and then to have a large piece of land involved in a land negotiation, seems to me that there was a particular obligation on the Crown to ensure that if it was going to go ahead with the purchase, that it needed to make sure that all those who should be involved, were involved, and gave their full consent. And I wonder what the motives of Wiremu Nera and his people	

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	were for making that offer in 1858 and for continuing to make that offer right through until it was, till the deed was signed in September 1864, whether those motives changed as time went on. It's really difficult to sort of read that through the record, through the Crown's record. I do wonder whether as I've said, I do wonder whether Wiremu Nera decided to give you know to sell that block so that his people wouldn't perhaps have it taken from them. That sort of seemed to have more mana to do that rather than to have it taken, because other land at Ngāruawāhia had been confiscated, and they did have interests up there. But I think it's probably as far as I can go with that.	
	DR AROHA HARRIS	
	Yeah okay, you do mention the thread of confiscations with that block in particular and so is that a general threat because it's just happened up there road. Or was there an explicit threat?	
1010	**LEANNE BOULTON**	
	I think it's more of a general threat. I didn't find anything specific that the Crown said, "We're going to take that land," no. But there's also these really strange dealings by Mr Turton who is a special Commissioner. This is before the compensation Court, and actually before the Proclamations of confiscation settlement districts happen, and he signs, he signs these agreement with – these are the same people who are making this negotiation of the Waipā-Waitetuna block. Signs this agreement over a piece of land which is	

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	sort of adjacent between the tributaries yeah. Yeah certainly, it's adjacent to the Waipā-Waitetuna block, and his sort of understanding of what he was doing and the agreement. The wording of the agreement don't seem to match up very well and it's really not clear why he gets involved at the very last minute in the Waipā-Waitetuna purchase 'cos he's actually the purchasing – he's the officer who signs that deed, whereas before that it's been Rogan and other people. So – and I know that Vince O'Malley has tried to untangle that a little bit as well, but he doesn't come to any firm conclusion either. So, so I don't quite know really what was going on. I think Vincent initially thought that the Waipā-Waitetuna purchase was actually a compensation deal. That it wasn't a purchase. And I stick my assessment that it was a purchase. It has all the hallmarks of a purchase, a negotiation, but he has doubts about that so maybe something you would want to explore with him.	
	DR AROHA HARRIS	
	Okay thank you. And I just want to finish off with some questions about Alfred Cadman. He features, you know, he's quite a feature in your #A67 report. He was opposed to the Rees Commission idea that – you know I think Mr Baird's wondering if we should take his name literally. But you know he post the Rees commission on – that Māori, the idea that Māori should be involved in administering their own lands. He takes the hatchet to the Native Department. You got him threatening to compel land sales in part of the report. So you know I want to know your assessment of him and what he thought of Māori. What he thought of Pākehā settlement.	

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	Did he have any thoughts on the Māori Parliament which was prominent during this period, and what were Māori attitudes to him as well? You know does he, is he one of those ministers that Māori quite like, 'cos there are a few in history that Māori quite like and they give them these little endearments that they'll call them by and so I want a bit more a bit more about him and sense of him.	
	LEANNE BOULTON	
	Yeah I haven't been able to sort of fully look into Mr Cadman. Mmm so I'm not sure what I can say about him but he certainly seems a less sympathetic figure than somebody like Ballance who did on a whole, certainly seemed to want to engage with Māori in a fair and open kind of way a lot of the time. Obviously there were times when Ballance doesn't do that but Ballance was seen as much more a sympathetic figure and I suspect since he followed Ballance who was quite a hard tough sort of man, Ballance was seen as a bit more of a gentle figure, and then along comes Michelson and then Cadman. I'm not sure that I can say anything really at all about how Māori perceived Cadman. I didn't pick up anything in the, in the sources that I had, that they had a particular view of him. He certainly seemed to take in almost – he certainly seemed to take quite a coercive approach in his negotiation in 1891 and I wondered why that was because it seemed very clear that Māori actually agreed with the Crown central proposition and were actually trying to help it along. I wondered why he became so threatening, and the newspapers at the time as I report, sort of said, "Well you know that's quite coercive. That's quite rough on Māori." So	

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	there's certainly that about his behaviour there but other than that he kind of splits out of my picture.	
	DR AROHA HARRIS	
1015	Okay, thank you those were all my questions.	
	LEANNE BOULTON	
	Thank you.	
	PROFESSOR POU TEMARA	
	Tēnā koe Ms Boulton.	
	LEANNE BOULTON	
	Tēnā koe.	
	PROFESSOR POU TEMARA	
	You've been on the stand for three days?	
	LEANNE BOULTON	
	I have.	
	PROFESSOR POU TEMARA	
	I've been on the Tribunal for four years and have seen some long – but you're the longest person I've, that have sat there. I find that quite tenacious.	

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	LEANNE BOULTON	
	Thank you.	
	PROFESSOR POU TEMARA	
	You were tenacious too in your defence of Wahanui.	
	LEANNE BOULTON	
	Āe.	
	PROFESSOR POU TEMARA	
	And the Crown pressed, pressed you about the integrity of Wahanui.	
	LEANNE BOULTON	
	Mmm.	
	PROFESSOR POU TEMARA	
	Cast some doubt about the integrity of that chief.	
	LEANNE BOULTON	
	Mmm.	
	PROFESSOR POU TEMARA	

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	There was a time though when you seemed to me uncertain about your defence of Wahanui. Let me just take you to what the Crown counsel said to you.	
	LEANNE BOULTON	
	Āe.	
	PROFESSOR POU TEMARA	
	And I'm not too sure whether these are the exact words. "So to say that Wahanui didn't know that the railway would bring value to land should be taken with a grain of salt." You thought for a while and then you said, "Possibly."	
	LEANNE BOULTON	
	Āe, mmm.	
	PROFESSOR POU TEMARA	
	You like to comment on that?	
	LEANNE BOULTON	
	I think that, I think I was trying to think very hard about that particular comment about the benefits of the railway because there is quite a lot of evidence that Ballance for example had then stolen the virtues of the railway in terms of how much value was going to add to Māori land and I knew that and so I was thinking, well, surely it's not a question of whether	

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	Wahanui has heard this before because he undoubtedly would have heard that. He was certainly there at Kihikihi in February 1885 when Ballance spoke about all those matters, but then I started to think, well what does this very brief sentence of reply by Wahanui mean. Does it mean "I don't know" as in I have not ever heard this before? Or does it mean, "I'm not certain that this is going to be the case, I have scepticism about that." And I think that given the other examples of where Wahanui laughs at Ballance when he talks about this matter, I think that we can reasonably suspect that Wahanui here in this 1885 Select Committee was expressing some scepticism about those, that value being added rather than saying he'd never heard about that because I think he had.	
	PROFESSOR POU TEMARA	
	All right, thank you for that. Now, were you here on Tuesday?	
	LEANNE BOULTON	
	No I was not here on Tuesday.	
	PROFESSOR POU TEMARA	
	Did you have access to the affidavit of Napa Ōtimi?	
	LEANNE BOULTON	
	No I didn't.	

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	PROFESSOR POU TEMARA	
	All right. Let me just tell you what's happened.	
	LEANNE BOULTON	
	Āe.	
	PROFESSOR POU TEMARA	
	He was another witness that cast some doubt as to the integrity of Wahanui.	
	LEANNE BOULTON	
	Mmm.	
	PROFESSOR POU TEMARA	
10.19.27	He pointedly said to the Tribunal and then turned to Ngāti Māhanga and said that Wahanui had accepted a house from the Crown and then in Māori, and I just want the translator to translate this. He said to Ngāti Māhanga, "E kore au e huna i te kōrero." I will not conceal the truth.	"I will not conceal the words."
	LEANNE BOULTON	
	Mmm.	
	PROFESSOR POU TEMARA	

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	That almost seemed to me that Wahanui had done something wrong. You like to comment on that?	
	LEANNE BOULTON	
	This is not a piece of evidence I've come across before. One of the difficulties in my research has been that the records that I have come across have been very much focused on Wahanui and Ormsby and mostly upon Ngāti Maniapoto. I've noted wherever I could that where other iwi and hapū, particularly their leaders, have been involved in discussions with the Crown, but I would have liked very much to have had many more voices in my report because I think there were, there were other, probably were other leaders who were speaking out at this time, perhaps saying things that were contrary to what Wahanui was saying and perhaps even possibly opposing Wahanui. I know about Tūwharetoa's relationship with Wahanui wasn't that great by the sound of it. It's – there are persistent rumours in 1884, for example that Wahanui is going to become a member of the Legislative Council and that they are going to give him that position. So there's swirling rumours about whether he's going to accept this offer if it came. So some people might see that as Wahanui gaining an advantage from the Crown. But I don't have any direct evidence that Wahanui was getting an advantage from the Crown in recognition of services or in an exchange for assisting the Government in some way. I see Wahanui as a man who ended up shouldering a great weight. He wasn't alone. He came to Wellington with a party of nine or 10 others. There were women amongst his party. One was his wife, but we don't	

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	know who the other woman was. There were, and when he came again in 1885 he wasn't alone, he had people with him. You know, one of those was Hone te One, but we don't know who, if there were others with them. So we don't have a very full picture of how Wahanui was operating amongst his own people and amongst the various hapū and iwi of the Rohe Pōtae so it's sometimes difficult to make any more sense of all the undercurrents that were going on between hapū and iwi leaders and between those leaders and the Crown.	
	PROFESSOR POU TEMARA	
	All right.	
	LEANNE BOULTON	
	Yes, sorry that's not a very direct answer but it gives sense of what I found.	
	PROFESSOR POU TEMARA	
	You're not aware then that he accepted a house?	
	LEANNE BOULTON	
	I wasn't aware of that but I know that it was sometimes, that leaders sometimes did accept houses and positions like native assessor positions and things like that, but what motivated them to accept those is difficult to know whether they thought that it would enhance their mana in terms of the Crown so that they would then be able to do better for their people or whether those were the, those motives were more,	

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	"Oh that's good for me. I get something for myself." I can't say because I can't get inside the heads of those people, mmm.	
	PROFESSOR POU TEMARA	
	But Wahanui is very different from a native assessor?	
	LEANNE BOULTON	
	Oh utterly, yes. But sometimes, you know, for example, Rewi Maniapoto, he had a house built for him there at Kihikihi. I'm not sure of all the details of how that came about but it wasn't unheard of for a very leading rangatira to be provided with a house.	
	PROFESSOR POU TEMARA	
	Okay, these are two leading of the Rohe Pōtae -	
	LEANNE BOULTON	
	Āe, mmm.	
	PROFESSOR POU TEMARA	
	- who seem to be, who seem to have accepted gratuities?	
	LEANNE BOULTON	
	Mmm.	

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	PROFESSOR POU TEMARA	
	Now, is that such a bad thing though? Your view on that.	
	LEANNE BOULTON	
	Oh, it depends who you are and how you are looking at that. It so depends on what those motivations were.	
1025	We like to think that people in the past were very noble and wonderful but people were human beings too and so people's motives are of sometimes mixed and they change over time and people in the past that, they are like us today in that sense. We don't know if Wahanui did accept a house, we don't know why he did that. he may have thought that this was going to help, ultimately help his people to, you know to further their goals. He may have also thought alongside that that it would assist him in some way, I don't know.	
	PROFESSOR POU TEMARA	
	Thank you, I thought that it was common knowledge and that's why I didn't ask Mr Ōtimi for a reference.	
	LEANNE BOULTON	
	Āe.	
	PROFESSOR POU TEMARA	

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	Now just moving on from there, you stated that Wahanui went to Wellington on the occasions that he did go with a group of people.	
	LEANNE BOULTON	
	Āe.	
	PROFESSOR POU TEMARA	
	Presumably these people were there to assist him to understand legislations and acts?	
	LEANNE BOULTON	
	Mmm, it's interesting that during the 1885 Select Committee evidence Wahanui says quite a number of times, he sort of says, “I hear things.”	
	PROFESSOR POU TEMARA	
	Yes.	
	LEANNE BOULTON	
	“People tell me stuff and we talk about things but I don't read,” which is kind of an interesting observation because I had thought that Wahanui was a man who read legislation quite thoroughly and was very engaged with that and yet there are indications here that he, he did rely more on what he heard from people and he talks about, “My Native friends,	

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	what I've heard from my Native friends what I've discussed with them," and I think that he's probably referring here to the Māori MPs of the time, like Wiperi and others, but the evidence is not clear as to how they were working with Wahanui, mmm.	
	PROFESSOR POU TEMARA	
	He gives very clear answers to the people who are interrogating him in Parliament or in chambers.	
	LEANNE BOULTON	
	Mmm.	
	PROFESSOR POU TEMARA	
	That demonstrates for me a person who could read?	
	LEANNE BOULTON	
	Mmm.	
	PROFESSOR POU TEMARA	
	Even though he makes statements about hearing things, I just have a problem that someone who could read facing a barrage of parliamentarians questioning him on very important issues that the dependency of this iwi and Te Rohe Pōtae relied on and here he was giving these clear answers and although you don't actually come out and say	

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	that he could read, is there a possibility that he could?	
	LEANNE BOULTON	
	I think without a doubt he could read because certainly the account of Wahanui that's given in the Maniapoto oral and traditional history report, talks about his education in Auckland as a young man in mission schools. He was clearly educated in a western way but he was also a man obviously steeped in his own tikanga and his own iwi world. So I think he was one of those who perhaps had been chosen, picked out to be specially educated in that way and his dictionary of biography entry also indicates his early education in mission schools. So I think there's not much doubt that he could read, mmm.	
	PROFESSOR POU TEMARA	
	Well I've just been reminded by the Judge that he was a Wesley College old boy and that stands to reason because both Judge and I are Wesley old boys.	
	LEANNE BOULTON	
	Āe.	
	PROFESSOR POU TEMARA	
	Look thank you very much for your answers Ms Boulton, appreciate that.	

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	LEANNE BOULTON	
	Thank you Professor Temara.	
	JOHN BAIRD	
	Good morning Ms Boulton.	
	LEANNE BOULTON	
	Good morning.	
	JOHN BAIRD	
	Yes, thank you for your lengthy stint, I want to refer you to #A67(a)(VII).	
	LEANNE BOULTON	
	Okay.	
	JOHN BAIRD	
	Page 340, which was the page that Mr Bennion took you to yesterday or the day before.	
	LEANNE BOULTON	
	I'm just waiting for this here. I have that in front of me now.	
	JOHN BAIRD	

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	And halfway down that page there's a subheading, “Open land.”	
	LEANNE BOULTON	
	Yes I see that.	
	JOHN BAIRD	
	So I've got four quite specific questions just around above and below that particular heading which I hope you can help me with from your experience in the days spent amongst these sort of records. The first one is that on the right-hand side just below “open land”, there is the words “5 percent rental.”	
	LEANNE BOULTON	
	Mmm.	
	JOHN BAIRD	
	Is this the estimated amount that would be paid by a leasee?	
	LEANNE BOULTON	
	I suspect it maybe, certainly when land was put on the market as Mr Parker’s report for this inquiry shows there were a number of different kinds of deferred payment in rental, in leasing options for people going to, you know buying, obtaining land at auction so it's possible that this is,	

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	you know calculations of a rental.	
	JOHN BAIRD	
	Have you seen that anywhere else, what else could it be?	
	LEANNE BOULTON	
	I haven't seen it anywhere else that I can recall and it does clearly say “5 percent rental”, so rental to me suggests the lease of some kind.	
	JOHN BAIRD	
	Just above, the line above the heading “Open land”, talks about, “Below is my estimate in detail of the value of the land.”	
	LEANNE BOULTON	
	Mmm.	
	JOHN BAIRD	
	And then just below “Open land”, it says, “5000 acres worth for settlement 30 shillings.” Is this the estimated selling price for the land?	
	LEANNE BOULTON	
	I suspect that it is, I can't see that it is – certainly not the price that they're going to give Māori for the land –	

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	JOHN BAIRD	
	Well we'll go onto that.	
	LEANNE BOULTON	
	Yes, what else could it be really in terms of an estimated value, it must be the amount they were hoping to put it on the market for per acre?	
	JOHN BAIRD	
	Okay, so just going down a bit further to the costs “from which deduct”, there are a number of costs there, one of them is, “10 percent roads and waste.” From your reading is that a normal sort of allowance to make for roads?	
	LEANNE BOULTON	
	I'm not sure that I've actually seen in any other file costs actually specified out like this so I don't have anything to compare this with.	
	JOHN BAIRD	
	Well that probably makes the next question irrelevant but I'll ask it anyway because also there is the survey and admin costs at two and six an acre and the profit at eight pence an acre which comes out at 3 shillings and tuppence, or 38 percent of the selling price, and that compares with the three and six pence that the owners were going to get. In other	

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	words, seems as though the Government was going to pick up almost as much. Again is that, you may not be able to comment but I was wondering whether you'd seen anything else that had margins of that nature?	
	LEANNE BOULTON	
	Well certainly, in my report there's those two tables which we discussed which sets out the kinds of calculated profits the Crown hoped to make.	
1035	But those, those don't include costs there. They just include profits. So I'm not sure whether we'd be comparing apples with apples there if we were to compare these two.	
	JOHN BAIRD	
	But you haven't done that.	
	LEANNE BOULTON	
	I haven't.	
	JOHN BAIRD	
	You got no feel as what –	
	LEANNE BOULTON	
	No I haven't, haven't done that.	
	JOHN BAIRD	

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	– usual or not. Okay all right. Well thank you for that. It seems like a pretty good business to be in. I perhaps just finally observed and I don't hold you responsible for Mr Hursthouse's errors but two of the four amounts that he's calc – that he's multiplied are incorrect.	
	LEANNE BOULTON	
	Oh.	
	JOHN BAIRD	
	And it reduces the figure of 56,480 should in fact be £57,000 but I won't ask you to draw any conclusions about that.	
	LEANNE BOULTON	
	About?	
	JOHN BAIRD	
	Thank you.	
	LEANNE BOULTON	
	Yes.	
	JOHN BAIRD	
	Thank you.	

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	LEANNE BOULTON	
	Thank you.	
	JUDGE AMBLER	
	Tēnā koe Ms Boulton.	
	LEANNE BOULTON	
	Tēnā koe Judge.	
	JUDGE AMBLER	
	Hopefully my questions are relatively focussed. Can I talk to you first about your #A70 report?	
	LEANNE BOULTON	
	Āe.	
	JUDGE AMBLER	
	And firstly the Old Land Claims. You've approached the old – well the pre-treaty transactions I guess from a starting point of being conducted in a – with a Māori world view?	
	LEANNE BOULTON	
	Āe.	

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	JUDGE AMBLER	
	And what has come to be known as tuku whenua and which has being discussed as you will probably be aware in the Muriwhenua Report. The Hauraki Tribunal has grappled with that as well.	
	LEANNE BOULTON	
	Āe mmm.	
	JUDGE AMBLER	
	And my question is what, what do you say to us are the key in this year of a tuku whenua? You feel you can comment on that given your, your research?	
	LEANNE BOULTON	
	I think that I picked up – obviously I was aware of research from previous inquiries and I did, I did pick up this concept tuku whenua, and I wanted to see whether, whether that would actually help to explain what these transactions were about and how they were conducted, and I think that from what I can see, certainly the, the transactions of traders, those early traders certainly fit into that tuku whenua mould, and I think that the key, the criteria there would be that the European came into a Māori community where the world was run by tikanga. So he's out of his own world. He's not in his own world anymore. He's in a world that's ruled by tikanga Māori and he has particular skills and abilities that local	

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	people see as desirable and useful. And he has a desire to settle in that area and to continue his trade and Māori see that he might be a person who they wish to work with, and so they provide him with, with land on which to live and apply his trade. In nearly every case, he has married into the community, which makes him part of that community, but he has an obligation to continue to live in the community and continue to trade as part of that's his responsibility. And if he departs from the community, doesn't perform those responsibilities then the use right that he has for the land is not – it can be revoked. So it's not his land. It's land on which he's allowed to, to live, and there's certainly suggestions here that Māori considered that land to remain in the ownership of the hapū and iwi, particularly through the wife, and then to be passed to the children.	
1040	So the European husband would simply have a, a life interest really, that the land would return to the people once he had gone. I think that sums up really the kind of, the kind of conditions under which tuku whenua arrangements were made.	
	JUDGE AMBLER	
	Right thank you that is helpful. Is there evidence in your research that clearly shows a change in perception of the transactions by Māori when we get to the 1850s and 1860s. That is do we – are there instances where it may well have been a tuku whenua traditional arrangement, but by the time matters are reflected on in the 1850s, 1860s, Māori have left that concept behind and have treated it as some sort of	

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	absolute transaction?	
	LEANNE BOULTON	
	Mmm this is quite a difficult question for me to answer because the evidence is often in – I'm thinking of, I'm thinking of the two mission stations Aotea and Waipā that transactions happened a little later there in the 1850s. And I haven't been able to really be clear about in the case of the Aotea, there'd been a sort of oral agreement earlier on in 1840 and then a few years later about 1844 there have been a deed signed for another piece of land and sort of because the first piece of land hadn't really worked out. And I'm not clear from that deed because it is in Māori, whether that was, whether there was a customary intent behind that arrangement or whether there was a more, a more commercial intent. That's why I've included those deeds in their entirety in the report, 'cos my te reo abilities weren't really up to making subtle commentary on, on that.	
	JUDGE AMBLER	
	Are those examples though where there is no subsequent Māori complaint about the transaction?	
	LEANNE BOULTON	
	I haven't found any further complaint about those transactions. I would like to understand more about whether there was any difference in the way that Māori looked at the transactions with the missionaries for mission stations and	

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	the transactions they have with private European traders. I wonder if there was a difference for Māori because in a sense, the mission station would benefit a whole community in a, in a more formal sort of way with schools and literacy and those kinds of things. Whereas a trader, although he would, he would be in partnership with, with people, I do wonder whether, whether Māori saw any distinction between land for mission stations and land for trading posts. I don't know. I'd like to understand better too whether there was any difference in the way that the Government treated claims by the, by the churches, because I, I'm just a bit unsure why the churches seemed to be so successful and often gaining more acreage than they originally claim.	
	JUDGE AMBLER	
	All right. Moving on to the transactions in the 1850s, that McLean was involved in the Wairarapa ki Tararua District Inquiry, there was a wave of transactions in the – I think it was the early to mid-1850s.	
	LEANNE BOULTON	
	Yes.	
	JUDGE AMBLER	
1045	And that that Tribunal has reported on those and in that instance, my recollection at least from the hearings was that there was – there were complaints about McLean's promises or representations as to what would follow by way of benefits	

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	from European settlement.	
	LEANNE BOULTON	
	Mmm.	
	JUDGE AMBLER	
	And I wanted to know whether you have compared what that Tribunal reported on in your consideration of these matters particularly in relation to the Mōkau transactions?	
	LEANNE BOULTON	
	No, I haven't. I know the situation in the Wairarapa was a little different in some ways because my understanding was there was quite a lot of leasing and lease-like arrangements going on already in that district by the time McLean got in there. And that's where he is when he's off stage in Mōkau, that's where he is, he's actually in the Wairarapa at that time. So it is the same time period and it may prove fruitful to look at what he did in the Wairarapa and look at what he did at Mōkau and have a look at, if we can see some correspondences and patterns there. But it's not something I did during my work.	
	JUDGE AMBLER	
	Thank you. Can we move to your second report, #A67?	
	LEANNE BOULTON	

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	Āe.	
	JUDGE AMBLER	
	In all of the discussions in the last two or so days about pre-emption I've lost the thread of the rationale for pre-emption from the Crown's perspective and I appreciate that there was debate within Parliament as to whether this should be re-imposed or not and reference to the Treaty and so forth, but can you just distil down for us the key rationale that Ballance and those drivers of this policy, the key rationale for it.	
	LEANNE BOULTON	
	The pre-emption, the return of pre-emption was certainly a topic of hot debate during the elections in 1884, and Ms Marr I think and Dr Loveridge give us some background on that. So it didn't come out of the blue in 1884. It was definitely a topic that was being hotly debated, a sort of wider debate about what to do about Māori land. But in 1884 during the Native Land Settlement Bill debate, Mr Ballance puts a lot of emphasis on the problem speculators and keeping speculators out and suggested this is in response largely to the wish of Wahanui. But the Crown's also clearly concerned about that as well. And in 1885 in the Parliamentary debate as it opens when they're considering again, you know, what they've done, and Ballance gives a little recap and if I can just find that for a moment. I think it's quite useful because he, in that recap he makes it clear that the Crown at that time had a dual intention. Yes, this is the debate in the House on the Native Land Disposition Bill in	

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	1885, and Ballance begins by -	
	JUDGE AMBLER	
	Yes, what are you referring to?	
	LEANNE BOULTON	
	Oh sorry. I think it's in the Crown's bundle actually.	
	JUDGE AMBLER	
	Not, the actual document, yes?	
	LEANNE BOULTON	
	Yeah, but I've, this is my own copy here. Ballance opens the debate sort of by recapping what had happened the previous year, and he says that "the question of reserving lands along the main trunk line in this island presented itself last session and it was then the general opinion that it was the duty of the Government at once to bring down a measure which would, in the first place, secure the land on both sides of the railway from the possibility of falling into the hands of private speculators, and, on the other hand, would provide for a settlement of the land."	
050	So this is the dual purpose, the dual intention the Crown had in 1884 to keep out the speculators, and the only way to do that was to stop the, stop private dealings which was the restrictions on all private dealings, part of the clause of the Bill. But then they also gave themselves, the Crown also	

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	gave itself a pre-emptive right of purchase at the same time, which I think is very much connected to this ongoing goal of eventually acquiring land for settlement.	
	JUDGE AMBLER	
	So you're suggesting that he was speaking to a protection for Māori and also an advantage for the Crown?	
	LEANNE BOULTON	
	Yes, and then I think that the Crown then developed its mechanism by which Māori would be able to dispose of their lands to the Crown and to private buyers. So private buyers would only be able to buy through the boards and Commissioners' mechanism through land going out for public action. So it would keep out speculators but it will give an opportunity for the Crown to purchase land and it will give opportunity for bona fide settlers to purchase land at the same time. So that's the mechanism they tried in the 1886 Act as it became the Native Land Administration Act. But that really didn't work at all, it was a dead letter, Māori didn't use it to any extent, and so they ended up putting pre-emption back over what was the Rohe Pōtae-Aotea block in 1888 and then those restrictions and pre-emption were rolled over with varying boundaries again and again until 1894 when the Crown basically placed pre-emption over the whole country in the Native Land Act of 1894. There were, of course, some avenues as the Crown has pointed out in that Act and in subsequent amendments. It provided some opportunities for private dealings and incorporation of Māori	

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	owners but Husbands and Mitchell in their report comment on the 1894 incorporation provisions as to how ineffective they were and how little use they were.	
	JUDGE AMBLER	
	Thank you. Now just a couple of specific matters.	
	LEANNE BOULTON	
	Mhm.	
	JUDGE AMBLER	
	And I don't want to go into the methodology, but you've referred to the Surveyor-General's methodology in arriving at some sort of valuation to use in purchasing land and you've just been take to the Hirst-Mair calculation. But the key figure in all of that, it seems to me in terms of the Crown's approach to working out what it was prepared to offer Māori, was what the land would resell for to settlers, and what is unclear to me is what calculations, workings, data the Surveyor-General or Hirst-Mair or others were working on to arrive at that on-sale value. Is there any evidence of what they had regard to?	
	LEANNE BOULTON	
	I don't have any evidence of that. It's not something that I went chasing at that point. There may well be some evidence sitting in perhaps Lands and Survey files because it was the Survey Department that the Surveyor-General was	

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	in charge of, so he may have had some people, minions behind the scenes working out things. He may – they may have calculated that from sales in other districts. Because by the 1890s there would have been on-selling of Crown land that had been former Māori land so that -	
	JUDGE AMBLER	
	Yes because -	
	LEANNE BOULTON	
	There must have been data somewhere.	
	JUDGE AMBLER	
	Yes. Though the valuation profession, I think someone told us in some documents somewhere this week, doesn't really begin till the beginning of the twentieth century, isn't that right?	
	LEANNE BOULTON	
	There is a New Zealand valuation legislation in 1896 and I think Mr Bennion in his rating report, Rangahaua Whānui rating report, and I think I cite this in my report. It talks about how Māori land had been valued for rating purposes I think as early as 1883. So there was some valuation apparatus owner-operation in the country, but I'm not 100 percent clear about how all of that worked.	

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	JUDGE AMBLER	
	All right. The 10 percent reserves.	
	LEANNE BOULTON	
	Āe.	
	JUDGE AMBLER	
	The impression I get is that this was not so much about protecting Māori against divesting themselves of land, but was a carrot – well this is at least how you seem to put it, "a carrot" that was used to induce sales because in the early 1890s Māori weren't really selling?	
	LEANNE BOULTON	
	Yeah. I, I take my evidence, you'll see where I take my evidence from, but it really comes from the correspondence that's in the Native Land Department purchase files where Wilkinson's constantly corresponding with Lewis at the department and that's where he gets his instructions from. The difficulty with those files is that they're very rich for the period from about 1888 to about 1893 or 4, perhaps 1893, and then they become quite, they become quite generic. They just sort of basically mechanically Wilkinson will say, "I'm going to buy shares in this block. I think we should pay this much." And then he'll report and say, "I've bought so many shares. I've paid this much," and you don't actually get any – in the earlier period you get a lot of sense of Wilkinson	

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	and Lewis and other officials trying to form policies and practices on the ground as they are starting to get the ball rolling but later on you don't get any real sense of that. You just get the sort of quite mechanical reporting of land acquisition.	
	JUDGE AMBLER	
	Well he probably perfected his system by then.	
	LEANNE BOULTON	
	Yeah, yeah, everything was kind of smoothly running by that time so you don't have a lot of detail about what he's thinking about reserves and, as I said, all the reserves that I've listed there in my table I went to the, I went to the purchase deeds which we have in the office, copies of those, and sort out, thought to try and find when those reserves, those 10 percent seller reserves were made and they were all made in 1890, which was pretty, was really early on. And I haven't found any evidence that they made any later on, and it does lead me to conclude that that and specific comments which I record in my report of Wilkinson saying, you know, these will induce sellers to sell more land.	
	JUDGE AMBLER	
	And from the table you discussed earlier that by far the bulk of that all was alienated anyway?	
	LEANNE BOULTON	

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	Yeah.	
	JUDGE AMBLER	
	Of those 10 percent reserves?	
	LEANNE BOULTON	
	Yeah, most of it by the mid twentieth century had gone.	
	JUDGE AMBLER	
	One other specific matter I just raised with Mr Johnston when he was questioning you that perhaps mortgages were prohibited during the period of pre-emption. Now I'm not asking for a legal opinion but is there historical evidence as to whether mortgages were regarded as prohibited under that legislation?	
	LEANNE BOULTON	
	I haven't found any discussion in the documents I used in my report about mortgages being mentioned at all. As I said to Mr Johnston, it may be that there is more material in the Native Land Court minutes or perhaps in block order files at the Court that we could scan through and see if we can find any instances of mortgages but I certainly didn't come across any in my research.	
	JUDGE AMBLER	

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1100	I've got one more matter to take you through but we won't offend the whare.	
	LEANNE BOULTON	
	Āe.	
	JUDGE AMBLER	
	We'll take the adjournment and resume at 11.20, kia ora.	
	HEARING ADJOURNS: 11.00 AM	
	HEARING RESUMES: 11.22 AM	
	JUDGE AMBLER	
	Mr Melvin in questioning, took you in part to the Governors speech?	
	LEANNE BOULTON	
	Āe.	
	JUDGE AMBLER	
	Of 19 August 1884. It says #J25 page 143. You don't need to turn to it but there was a particular extract where the Governor said, "You'll recognise that it is of great moment, the lands in the North Island that are now held by natives should be put to productive uses as rapidly as possible either by the natives themselves or by the Europeans. And I'm just	

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	interested in this comment about being put to productive use by the natives themselves. And what I would like to know is, from this 1884 area through to the end of the nineteenth century, which is what you cover, what evidence is there of Crown policy or practice that actually actively encourages Māori to put their land to productive use?	
	LEANNE BOULTON	
	Mmm it's an interesting question Judge and I'm not sure that I can enlighten you very much. My focus really has been on, obviously on Crown purchasing, so I'm not sure I can throw much light on that at all.	
	JUDGE AMBLER	
	All right, but in the context of a regime of large scale purchasing, that I think results by 1905, 1908 in 47 something percent of the land having been alienated, that's about right isn't it?	
	LEANNE BOULTON	
	Yes that's about right.	
	JUDGE AMBLER	
	What evidence is there that the Crown had a concern to see Māori develop in, particularly in the Rohe Pōtae of course, Rohe Pōtae Māori developed land themselves as Pākehā settlers were expected to.	

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	LEANNE BOULTON	
	I think there is a little bit of evidence from the end of this period, from the Stout-Ngata Commission who were very concerned to look at how Māori were using their land and how it could be used more effectively, as well as perhaps how it could be alienated further.	
	JUDGE AMBLER	
	That's probably outside of the period. I am really concentrating I guess up to the end of the nineteenth century.	
	LEANNE BOULTON	
	I guess I mention that because they actually sort of look back into the nineteenth century and they make some quite perceptive comments I think about the lack of develop in this, in this district. In comparison for Māori, the lack of ability to – the lack of development of Māori pastoral farming for example. They comment on that quite extensively in there and say that Māori in this district have had much less opportunity to learn pastoral farming practices and to have those skills and be supported and actually getting under way with that. And I, I do review that evidence in my chapter where I'm talking about, where I'm talking about leasing during the 1880s and '90s. So I think there is a little bit of evidence there that suggest that, that the Government, he was looking back and seeing that Māori here didn't really have much in the way of opportunity, but I don't have anything specific in the way of policies that were in play in the	

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	nineteenth century to assist Māori with developing their land.	
	JUDGE AMBLER	
	No all right, but in terms of this period where we have purchasing taking place –	
	LEANNE BOULTON	
	Yes.	
	JUDGE AMBLER	
	This doesn't seem to be an issue that the Crown is concerned with?	
	LEANNE BOULTON	
	Not from the records that I've reviewed. My sense of it wasn't – was that their focus was very much on acquiring Māori land for settlement. But having said that, there may be, there may be other sort of avenues to explore that would tell us a little bit more about that. I'm not ruling that out, but I do get the impression there wasn't much on offer for Māori in terms of helping them to bring their land into productive use in the nineteenth century.	
	JUDGE AMBLER	
	Yes, there's some sort of economic development report of some nature that has been prepared as I understand it.	

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	LEANNE BOULTON	
	There is, in terms of economic develop, material on this inquiry, there's of course the report of Dr Francis, Dr Andrew Francis #A26 I think, and that takes us through to about 1870. It doesn't actually take us into this period where purchasing was active. And there is some material on socio-economic outcomes which has been put together by Mr Wuzzle. And that is on our record as well. It's more of a document bank mmm.	
	JUDGE AMBLER	
	But in terms of the purchasing regime, we could take it that there is nothing that you have come across which points to ensuring that Māori also developed their lands during this period is a matter of concern for the Crown?	
	LEANNE BOULTON	
	There's nothing I've come across. There were of course provisions in the Court for people to put restrictions on alienation over blocks of land which theoretically enabled them to retain them, but that didn't help with development obviously.	
	JUDGE AMBLER	
	No, particularly if there's no overall iwi or hapū strategy on alienation.	

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	LEANNE BOULTON	
	Mmm yes.	
	JUDGE AMBLER	
	All right thank you Ms Boulton.	
	LEANNE BOULTON	
	Thank you Judge.	
	JUDGE AMBLER	
	Mr Wilson, is anything arising?	
	DOMINIC WILSON	
	Yes Sir just one topic of questioning.	
	LEANNE BOULTON	
	Āe.	
	DOMINIC WILSON	
	So I'd like to take you to your errata 67(e).	
	LEANNE BOULTON	
	I'll just see if I can find that.	

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	DOMINIC WILSON	
	That's table 23 on page 16.	
	LEANNE BOULTON	
	Yes I have that in front of me.	
	DOMINIC WILSON	
	And the Tribunal have that as well Sir. Now in questioning, the Crown put it to you that that table didn't or may not include or sorry, that included surveys that were initiated by Māori. For all of the blocks in that table, was there any contribution to the overall cost for survey by the Crown?	
	LEANNE BOULTON	
	Not that I understand.	
	DOMINIC WILSON	
1130	Do you think there are, could you identify any benefits to the Crown in those surveys having been completed?	
	LEANNE BOULTON	
	Well certainly the surveying of block boundaries and subdivision boundaries assisted the Crown later on when it came to come back to the Court to have its own sections partition, sorry an interest partition out, it didn't have to do	

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	that work, didn't have to pay for that work, those costs rested on Māori.	
	DOMINIC WILSON	
	Thank you. Sir I have no further questions in re-examination except Sir I'll just point out of course I'm to put together, I understand, a list of further matters that be clarified or checked by the witness and I was going to suggest Sir that I might do that and liaison with the Crown and Tribunal staff.	
	JUDGE AMBLER	
	Yes I was going to suggest that Mr Melvin file a submission perhaps in a couple of weeks to set out the matters that he would specifically like Ms Boulton to reconsider in terms of the tables and so forth, and you could follow up a week later to identify any other matters and then we'll find out how long Ms Boulton will require because you still have yet to file some of your responses to other questions of clarification. That's right?	
	LEANNE BOULTON	
	There were some that counsel dropped from their list, yes –	
	JUDGE AMBLER	
	Well I wasn't sure if they dropped them or they just said that they could be answered –	

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	LEANNE BOULTON	
	Afterwards.	
	JUDGE AMBLER	
	- after the hearing?	
	LEANNE BOULTON	
	Yes, that's what I meant Judge.	
	JUDGE AMBLER	
	All right, so you've got still a bit of work to go.	
	LEANNE BOULTON	
	I do yes.	
	JUDGE AMBLER	
	But nga mihi ki a koe, thank you very much for your evidence Ms Boulton.	
	LEANNE BOULTON	
	Thank you Judge.	
	PETER JOHNSTON	

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	Sir Mr Johnston here, I was just wondering if I could seek leave to withdraw from the rest of the day. Thank you Sir.	
	JUDGE AMBLER	
	Yes.	
	(UNIDENTIFIED SPEAKER)	
	And myself too.	
	JUDGE AMBLER	
	Counsel are granted a general leave to withdraw as and when you need to.	
	GEOFFREY MELVIN	
	As Your Honour pleases.	
	GLENN TOOTILL	
	Sir the next witness is Dr Grant Young.	
	HARRY MAKI-MIDWOOD	
11:32:36	Your Honour, a minute of your time if I may. Kei te mihi ki a koe, Ms Boulton. Kia kaha, kia māia, kia manawanui for the remaining work you have yet to do but for your magnificent acuity that you've brought to do this take on behalf of us here, kei te mihi ki a koe. With your forbearance if I may a	Thank you Ms Boulton. Be strong, be steadfast, be stout of heart.

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	waiata.	
	WAIATA (HARRY MAKI-MIDWOOD)	
	Ko te aroha ano he wai *He pupu ake ana* *He awa he mapuna mai ana* *I roto i te whatumanawa* *Ko tona matapuna he hohonu* *A ina ia ka rere ano* *Ko tona matapuna he hohonu* *A ina ia ka rere ano* *He Taitimu* *He Taipari* *He Taiope* *He Taiora* *He Tainui, he Tainui, he Tainui* Kia ora.	Love is as water that bubbles forth from the wellspring of your heart. The wellspring is of great depth, and it flows on. The wellspring is of great depth and flows on. The tides ebb, and the tides crash, and the tide that brings sustenance, to the many, to the multitudes.

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11:33:11	**LEANNE BOULTON**	
	That was very special for me and I just wanted to say to the people thank you for your aroha and your awhi, it's given me a great deal of strength over the last few days.	
	GLENN TOOTILL	
	(missing audio from 11:34:24 to 11:35:09)…so Sir yes as indicated earlier Dr Grant Young will be reading his presentation summary of the Ngāti Mahuta traditional history report, that document is #A101(a) followed by the Ngāti Patupō tradition history report, document #A103.	
	JUDGE AMBLER	
	Can I just be clear, are you counsel leading Mr Tootill?	
	GLENN TOOTILL	
	Technically not Sir but Ms Thornton will be leading on the #A103 report but we'll run them.	
	JUDGE AMBLER	
	All right.	
	DR GRANT YOUNG	
	(missing audio 11:35:49 to 11:36:05)…My name is Grant Young. I am the principal researcher at The History	

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	Workshop Limited and an honorary research associate in the School of Humanities at Massey University, Albany. I was awarded a PhD by Massey University in History, completed in 2003, for a thesis which examined the Native Land Court and its treatment of Māori custom from 1862 to the 1920s. I also hold a Master of Arts with First Class Honours and a Bachelor of Arts from the University of Auckland. Since completing my doctorate I have worked full-time as a researcher dealing primarily with the Court and Māori custom relating to land. Much of this work has been undertaken for Māori claimants in the Waitangi Tribunal process or Māori organisations looking to settle their treaty claims in direct negotiations with the Crown. I have prepared substantial research reports for claimants and for the Waitangi Tribunal in the Central North Island, Hauraki, National Park, Tauranga Moana, Urewera, Wairoa, Whanganui, The Rohe Pōtae and Taihape Inquiry Districts. I have also published a number of articles in refereed journals and edited collections dealing with aspects of the Native Land Court and presented papers at conferences of historians and legal scholars. This is a summary of a brief traditional history report commissioned by the Crown Forestry Rental Trust for Ngāti Mahuta ki Te Tai Hauāuru The report was prepared during August and September 2012. Many Waikato and Maniapoto tribes responded to the unrest at Kāwhia which led to the departure of Ngāti Toa Rangatira and their allies from the region. The Waikato tribes who	

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	remained acknowledged the mantle of Te Wherowhero through his representative Kiwi. This was confirmed by King Mahuta and King Te Rata and sealed by their extended sojourns in Tahāroa. Kiwi was one of a number of senior Waikato rangatira dispatched by Te Wherowhero to various locations to maintain the mana of the Waikato iwi throughout Tainui territory. The report is but the briefest of introductions to Ngāti Mahuta and focuses primarily on the iwi's land interests at Kāwhia, Maketū and Tahāroa. Following the departure of Ngāti Toa from Kāwhia, a power vacuum existed in the region south of the harbour to Marokopa at a time when European settlers were arriving in Kāwhia and pushing north along the coast from Taranaki. Early settlers started to arrive not long after Te Rauparaha left and missionaries had also begun to settle in Kāwhia. Te Wherowhero wished to keep Kāwhia firmly under his control and Kiwi was chosen by him for this role. Generations earlier, Ngāti Mahuta responded to a call to assist in conflicts at Kāwhia and returned afterwards to Taupiri leaving Toa Rangatira in control of the region. According to iwi traditions, Kiwi was selected by Te Wherowhero in recognition of Ngāti Mahuta's earlier assistance there. While members of Ngāti Mahuta have land interests elsewhere, the hapū boundary runs from Paringātai across the harbour to Takatahi, from Takatahi along the Taumatatotara range to Motunau Rocks just south of Harihari. From Harihari northward to Honipaka, or Albatross Point, the rohe continues to Kāwhia Heads on to	

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	Te Puia and overland to Paringātai. Kārewa, or Gannet Island, marks the sea boundary to the north. The movement of peoples during two major phases of conflict during the nineteenth century – with people from the north in the 1820s and with the Crown in the 1860s – meant that on two separate occasions, Kāwhia became a place of refuge for Waikato. The iwi was profoundly affected by the raupatu in the Waikato in the 1860s and in the post-war period by the treatment of their senior rangatira and the Kīngitanga who were exiled by the Crown from their lands at the Waikato for many years. The Crown's actions in relation to Kāwhia Moana in the 1880s created further distress as the Crown again looked to further undermine Tāwhiao and the Kīngitanga.	
1140	According to one Ngāti Mahuta tradition, it was King Tāwhiao who suggested that the people of Tahāroa should be known as Ngāti Mahuta ki Te Tai Hauāuru These people were not just Ngāti Mahuta but also Ngāti Huiārangi, Ngāti Āmaru, Ngāti Te Kiriwai, Ngāti Karere, Ngāti Kawerau, Ngāti Rangitaka and others. Though different hapū occupied different sites in the region, the people moved back and forth between the settlements. Tahāroa to the south of the harbour became synonymous with Maketū in the hapū's tradition. Maketū was the meeting place of Ngāti Mahuta in the north where the people gathered for kōrero and hui but many lived at Tahāroa in the south where food resources were rich and plentiful. A brief comment on methodology and the circumstances of	

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	this research project is necessary to explain the report and the nature of its limitations. It is designed to provide an overview of the traditional history of Ngāti Mahuta, with a particular focus on their origins, whakapapa, land interests and sites of significance. Where possible, the report incorporates the voices of the tūpuna in exploring these themes. The report, along with four others for unclustered claimants in Te Tai-Hauāuru, was produced in a very limited timeframe to meet the timetable set for the Waitangi Tribunal inquiry and this has necessitated a very strict focus on the historical sources available. For the same reason, it has not always been possible to reflect the perspectives of all Ngāti Mahuta hapū in this report. Two key sources have been used. One is the minutes of Native Land Court hearings where Ngāti Mahuta tūpuna spoke of their occupation of the lands they claimed and their relationships with other iwi. The other is the oral traditions of the hapū which have been handed down over many generations. There may well be other significant historical sources which are not considered in the report. This is, however, no reflection on the relative importance or significance of these records but simply reflects the purpose of the report and the limited timeframe to complete it. The focus of the report is Ngāti Mahuta's land interests at Kāwhia. The hapū occupied lands there following the conflict with other iwi who left the region and migrated south. The lands they occupied were divided among those involved in the conflict and Ngāti Mahuta, led by Kiwi and Te Kanawa, settled at Kāwhia. They in turn divided the land among their	

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	people who established settlements and, by the time of the Waikato war, had occupied this land for several generations. Prior to the war, Ngāti Mahuta also had lands elsewhere on the coast and inland at the Waikato and Moerangi. The most senior leaders of Ngāti Mahuta ki Te Tai Hauāuru were key protagonists in the Kīngitanga and the iwi has always been closely related to the Kīngitanga. Many Waikato people who were exiled after the raupatu came to reside at Kāwhia which became a place of refuge for them and it was only after many years that some were able to return to live on a fragment of their former lands. The descendants of Kiwi, Te Kanawa and the other rangatira who settled at Kāwhia in the early nineteenth century remained and have maintained the hapū's ahi kā to the present. I was advised by counsel that a summary for the Ngāti Patupō report, given how brief it is, was not required, and I just propose to make two comments and to read the final paragraph of the report?	
	JUDGE AMBLER	
	Yes.	
	DR GRANT YOUNG	
	So that's #A103. I'd just like to, without dwelling on it too much, just repeat the methodological issues that I just spoke briefly about in my Ngāti Mahuta summary. This report was produced in very similar circumstances and I'd also just like	

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	to acknowledge the contributions of Chris Tuapiki who I understand is here today and also Henare Paul who I found out this morning passed away between the completion of this report and this hearing today, so I just wanted to acknowledge their contribution to the report. And so I'll just read paragraph 24 on page 12. The rohe of Ngāti Patupō lies to the south and west of Aotea harbour and incorporates some of Aotea South on the south head of Aotea harbour and Oioroa on the north head. Ngāti Patupō are descended from both the Aotea and Tainui waka: Patupō, the eponymous ancestor of the iwi, was a child of Turi of the Aotea waka who married into the Ngāti Koata people at Aotea and over many generations his descendants were established in the area through further intermarriage with local people. The iwi's key settlements are located inside the harbour and on the coast and their rohe extends off the coast to Karewa. The evidence presented by their tūpuna, Te Poutu Mouhaere, on behalf of Ngāti Patupō and other iwi indicates their extensive occupation of this land over many generations.	
	JUDGE AMBLER	
	Kia ora, thank you Dr Young. Now I think Ms Thornton led you on #A103. I'm not sure who led you on #A101(a). Mr Tootill, yes you are. Very good. Now, does the Crown have any questions?	
	GEOFFREY MELVIN	

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	No thank you Sir.	
	JUDGE AMBLER	
	Other counsel?	
	ANNETTE SYKES	
	I just have some questions about your comments around refugees and seeking refuge, both in your summary and in your main report. Can you amplify what you actually mean when you're saying they became refugees in, in particular paragraph 22 of your main report, page 12.	
	JUDGE AMBLER	
	So which report? This is #A101 Ms Sykes?	
	ANNETTE SYKES	
	Yes, it's the Ngāti Mahuta. You use the term in seeking refuge in your summary but then you refer to them as refugees in your main report and there is a distinction linguistically. I'm just wondering what you're meaning?	
	DR GRANT YOUNG	
	I'm not quite sure that I'm making such a sophisticated distinction between – it is a site of refuge and the people going there are refugees because they're unable to remain in their current kāinga for, well after the Battle of Mātakitaki because of the very unsettled state of the Waikato and	

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	obviously after the 1860s war because of the raupatu.	
	ANNETTE SYKES	
	Well if you turn over the page to page 13, and the evidence offered in the Māori Land Court by the offending wāhine rangatira of the time, there's also the suggestion there was a tuku whenua to those that had sought refuge which would give them a different land right than those that had been here since time immemorial, wouldn't it?	
	DR GRANT YOUNG	
	I would probably be cautious about making, me making too bold a statement on that. There might be some iwi traditions on that that would better inform, provide better informed answer to your question. But having said that, my one comment would be that those relationships for the people who are living here and the people that are arriving from elsewhere would obviously be different, they would have a different relationship to the land.	
	ANNETTE SYKES	
	I don't know if you had the opportunity in preparing for today, because I think the tangata whenua briefs came after yours. What, and I'll use the reference that I questioned on this, what Mr Tom Moke also highlighted for Ngāti Mahuta is that that intermarriage meant that those distinct land rights combined together to give quite a special status to them where they have been given land. Did you find anything to validate that kind of understanding in your research?	

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	DR GRANT YOUNG	
	It's not something that was particularly drawn to my attention, I put it that way.	
	ANNETTE SYKES	
	Thank you, I have no further questions.	
	JUDGE AMBLER	
	Yes, I just have one matter and this boundary line that we know sort of cuts diagonally to the south to Tahāroa and through to just south of the Harihari blocks. I think we had some evidence of a wider traditional interest as such.	
1150	But my understanding is that during Tāwhiao's reign, he effectively adjudicated between Ngāti Mahuta and Ngāti Hikairo to settle a boundary. Now are you aware of that?	
	DR GRANT YOUNG	
	No, no I, I, yeah unfortunately I couldn't comment, I couldn't comment on that actually. The boundary that – it's the Motunau rocks that were given at the southern point. That was emphasised to me as being the southern point of Ngāti Mahuta's interests at Kāwhia.	
	JUDGE AMBLER	
	Yes, but in terms of the Court records that you went back through and which you sight from in your report and the	

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	coming of Ngāti Mahuta here, I am just interested in the extent to which their situation at the time Te Wherowhero settled them here, changed if at all, to the boundary that Tāwhiao appears to have laid down. Can you comment on that or not?	
	DR GRANT YOUNG	
	It's a, I mean it's a really interesting question but I don't know that I can shed any light on that. I'm not – I can't recall any, any kōrero in the minutes that might assist in – my memory is that the boundary was taken as given, you know, that it wasn't one that was debated.	
	JUDGE AMBLER	
	So there wasn't any distinction as between what Te Wherowhero had established and what Tāwhiao had established?	
	DR GRANT YOUNG	
	Not, not that I recall no.	
	JUDGE AMBLER	
	Thank you. Nothing arising Mr Tootill?	
	GLEN TOOTILL	
	Just, just one point Sir, so you've just had a discussion with the Judge around those boundaries, but you would – would	

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	you defer thought to tangata whenua for those traditional boundaries?	
	DR GRANT YOUNG	
	The real strength of a traditional history report is when present oral traditions reflect those recorded in the Native Land Court minutes in the nineteenth century, where those are consistent, you know you can see those traditions are handed down over generations and I – as I say, I consider that to be a major strength of the traditional history reports. I mean there's always going to be differences and shifts and emphasis in degree and that sort of thing. In this case my view would be that the minutes are consistent with present day oral traditions when it comes to those boundaries.	
	GLEN TOOTILL	
	No further questions.	
	JUDGE AMBLER	
	Thank you Dr Young.	
	CAMERON HOCKLY	
	Kia ora Sir. We next have a series of witnesses for Ngāti Mahuta. If you could please have before you in this order #J02, the brief of evidence of Georgina Houpapa, #J01, brief of evidence of Tangiwai King and #J03, the joint brief of evidence of Trevor and Vernan Houpapa. You'll also need to have in front of you the document the #J01(a) which is	

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	the, the appendix (a) to Tangiwai King's brief. However, those attachments are also referenced in the other two briefs also. Kei a koe Georgina.	
	GEORGINA HOUPAPA	
	(Inaudible 11:54:56).	
	JUDGE AMBLER	
	Ā taihoa.	
	GEORGINA HOUPAPA	
	I am the youngest daughter of Hinemoa Lorraine Te Wherowhero Albert Moana (Hinemoa Moana). I was her whāngai daughter from my earliest days. My birth mother was Mihipo Hapi, and her mother was Kume Herewini Arapeta. My whangai mother was my great aunty by blood and sister to my birth mother Kume. I was raised by Hinemoa and fully brought up as her daughter in the tikanga of whāngai which is followed in my hapu Ngāti Mahuta. I was born in Huntly but grew up in Turangi with my parents and my siblings Reno, Whetu, Anthony, Howard and Hauora. I went to Tongariro High School and left school when I was 13 years old. I married Nelson Edward Houpapa on the 1st of January 1988.	

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	We had two children, who also live in Taumarunui. I am making this statement because of the loss which my whānau and I have suffered from the loss of our land and the harm done to our urupā. Tautehere Te Whenua: My mother Hinemoa Moana had interests in land in Tahāroa through her tūpuna. One of the land blocks my mother had interests was Tahāroa A6D4A2A (Tautehere), known to our people as Tautehere. Tautehere was located close to Whakapirau Road on the south-eastern side of the Kāwhia Harbour. Tautehere was 71 acres and 35 perches in size. This land is known to our whānau as Tautehere after the toka which stood there as kaitiaki of that whenua. My mother used to say that it tied the land up and kept it together the way a bow sits around a parcel and keeps it together. Attached to Tangiwai King's Brief of Evidence at Appendix A (the Exhibits) at pages 4-6, 99 and 100 are a series of maps identifying Tautehere and the neighbouring lands. Tautehere was partitioned from other Tahāroa blocks by the Native Land Court on the 13th of April 1926 and awarded to my tūpuna Te Wai Ngahera. It was gifted to her by our Nanny Heihei Uhiuhi, who was her mother-in-law and Pita's	

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	wife. It was gifted to her because she had the largest whānau. A copy of the original partition and her other interests is attached at pages 94 and 95. She was also known as Te Aue Ngahera and this is the name you see on the documents there. When Te Wai passed away she did not leave a will. The ownership of Tautehere passed to her children and her children's children in 1964 making a total of 12 owners. Those owners named in the Māori Land Court records were; Alex Hopkins; Hilda Toki Anderson; Hinemoa Herewini Arepata; Kume Herewini Arepata; Lucy Toki Anderson; Margaret Mihi Arepata; Matekino Herewini Arepata; Michael Toki Anderson; Moerua Herewini Arepata;	

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	Percy Muni Hopkins; Sonny Toki Anderson; and Tauira Herewini Arepata. This can be seen in the Māori Land Court records attached at pages 96-98. My mother is listed by her maiden name of Hinemoa Herewini Arepata. Her father was Herewini Albert (or Arapeta), and his father was Pita Albert, which is where the name Arapeta comes from, although in the Māori Land Court records it is shown spelled Arepata. I would have inherited interest in this land from my mother. Tautehere is very significant to my whānau and I. Lying on Tautehere and around it are the sites which connect me to my relatives, to my tūpuna and to our lands. In particular is Tahāroa A6D2, known as Ramatiti, which borders Tautehere. Many of the owners of that block are my relatives. This block can be seen on pages 5 and 6 of the exhibits. Over the hill from Tautehere is the site where Hekepo Marae used to stand. Hekepo Marae was an ancient pā site which has since been run over by the farmer who bought the land. Nothing of the pā or even its setting can be seen now; it's	

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	just a patch of grass where cattle feed. That historic pā site, although it has gone unpreserved and unrespected, marks my relationship to the land, and the history of my ancestors in the area. The location of Hekepo Pā can be seen on the maps at pages 4 and 68 of the exhibits. There are two wāhi tapus in the area. One is a very small urupā located at the top of the hill on a neighbouring block which was only used infrequently (the upper urupā). The other is a very large urupā which is on the flat and lies near the centre of Tautehere. This was where lots and lots of people were buried and it was known as the family urupā Nanny Heihei was buried in the small upper urupā where two of her moko that died young were also buried. They were Mei Arapeta and Tom Arapeta. When my great-grandfather Pita Albert passed away he was too big to transport up to the top of the hill so he was buried in the family cemetery on the flat section of the land.	
1200	Tautehere was where Te Wai and her whānau lived. They built their homes there and used the land to grow crops and kept significant subsistence gardens there. The land provided for them and allowed them to live there. When they passed away they were returned to the land in the urupā located on the land there. There were two buildings at Tautehere, one was a small	

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	house and the other was a shed or farm building. The Māori Land Court records that there was a house on the land page 115 of the exhibits.	
	JUDGE AMBLER	
	Just pause there for a moment. Can I just be clear Mr Hockly, sorry I must have misheard. What other documents contains these various exhibits?	
	CAMERON HOCKLY	
	The document is #J01(a) and I believe it was in four parts, so it might in fact be #J01(a), (b), (c) and (d), my apologies.	
	JUDGE AMBLER	
	I see, yes thank you. Carry on.	
	GEORGINA HOUPAPA	
	There were flour mills located near Tautehere and I have been told that many of my tūpuna in the area utilised the mills in processing the wheat which they grew on their land. The location of the mills can be seen on page 68 of the exhibits. In 1945 Tautehere was leased to a relative of ours Piwa Tuaopiki for a period of 21 years. This can be seen in the records of the Māori Land Court attached at pages 101-102 of the exhibits.	

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	Piwa leased Tautehere for a number of years and did alright on it. He was able to live on the land and support himself and his whānau from it. The difficulty with Tautehere was that it was landlocked. Tautehere was always landlocked, ever since the original partition. There was never legal access to the closest road, Whakapirau Road, and as the Tahāroa blocks were being partitioned access just got worse and worse. Nor was there ever talk of a road being formed so that it would link up with it. The isolation and state of access can be seen in the maps attached at pages 4-6 of the exhibits. The Māori Land Court recorded that Tautehere had "no access" and was landlocked at page 102 of the exhibits.	
	JUDGE AMBLER	
	Just pause. Mr Hockly page, pages 4 and 6. Could you just make sure we've got those? The problem I'm having is that there's all sorts of numbering on the documents.	
	CAMERON HOCKLY	
	I'm sorry Sir, I don't, don't quite understand how you mean. The numbering's on the top right-hand side of each page.	
	JUDGE AMBLER	

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	Yes.	
	CAMERON HOCKLY	
	And that's pages 4 to 6. I believe, Ms Houpapa just referred to.	
	JUDGE AMBLER	
	Well is the, is the actual block highlighted in those. I have numerous blocks.	
	CAMERON HOCKLY	
	Those, those pages I believe there are showing the position of that land in relation to Whakapirau Road. Page, Sir, page 6 shows the block Tahāroa A6D4A2A in, in that description and the position of Whakapirau Road. That's the (inaudible 12:03:40) map.	
	JUDGE AMBLER	
	Can you hold up what you have got which, yes and point out the block? The number again?	
	CAMERON HOCKLY	
	A6D4A2A.	
	JUDGE AMBLER	

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	I see. All right that is very helpful thank you.	
	GEORGINA HOUPAPA	
	Whakapirau Road lies about 300 metres to the south of Tautehere but was never connected with Tautehere itself. This made it hard for the owners and lessee using the land to develop it. It wasn't just Tautehere that was in this situation, my relatives owned neighbouring land and they had the same trouble. This can be seen on pages 4-6 and 100 of the exhibits which show where the Māori land blocks are in relation to the roads. As far as I know there was just never any attempt by the Crown or the Māori Land Court to make sure the land was accessible by the owners, neither when the land was partitioned, nor in the years following. Although you can see the land taken for roads at pages 13-23 of the exhibits. Because of this the owners, Piwa, and others that were using the land had to pass through the Pākehā farmer's land next door. This was an arrangement that was barely workable as often the farmer would lock a gate preventing the owners or Piwa from getting onto the land. The farmer admitted this and evidence of it can be seen in the Māori Land Court records at pages 115-118 of the exhibits. This not only made it really hard to develop the land and farm it, but also hard just to live there or go there.	

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	Things would have been so different if Tautehere had its own access. My tūpuna could have used the land themselves, it would have been easier to access and to farm, and there would not have been the pressure from government and local farmers to sell. The whole issue would have been avoided if Tautehere, like those other Māori land blocks around it, had been linked up with the road and if the local Council had put in more roadways. The sale of the land was initiated by the neighbouring farmer, when in 1973 Mr Kevin Woods lodged an application at the Māori Land Court to summon a meeting of the owners of Tautehere. A copy of this application is shown in the records of the MLC attached at pages 103-107 of the exhibits. It appears Mr Woods also arranged for a Government valuation. Mr Woods was the person who met the Government valuer when he came to the area and allowed him onto Tautehere even though it was not his property to do so. The valuer was of the opinion the best thing for Tautehere would be for it to be farmed with adjoining land. This can be seen on page two of a Judgment by the Māori Land Court attached at page 116 of the exhibits. The other side of the issue, the way my people saw it, was that if the land had access it would have been more valuable and easier to use. They may not have entertained the	

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	thought of selling the land at all. But the Government evaluation didn't even consider access for the owners as a possibility or that access would make Tautehere more valuable and easier to use. The Māori Land Court was not comfortable with the number of owners which had been informed and asked the lawyers to inform more of them before proceeding to the meeting. The lawyers came back with some more owners but the information they had was incomplete. One of the owners was deceased. Succession had not been completed and the legal owners at the time were not able to be informed that the land that they owned was about to be sold. However the Court considered that this met their request and so the meeting went ahead. As a result there were only five owners at the meeting to discuss the issue of a sale. This can be seen on pages 105 and 106 of the exhibits. When the meeting took place on the 10th of September 1973 there were five owners present, which amounted to 56 percent of the total shares. Tautehere had 12 owners, and their shares added to a total of one share. This can be seen on page 109 of the exhibits. The law at the time only required a quorum of one quarter of the total number of land owners to be present to have the meeting of owners and decide to sell or keep the land. This can be seen at page 107 of the exhibits which refers to the legislation relating to quorum for meetings of owners. The	

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	legislation is attached at pages 30 to 33 of the exhibits. This legislation made it easy for farmers to buy land in this way, especially if the person wanting to purchase the land was already personally in touch with only those interested in selling. Mr Woods was able to request a meeting of owners and there was no requirement that all the owners be informed. It was really hard for Māori to keep their land or even make real decisions about the land together. The Court records show there was a condition with the sale that the urupā would be fenced off and that whānau would still have access to it. This can be seen in the minutes taken by and signed off by G.S. Booth as the Recording Officer and other Māori Land Court records which can be seen at pages 108, 110, 113 and 114 of the exhibits. Just five owners agreed to sell the land and that was it.	
1210	My mother was not notified about the meeting. She was living in Turangi at the time and was able to receive mail at her house. She also would have been listed in the white pages under her name. My mother was never taught to read or write and was always whakamā about that, but if mail had turned up for her she would have been able to find out what the letter said. The address provided to the Māori Land Court only said that she lived in Turangi, as seen on page 106 of the exhibits. This correspondence never reached her. Although her address was publicly listed at the time.	

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	There were seven more listed owners including my mother and none of them were there so they weren't able to make their case for keeping the land. The records also show that one of the listed owners, Michael Anderson, was deceased. If this was the case then his interests should have been succeeded to. His children, as the new owners, should have been told about the meeting. This can be seen in the Māori Land Court record attached at page 106 of the exhibits. This again shows the trouble that the legislation creates for us. Who knows what would have been decided if they all could have had their chance to speak. This is one of my deepest issues with how the land was lost. The decision about selling land is one for all the owners and as whānau they should have had the chance to talk to each other and listen to each and then make a decision. My mother always said that the other owners, most of which were her sister's kids, were keen to keep it. As it happens I do not have any interests in any Māori land and may never have any because I was never able to receive any interests in Tautehere because of the sale. However my connection to this land, the land of my tūpuna, remains strong and means so very much to me but all ownership and opportunities for use have passed me by. The owners could not fully use the land and then they	

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	couldn't get a good amount for the land. The land was worth far more than $3450, especially to someone who already had access to it. It would have been worth much more again if it had its own legal access, but the owners never had that. The amount of $3450 is roughly comparative to about $36,669.11 in 2011, as can be seen at page 119 of the exhibits. The Waitomo District Council evaluated the land as having $88,000 land value and $95,000 capital value in 2011. This rating document is attached at page 120 of the exhibits. This shows that there was a significant difference between what the land may have been worth and the amount paid. The toka the land was named after, Tautehere, used to sit on the land. But it was blown up by the Pākehā land owners who bought it. They told me this themselves when I visited the land with my mother in 1996. The family urupā on the land were supposed to be fenced and protected by the farmer when it was sold, but this never happened. It was a part of the agreement of sale. This can be seen in the minutes of a meeting of owners and the Court records at pages 108, 110, 113 and 114 of the exhibits. The family urupā went unprotected and has been completely destroyed, despite the care taken by the owners to try and keep them safe and in family use even the sale took place. The upper urupā has also gone without protection and been damaged over the years as well. I cannot understand how this could happen and why we are powerless to stop our	

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	wāhi tapu being damaged. Photos showing the current state of the land where the urupā are located can be seen at pages 121-125 of the exhibits. The sale of Tautehere made Tahāroa A6D4A2B1 block (the neighbouring block) which sat next to Tautehere even further entrenched and landlocked The neighbouring block was to the west of Tautehere and had an area of 53 acres. This can be seen at pages 5, 6,100 of the exhibits. Many of the Māori land blocks in this part of Tahāroa are landlocked now and more were when they were originally partitioned by the Māori Land Court. Ramatiti, a block owned by some of my relatives and which lies nearby, has been landlocked since it was partitioned and this has meant ongoing issues with access and an inability to really use the land. My whānau will talk about this more in their briefs of evidence. The number of Māori land blocks in Tahāroa that are landlocked can be seen from some of the maps attached at pages 4 and 5 of the exhibits. Each of these blocks have created many years of difficulty for their owners, who have faced huge problems trying to access the land regularly to use and develop it let alone trying to live on the land and maintain it. Kia ora.	

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	CAMERON HOCKLY	
	Kia ora Ms Houpapa. If you can just please stand there and receive any questions from the Crown or the Tribunal.	
	GEOFFREY MELVIN	
	Kia ora Ms Houpapa. I just have one question and it relates to the damage to the urupā that you've referred to. This is in paragraph 66 onwards. And you say there was a family urupā on land supposed to be fenced and protected by the farmer when it was sold but it never happened and it was part of the agreement for sale. Do you know if there was an attempt to enforce that part of the agreement of sale?	
	GEORGINA HOUPAPA	
	Well, it's never been done, and he was meant to fence it off and give us access in, so therefore he's reneged on a legal document there. That's in the minutes.	
	GEOFFREY MELVIN	
	So what I'm interested in is whether you and/or your whānau took steps?	
	GEORGINA HOUPAPA	
	Yeah we have. We approached Mr Woods, me and my mum, to see if the urupā was fenced off and the access was there, but we couldn't get any satisfaction out of him because	

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	he's never ever done it.	
	GEOFFREY MELVIN	
	And Mr Woods is?	
	GEORGINA HOUPAPA	
	Kevin Woods, the owner that bought the land.	
	GEOFFREY MELVIN	
	Any other steps?	
	GEORGINA HOUPAPA	
	Nah, because he always removed us off his premises every time me and my mum went there. He didn't want to listen.	
	JUDGE AMBLER	
	Other counsel? No?	
	Yes, kia ora. Thank you for your evidence. It's a very well laid out explanation of what happened. I just want to understand, is there still the knowledge within your whānau as to the boundaries of the urupā?	
	GEORGINA HOUPAPA	
	Yes.	

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	JUDGE AMBLER	
	Who holds that knowledge?	
	GEORGINA HOUPAPA	
	I do.	
	JUDGE AMBLER	
	You do?	
	GEORGINA HOUPAPA	
	Because I was the one that was brought up with my mum, and my mum passed it all over to me.	
	JUDGE AMBLER	
	Has she pointed it out to you?	
	GEORGINA HOUPAPA	
	Yeah I know where everything is, yep.	
	JUDGE AMBLER	
	And you could still point that out on the ground today?	
	GEORGINA HOUPAPA	
	Yep.	

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	JUDGE AMBLER	
	Do you know if – kia ora. You also know?	
	GEORGINA HOUPAPA	
	Yeah.	
	JUDGE AMBLER	
	Very good, we'll hear from you shortly. Do you know when the sale was taken to the Court, the condition on which Mr Woods was purchasing was explained to the Judge?	
	GEORGINA HOUPAPA	
	Yes it was because it was explained by my aunties and uncles that sold the land, and that was one of the conditions that he had to allow access in there for us as well as fence those urupās off because it was our kuia and their brothers and sisters that's buried in that urupā and she's the kuia that owns that land.	
	JUDGE AMBLER	
	Yes.	
	GEORGINA HOUPAPA	
	So...	

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	JUDGE AMBLER	
	Well I see in the records that it was clearly discussed at the meeting of owners, where the resolution was passed to sell the land and Mr Woods agreed to it, but you're quite clear that in the Court, in the subsequent Court hearing it was raised with the Court at that time?	
	GEORGINA HOUPAPA	
	Yeah.	
	JUDGE AMBLER	
	And the same Mr Woods still owns the land today?	
	GEORGINA HOUPAPA	
	Yeah.	
	(UNIDENTIFIED SPEAKER)	
	Aroha mai Sir, it’s his son that owns the land.	
	GEORGINA HOUPAPA	
	Oh yeah 'cos he’s passed away now.	
	JUDGE AMBLER	
	He’s passed away. His son now owns it?	

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	GEORGINA HOUPAPA	
	Yep.	
	JUDGE AMBLER	
	And as far as your whānau is concerned, although you've approached what the previous Mr Woods or the current Mr Woods?	
	GEORGINA HOUPAPA	
	Yeah, I've approached Mr Woods, the father when he was alive when my mum was with me, and then when my mum died I went back there and I approached his son Ken Woods who's running that farm right now.	
	JUDGE AMBLER	
	Yes.	
	GEORGINA HOUPAPA	
	And it still hasn't been done.	
	JUDGE AMBLER	
	And he wouldn't agree? Or did he agree and then just do nothing?	
	GEORGINA HOUPAPA	

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	Nah, he just didn't do nothing about it.	
	JUDGE AMBLER	
	And have you looked at what it would take through a lawyer to try and enforce that agreement?	
	GEORGINA HOUPAPA	
1220	Over the years I have, over the the years I have tried to get me a lawyer to take this case on but the problem that I had, these lawyers that I found they declined me and my mum, they wouldn't take the case on so that's why I have problems.	
	JUDGE AMBLER	
	Thank you. Mr Hockly, is there anything arising?	
	CAMERON HOCKLY	
	Nothing arising Sir. Kia ora Georgina, moving now to Tangiwai King's brief, it's #J1.	
	GEORGINA HOUPAPA	
	In the interests of the time issues that we're facing, I will be guiding Ms King through it at some points. Kia ora whaea.	
	TANGIWAI KING	
	My name is Tangiwai Hana King, Ngāti Mahuta and	

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	Ngāti Ngutu. I live in Taumarunui. This claim is about me, my people Ngāti Mahuta and my tūrangawaewae at Tahāroa. “Ngāti Mahuta ki te tai hau a uru.” Ngāti Mahuta is a large and significant hapū of Tainui. We have been associated with the Kīngitanga movement since it began, and we continue to acknowledge the King and his authority. Ngāti Mahuta went to Kāwhia and Tahāroa. and gained mana over the land by conquering the people there; Ngāti Toa, Ngāti Koata and Ngāti Te Ariari. Kiwi was chosen by Te Wherowhero to be the leader and representative in the area. Our rohe includes the land now described as Tahāroa. and the land blocks of Tahāroa. A and extends up to the southern tip of the north side of the mouth of the harbour, which is where our principal whare, Maketū, stands, and where I stand to address this Tribunal. Te Kanawa was another rangatira who held mana over this area. There was a period when many of the other hapū decided to return to their whenua in the north, this was decided by Kiwi and Te Wherowhero after wars of the early 18th century. Ngāti Mahuta decided to stay behind and this is why the land remains ours. Since that initial period of conquest our ahi kā has been strong and constant, Tahāroa. is ours, and markers run	

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	everywhere across it. Tahāroa. A was awarded to us by the Native Land Court. But the way it was done did not reflect our mana whenua and our relationships with the neighbouring iwi and hapū. The harsh lines severing our lands from Ngāti Maniapoto, who was awarded Tahāroa. B, do no justice to the way our people managed their land and organised themselves with their neighbours. I will now turn to paragraph 30, 27 if I may, I'll go to 30 after that. Partitioning by the Native Land Court and landlocked lands: The role of the Native Land Court when dividing up those big blocks of Māori land back in the 19th century seemed to be to just get the land ready for sale to the Crown or settlers. There was no provision to ensure Māori retained their land or had access to it. I shall now go to paragraph 30. Our Tahāroa. lands are now riddled with isolated blocks of Māori land. This has made it hard for the owners to access let alone utilise them. Often the only option is to lease them to neighbouring farmers. But even then the money gained is pitiful and we continue without being able to make the most of our own land. The lay of the land can be seen exhibits attached as appendix as exhibits at pages 1 and 6.	

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	Now can I go down to paragraph 36. The Roads at Tahāroa.: The first Government roads at Tahāroa. went in during the 1890s. The Crown took Māori land to create these roads and never paid any compensation. The takings can be seen at pages 13 to 19 of the exhibits. This first road was put in for the Crown's benefit and not for ours. It was that they could access the Harihari lands which they had bought and wanted to lease to farmers. The road ran from Waipapa Point in the north, down Rotupuhoe Road past our lakes and down to Harihari. Another round of land takings for roads occurred in the 1950s, and these can be seen at pages 20 to 23 of the exhibits. Again Māori land was taken but no compensation was provided. We continue to lack the access we need to get to our lands. The roads which have been formed can be seen on page 24 of the exhibits. But the land which has been taken for roads can be seen on page 25 of the exhibits and this shows much more land being taken and without the roads that were promised. We have lost our land for roads that have never been built, so without access to land while also owning less land than	

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	we used to. Tahāroa. A1C Roadway: The Tahāroa. A1C road is a key example of these access issues, how they have been around since the Native Land Court started partitioning our land. Tahāroa. A1C is a block of 19 hectares of Māori freehold land designated by one of our tūpuna Tūranga Te Wania as a roadway or right of way to provide access to this land in 1912. Maps showing the location of the Tahāroa. Roadway and the Māori are attached at pages 7 to 12 of the exhibits. As you can see, the road winds around and through the Tahāroa. A1C blocks. There are currently 19 blocks of Māori land which sit alongside this block and which are supposed to be accessible through the Tahāroa. Roadway. Together these blocks add up to 651.19 hectares of land, this can be seen below. And in one of these roto nei ko tō matou marae A162 called Koraha access to it is very hard to get around 'cos it's, I say it's “landlocked” ana ko Te Koraha tērā, our marae is very hard to get to. We gotta go around and round to get to it. Oh, arohamai. However the road has never been formed, and there are many places along it would probably never be formed as	

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	road due to the gradient and the land there. The maps show that the public roads do not link up with it. So even with the sacrifice by our people of their own land, which formed the Tahāroa. A1C roadway, this attempt to provide access to the land has not been enough. I shall move on to 58. Our Tahāroa. land was subject to extensive survey liens in this way, this can be seen in the Māori Land Court records attached at pages 45 to 55 of the exhibits. The conventional way to get some money to develop some enterprise is to get a mortgage against your capital. But our tūpuna had land with survey liens on it and this immediately stopped them from being able to do this.	
1230	Our people did not have money like the settlers and the Crown. They had their land. So one of the few options they had was to sell their land in order to stop the Crown from taking land for the payment of the survey liens. Either way they lost their land. There was no way they could win when the system was like this. EUROPEANISED LAND: In 1967 the Crown changed the law to allow the Māori Land Court to convert certain Māori land to general land without	

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	the involvement of the owners. All of a sudden a lot of Māori land Tahāroa was converted to general land. The Māori Land Court was able to do this using the legislation of Part 1 of the Māori Affairs Amendment Act 1967. A copy of this is attached at page 34-42 of the exhibits. There was a lot of land impacted by this in Tahāroa. It caused great confusion to the owners. They could not go to the Māori Land Court to deal with their land instead they had to go to the High Court, which was far more expensive and completely alien to most of them. Māori Land Court documents showing this are attached at pages 43-44 of the exhibits. This change of status of the land created no end of trouble for our people. While there are many issues with the land and managing it, having it converted to general land without telling us did not help at all and caused a lot of grief to us. So, there's the paragraph. Oh, ko kore au e – I'll read this part anyway. OUR LANDLOCKED LANDS:TAHĀROA. A6 D2 (RAMATITI): The Tahāroa A6D block was partitioned into four separate blocks by the Native Land Court in 1914 creating the 108 hectare A6D2 block we know as Ramatiti. This is shown on	

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	pages 62-68 of the exhibits. My Time Living at Tahāroa: 7My family has had interests in Ramatiti and tried to live on it and use it since it was partitioned. Ramatiti was at Te Kowhai Point and was just across from another block of ours called Old Land Claim 400 (the Old Land Claim) at the end of Nathan's Point or Ohaua. 8Ramatiti was where my mother and grandmother lived when they were young. I spent much of my youth living on these two blocks right on the Kāwhia Harbour. Paragraph 90. I returned to Ramatiti with my husband during the 1950s, he and I farmed the block for eight years or so. We cut scrub and looked after the property. There was a lot of work to be done. We planted crops and they grew really well at Ramatiti. The only animals we had running on the farm were sheep at that stage. My sister Carol and her husband would come and join us quite a lot. They would come out to do some floundering and fishing. Back then there was an amazing amount of fish out there. We also had a lot of other relatives who would come out while we were living there. My husband renovated my mother's house so that we could live in it and we maintained it while we were there. That house is still there, but it is overgrown and run down now.	

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	In the end we left the land because it was too hard to maintain because the block was landlocked. We could access it via the harbour or by permission of the Pākehā land owner next door. He would usually allow us to cross his land to get to Whakapirau Valley Road. In 1995 I passed my shares in Ramatiti on to my son, Trevor Houpapa, Patea Houpapa, because I continue to hope that he would be able to live on the land and develop, develop a farm there. Wāhi Tapu: There are many wāhi tapu on this block and around it from the many years of use going back to well before the partitioning of Ramatiti and the days of the rangatira. Sorry I jumped from 94 to 99. Hekepo Pā was a community that lived on the next hill over, just to the east of Ramatiti. The marae and urupā were used by our tūpuna when they lived there. The location of them can be seen on the maps at pages 4 and 68 of the exhibits. There is a puriri tree on the block. It is a huge tree and our dad would say to us to - over to it. Sorry, it is a huge tree and our dad would send us over to it to eat the berries for rongoa. I feel that I am – sorry. I don't want to read that, but anyhow,	

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	I feel that my whāmere and I are the kaitiakis to that land. The Access and Maintenance At Ramatiti: The land at Ramatiti is landlocked because of the partitioning done by the Māori Land Court. There was no easement created to enable us to legally access our land then and there never has been. There are 108 hectares of quality coastal farming land with the history of my whānau in it that I cannot get to, still. The Māori land block which lies between Ramatiti and the road was sold in 1942. Whakapirau road already existed at this time, but this alienation was when our problems really began. During the periods we were on the land we had an agreement with the Mitchells who first owned the land, and then with Kevin Woods, to travel across the land from Whakapirau Road to Ramatiti. The arrangement was that we would cross the neighbour's land, about 350 metre distance, to get onto our land. But we needed their permission, which they gave us most of the time. There wasn't any kind of drivable track to Ramatiti for a long time. But in the mid 1950s, I contacted my whānau Fred Retemeyer and asked him to bulldoze a proper driveway for us. The driveway linked Ramatiti with Whakapirau road.	

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	Much of the land which this driveway lay on was Tahāroa A6D4A2A, which was owned by Te Wai Ngahera and some other whanaunga of ours at the time when we put the bulldozed track in. This land was eventually bought by the Woods, but my cousin Georgina Houpapa addresses this in her brief of evidence. We have had to use a boat to get to the land in the past. We put a four wheel motorbike on it to use once we got there but then it is a hard job getting onto the land this way. It also means that you have to wait for tides and hope that it doesn't get stormy or too shallow. I can't travel out there on the foreshore. It is a hard walk from the place where you can park your car and is very muddy and hard going. There was never any proper access to Ramatiti and we always had to either come across the neighbour's land on the bulldozed track or around the coast. If access can be gained to the block then I will be able to travel out to the Old Land Claim through the block. It is very important to me; a burden that I have been carrying for years will be taken off my shoulders. OUR LANDLOCKED LANDS: OLD LAND CLAIM 400: This land is known to us as the Old Land Claim (the Old Land Claim) since a settler back in the 19th century claimed	

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	that they had bought it.	
1240	The land is out near Ramatiti, at the end of a point called Ohaua or Nathan Point in the Kāwhia Harbour. It sits between A4B and some general land that was initially sold to the Wesleyans.	
	JUDGE AMBLER	
	Kia ora e kui, can I just get you to pause for a moment. Mr Hockly can I just be clear on which is the best map to get the overall scheme of things in terms of the connections. Is this the one at page 6?	
	CAMERON HOCKLY	
	Yeah. If you would like, Sir, to be able to see the description of the blocks that's the best map. Page 5 is a larger view but it's hard to see the map descriptions.	
	JUDGE AMBLER	
	Yes. All right. No that's fine. Carry on.	
	TANGIWAI KING	
	Kia ora. There was never any proper access to Ramatiti and we had to either come across the neighbour's land ...	

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	JUDGE AMBLER	
	I think if you go down to paragraph 115.	
	TANGIWAI KING	
	115. The Māori Land Court records it under the name Old Land Claim 400. It is 13.7593 hectares or 34 acres in size and this can be seen on the Māori Land Court title at pages 69-71 of the exhibits. The area around the Kāwhia Harbour where the Old Land Claim lies is all Ngāti Mahuta country and had been for a long time before these events took place. A settler called Samuel Joseph, claimed to have been given 34 acres of land at Ohaua in the 1830s and established a trading post there. It is said he was there until the 1850s when he deserted it and his family because he had run into debt. Mr Joseph owed money to Mr L D Nathan, and he took over the trading post as payment for that debt. During this time Mr Joseph had somehow secured a title to the land. There was a survey by William Searancke showing 34 acres and 1 rood on a plan called OLC plan 400. This can be seen at page 69 of the exhibits. The plan indicates that the land was acquired by Joseph from Wiremu Hoeta Kumete and Te Manihera and it seems	

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	that a Crown grant was given for the land with the reference CT 9B/708. The title gained by Mr Joseph was never investigated by the Crown as all the old land purchases were supposed to. There was some confusion around this land the land known as OLC 1314, which lay to the west of the Old Land Claim. OLC 1314 can be seen in the photographs attached at pages 76 and 77 of the exhibits. OLC 1314 was not confirmed as private land and returned to our ownership. It can be seen on page 6 of the exhibits as Māori land block Tahāroa A4B. The Old Land Claim land was lost to us and our people until 1928 when it came up for private sale. My father bought the land back because we wanted it in the family and we wanted Ngāti Mahuta land to stay Ngāti Mahuta land. The purchase of this land by my father can be seen on page 71 of the exhibits. I inherited my interests from him. We ourselves had a connection to the land and wanted that connection to be as strong as possible. What I don't understand is how the title for Mr Joseph became registered without any investigation or verification. There were systems in place but they did not protect Māori land or interests.	
1245	So we were finally able to get the land converted back to Māori freehold land in 1994. This can be seen on the Māori	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Land Court title on page 73 of the exhibits. Our time on the land at the Old Land Claim 400: One of the other issues with this block is that is it landlocked. The Old Land Claim is at the end of a small peninsular surrounded by other landlocked Māori land, much of it owned by my whānau and the land to the south which is now general land but was sold initially to the Wesleyan Church. This large block of 160 acres was sold to the Wesleyan Church because 1834, oh between 1834 and 1839. The Wesleyan Block was confirmed to be owned by the Church by the Land Commission and when they were finished with it they sold it on and it is now owned by a neighbouring farmer. My whānau and I also used the land at OLC 400 while we lived on Ramatiti when I was young. There was a house on the land which had, oh, house on the land. Sorry, there was house on the land, built by the previous owners, before my father bought it. We also used that one at times. Sometimes we stayed in it; sometimes it was guests and other whānau that were staying with us. Go to paragraph 137. Rates:	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	As I have described above, there have only been occasional periods when we have been able to live on or use the land because it is landlocked. Despite this we have had to pay rates on the land for many years. Rates which we couldn't afford to pay and rates that didn't make sense. We can't use our land. We can't even get to it legally without permission from a neighbour. There is – there is water to the property. What is the Council providing that justifies these rates? Recent records of these rates and huge cost of them can be seen for Ramatiti at page 56-58, for Albatross at pages 59-60 and the Old Land Claim at page 61 of the exhibits. But regardless of this my whānau and I for many years paid the rates in order to try and avoid any debt. Finally, after a long time (yes I have got the papers to show for it) writing letters and explaining the situation, we got a rating exemption on the land because we cannot get to it. But this has taken a long time and only happened very recently. Conclusion: This brief outlines the mamae suffered by myself, my whānau and Ngāti Mahuta. Our land has been taken from us, our land has become isolated. Our land has been charged with fees that created hardship for us.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Have I missed a page? I might have missed a page.	
	CAMERON HOCKLY	
	Kāo, kei te pai.	
	TANGIWAI KING	
	Oh, kia ora. Our wāhi tapu have been damaged and lost. This is our mamae, this is what we are here to speak to. Ngāti Mahuta have suffered greatly. These are our stories and our experiences. Kia ora.	
	CAMERON HOCKLY	
	Kia ora Whaea. If you can remain standing for any questions from the Crown and the Tribunal? Can I possibly also suggest as Trevor and Vernon Houpapa's brief is being taken as read that any questions for them can also be put, kia ora.	
	TANGIWAI KING	
	Me noho au?	
	JUDGE AMBLER	
	Yes have a – do you want to have a seat, is that easier?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Now does the Crown have some questions?	
	GEOFFREY MELVIN	
1250	Yes thank you Sir. Ā tēnā koutou. Tēnā koe Ms King and thank you very much for your evidence. In respect of the land that is still in ownership today and that is landlocked, what steps, if any, have been taken to gain reasonable access through ~~to~~ the Māori Land Court process that's available, do you know?	
	TANGIWAI KING	
	I hardly heard that sir.	
	JUDGE AMBLER	
	Yes repeat the question.	
	GEOFFREY MELVIN	
	In respect of the land that remains in ownership today and is landlocked, can you say what steps have been taken to seek reasonable grants of reasonable access through the Māori Land Court process?	
	TANGIWAI KING	
	What reason, what resources, what –	
	GEOFFREY MELVIN	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	No, there's a process in Te Ture Whenua Māori at – by which a landlocked, an owner of landlocked Māori land can apply for a Court order getting reasonable access to that land.	
	TANGIWAI KING	
	Through you I hope.	
	GEOFFREY MELVIN	
	And I'm just interested –	
	TANGIWAI KING	
	Through you I hope.	
	GEOFFREY MELVIN	
	Sorry I didn't hear that.	
	JUDGE AMBLER	
	The comment was, "Through you I hope."	
	GEOFFREY MELVIN	
	So I'm just wondering whether any steps have been taken to use that Court process and it may be that other members of your whānau can help you with your answer.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TANGIWAI KING	
	You know it's not very easy to get an easement through Mr Woods because we had a Court case in Te Kūiti and he was asked to pay $10,000 for easement.	
	GEOFFREY MELVIN	
	And when was that Court case?	
	TANGIWAI KING	
	Sometimes last year.	
	GEOFFREY MELVIN	
	And is that in the Māori Land Court?	
	TANGIWAI KING	
	At Te Kūiti.	
	GEOFFREY MELVIN	
	Right.	
	TANGIWAI KING	
	Te Kūiti.	
	GEOFFREY MELVIN	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	In terms of the land that you've described here that is landlocked, I was just interested to know what is happening to it today. Is it – is there a – is it being farmed at all or is it just lying –	
	TANGIWAI KING	
	Overgrown.	
	GEOFFREY MELVIN	
	Sorry?	
	TANGIWAI KING	
	It's all overgrown now.	
	GEOFFREY MELVIN	
	Right. And finally, I was just interested in your statement that it took a long time to get a rating exemption.	
	TANGIWAI KING	
	Yes they did.	
	GEOFFREY MELVIN	
	And I was wondering if you could just describe what the, the course of that delay was? What were the obstacles that were the course –	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TANGIWAI KING	
	I did write to the council Sir and the council gave me no answer. All he did was send a bill again, a bill again, a bill again. So, so I wrote a letter to them and I got it exempted.	
	GEOFFREY MELVIN	
	Right thank you very much.	
	TANGIWAI KING	
	Kia ora. Nā wai tēnā –	
	JUDGE AMBLER	
	Taihoa.	
	DR AROHA HARRIS	
	Tēnā koe. Thank you for your –	
	TANGIWAI KING	
	Oh kia ora.	
	DR AROHA HARRIS	
	Kia ora. Thank you for your shall we say poignant brief this morning. I'm curious about the Europeanised land that you talked about starting at paragraph 71, and you say that you went back to the Māori Land Court and got your – some of	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	those general lands converted back to Māori land, and I was wondering when that happened? Did it happen soon after the changes? So was it back in the '70s or '80s that you put that land back into Māori land or was it more recent?	
	TANGIWAI KING	
1255	Excuse me. I didn't put it into Māori land with my sister Carol.	
	DR AROHA HARRIS	
	Okay. Do you know any details of how she did that or when she did that?	
	TANGIWAI KING	
	Oh she's just one of those Māoris, that was Māori land instead of European title, so she said. She didn't want it, European title, she just wanted being Māori.	
	DR AROHA HARRIS	
	Yeah.	
	TANGIWAI KING	
	Yeah.	
	DR AROHA HARRIS	
	Okay, and she – but some of those lands are still general	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	land or European land?	
	TANGIWAI KING	
	I think they're all, yeah I think they're all Māori land now.	
	DR AROHA HARRIS	
	Okay, so they have been converted. So does anybody there – do you know when it got converted back to Māori land? Do you know if it was recent?	
	TANGIWAI KING	
	’96.	
	DR AROHA HARRIS	
	’96, okay. That's, okay that's what I was after. Thank you.	
	TANGIWAI KING	
	Kia ora.	
12.56.12	**PROFESSOR POU TEMARA**	
	Tēnā koe Tangiwai,	Thank you, greetings Tangiwai.
	TANGIWAI KING	
	Kia ora.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	PROFESSOR POU TEMARA	
	E tangi nei mō tō whenua.	As you weep for your land.
	When you were paying rates, unfairly, did you keep up the payments?	
	TANGIWAI KING	
	It's all up, paid up to date sir.	
	PROFESSOR POU TEMARA	
	Okay. Now that you're exempt from paying rates, there's no question of rebate?	
	TANGIWAI KING	
	Nah.	
	PROFESSOR POU TEMARA	
	You've not tried to address that? Whether you can or not I don't know.	
	TANGIWAI KING	
	Kāre au e mohio mō tēnā. If I had known that well I would have tried.	
	PROFESSOR POU TEMARA	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Come along, I'm just putting that as a, as a possibility.	
	TANGIWAI KING	
	Kōrero mai, maybe you could help me sir.	
	PROFESSOR POU TEMARA	
	I don't know whether it's doable or not. I'm just struck by the unfairness of your case. That's all I have. Tēnā koe.	
	TANGIWAI KING	
	Kia ora.	
	JUDGE AMBLER	
12:57:19	Āe tēnā koe e kui, koutou ko te whānau.	Greetings, thank you e Kui.
	This is a fascinating piece of evidence for the Crown's benefit and this is the advantage of some connectivity in the hearing. There's a decision of Judge Milroy of 24 August 2012, a case brought by Trevor Houpapa who I'm assuming is sitting here. Kia ora. Again, Kenneth Woods and others under the landlocked land provisions of Te Ture Whenua. You can get that off the website. The outcome of that decision as I understand it Mr Hockly is that the application was dismissed.	
	CAMERON HOCKLY	
	That's correct Sir.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	Is that case under appeal or not?	
	CAMERON HOCKLY	
	No it's not under appeal.	
	JUDGE AMBLER	
	And I haven't had an opportunity to read through that Mr HOCKLY, but am I right in assuming that – well, did the Court conclude that the land was landlocked?	
	CAMERON HOCKLY	
	Yes it did.	
	JUDGE AMBLER	
	But for other reasons declined to grant an order?	
	CAMERON HOCKLY	
	Yes Sir, that's correct.	
	JUDGE AMBLER	
	So that seems to be the end of the road for this whānau in terms of the provisions under Te Ture Whenua Māori Act?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	CAMERON HOCKLY	
	What, what – I don't want to really summarise another case here more than I have to, but the indications seem to be that there wasn't an appropriate business case put forward indicating that the applicant could pay for the easement and compensation for the farm, and that was a critical part of the decline.	
	JUDGE AMBLER	
	And the compensation is that the $10,000 figure that was mentioned?	
	CAMERON HOCKLY	
	That's the figure Ms King's mentioned. However, I imagine it was actually going to be much larger than that. And the Judge didn't indicate quantum.	
	TANGIWAI KING	
	He did say that...	
	JUDGE AMBLER	
	Sorry, the Judge did?	
	CAMERON HOCKLY	
	Oh did not actually indicate how much that might cost.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
1300	Well just bear with me for a moment. I just want to come to clearly understand which, which blocks you own and which you don't own because it is a little bit unclear to me. So I wonder if you have or if you can make available Mr Hockly page six of #J01(a). This is the plan, the map that shows the relationship of the various blocks. Does the witness have that?	
	CAMERON HOCKLY	
	The witness does have it.	
	JUDGE AMBLER	
	Yes.	
	CAMERON HOCKLY	
	Yes Sir.	
	JUDGE AMBLER	
	Do you have that who is, who wants to answer on behalf of the whānau? A koe?	
	(UNIDENTIFIED SPEAKER)	
	What was that Sir?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	Who wants to answer on behalf of the whānau?	
	(UNIDENTIFIED SPEAKER)	
	A6D2.	
	JUDGE AMBLER	
	Yes, well let's just start with the blocks. A6D2?	
	(UNIDENTIFIED SPEAKER)	
	Mmm.	
	JUDGE AMBLER	
	That is, that is one of the whānau's blocks?	
	(UNIDENTIFIED SPEAKER)	
	Yeah.	
	JUDGE AMBLER	
	And when I looked at another plan that seemed to be where the Wairara Urupā is located. On that block?	
	(UNIDENTIFIED SPEAKER)	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yeah.	
	JUDGE AMBLER	
	Yeah all right. And then immediately to the east of the block is the Wesleyan grant?	
	(UNIDENTIFIED SPEAKER)	
	Yeah.	
	JUDGE AMBLER	
	And a neighbouring Pākehā farmer owns that?	
	(UNIDENTIFIED SPEAKER)	
	Um, yes.	
	JUDGE AMBLER	
	Yes, and so if we go to the north of those two blocks on the end of the peninsula there are two blocks, the eastern block is the Joseph Grant?	
	(UNIDENTIFIED SPEAKER)	
	Yes.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Which your whānau purchased some years ago.	
	(UNIDENTIFIED SPEAKER)	
	That's right.	
	JUDGE AMBLER	
	And there is a small other block which I can't read the name of. Does your whānau own that block as well?	
	TREVOR HOUPAPA	
	There's whānau involved in that block yes.	
	JUDGE AMBLER	
	Another of the whānau?	
	TREVOR HOUPAPA	
	Yes.	
	JUDGE AMBLER	
	I see and has that been – is that in Māori land title?	
	TANGIWAI KING	
	Don't think so.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	All right. And when you refer to the bulldozer track that was put through, that went through Tahāroa A6D4A2A, which is the block that Georgina was discussing, that's right?	
	TANGIWAI KING	
	Āe.	
	JUDGE AMBLER	
	And when I look at that map, it must have had to go through another block to get to Whakapirau Road or at least one other block, probably a couple of blocks. Can you tell us which other blocks the bulldozer track went through?	
	TANGIWAI KING	
	I just can't recall. I –	
	JUDGE AMBLER	
	Can you work it out from that there or not?	
	TANGIWAI KING	
	From there to there? I hasn't got – just got number SO19342.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes, the S019342 would suggest that it was general land and is that – do you know who owns that land? Is it Woods' land?	
	TANGIWAI KING	
	Woods' now Sir.	
	JUDGE AMBLER	
	Yes, would the Woods' own that now?	
	TANGIWAI KING	
	They do own it now.	
	JUDGE AMBLER	
	And did the rest of the bulldozer track come through that block?	
	TANGIWAI KING	
	Yes.	
	JUDGE AMBLER	
	Straight to the road?	
	TANGIWAI KING	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Straight to the road, Whakapirau Valley Road.	
	JUDGE AMBLER	
	And was that –	
	TANGIWAI KING	
	– was just a track there before but now it's a wide track?	
	JUDGE AMBLER	
	Yes and that was the track that you were trying to have legalised in your application to the Māori Land Court	
	TANGIWAI KING	
	Yes it is.	
	JUDGE AMBLER	
	Ka pai kua mārama.	
	TANGIWAI KING	
	(Inaudible 13:05:06) marie.	
	JUDGE AMBLER	
	It is finally – which one was Trevor? Kia ora Trevor you are – are you on the block now?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TREVOR HOUPAPA	
	No I had to go home because I was told my young fella got crook. I had to go home, that was it.	
	JUDGE AMBLER	
	So in terms of the use of the land at the moment?	
	TREVOR HOUPAPA	
	Yeah.	
	JUDGE AMBLER	
	How, how are you able to use it? What is it being used for?	
	TREVOR HOUPAPA	
	I used to run dry stock down there.	
	JUDGE AMBLER	
	You used to but what about now?	
	TREVOR HOUPAPA	
	No.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Nothing?	
	TREVOR HOUPAPA	
	No.	
	JUDGE AMBLER	
	And.	
	VERNON HOUPAPA	
	No it's all in scrub and gauze.	
	JUDGE AMBLER	
	It's reverting? It's reverting to scrub and gauze?	
	VERNON HOUPAPA	
	It's reversed yeah.	
	JUDGE AMBLER	
	Ka pai, all right. Ngā mihi ki a koutou.	Thank you very much.
	TANGIWAI KING	
	Kia ora.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Anything arising Mr Hockly?	
	CAMERON HOCKLY	
	No I don't believe so thank you Sir.	
	JUDGE AMBLER	
	All right.	
	Ka pai kua mutu. Ngā mihi ki a koutou te whānau.	Thank you very much
	TANGIWAI KING	
	Kia ora, kia ora te tēpu.	
	JUDGE AMBLER	
	Tātou mā, ahakoa kua pāhi te kotahi karaka, kua mea mai tō tātou karere me tatari tātou ki te koata pāhi te kotahi karaka mō te hākari, nō reira we are back on time. Ki tāku nei whakaaro, me hikitia tō tātou hui i tēnei wā. Aroha mai. He take anō tā te Kaiwhakawā nei. I makere noa aku mōhiti ki roto i tō koutou moana. Kāore te tai e tatari mō te Kaiwhakawā, nō reira e tata ana ki te wā ka mimiti te tai, kei te hoki atu au ki taku whare noho ki te kimi aku mōhiti. Kāore au e roa but you people ā te wā ka karanga mai te whare, tīmata tā tātou nei hākari, kāore e roa kua hoki mai ahau. So we will adjourn for lunch. I have got to go and retriweve my glasses from the tide, now that it is low tide, and it is a wonderful reminder – I think it is a wonderful reminder to us	Ladies, although it has passed 1.00 pm, a messenger has come with the news that we should wait till quarter past one for the hākari. In my view, we should adjourn for this stage. Before we go, the Judge has another matter. My glasses fell into the ocean. So it is just about time when the tide turns, and I will return to my place of residence to look for my glasses. But when the house calls for us to go to the feast, you carry on.

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	all how the moana really dictates your comings and goings, and I am hoping to find my glasses, if a shark has not taken them, and so when the whare calls, please you go ahead and start your hākari, and I will be back. And on behalf of our Ahorangi nei, a Pou, he also has to depart because he has another commitment, which I had forecast prior to this week. Nō reira ngā mihi ki a tātou. We will adjourn for lunch, āe.	 So thank you all.
	(UNIDENTIFIED SPEAKER)	
	(inaudible 13:09:24)	
	JUDGE AMBLER	
	No I am counting on the tide being far enough. Kia ora tātou, we will adjourn for the hākari and I think we will be scheduled to resume at 2 o'clock. Kia ora.	
	HEARING ADJOURNS: 1.09 PM	
	HEARING RESUMES: 2.11 PM	
14:11:25	**JUDGE AMBLER (HOUSEKEEPING)**	
	ROBYN SWANN	
	(missing audio from 14:11:55 to 14:12)…The next two witnesses are Edith Dockery and Alan Rubay. They're documents number, Edith Dockery's document is #J17 and Alan Rubay will be reading Morris Tuapiki's evidence which	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	is #J18. I know that these have been amended and re-filed, I don't have their updated file numbers on me but they've just been put into the Tribunal this morning. Mr Rubay's going to read Morris Tuapiki's evidence as Mr Tuapiki is unable to be with us today. Mr Tuapiki sends his apologies and would like to thank Mr Rubay for being able to fill in for him today. Mr Rubay grew up on Te Maika with Mr Tuapiki and therefore has a similar level of knowledge, as well as being the vice chairman on the Te Maika Trust. Trustee sorry not the vice chairman. With the Tribunal's leave I'd like to request that Mr Rubay read his evidence first and then followed by Edith Dockery is the order that the evidence goes in chronologically. I would also like to make a brief opening statement to give an idea of what the claim involves with the leave of the Tribunal. Tena koutou. You're about to hear evidence concerning Wai 614, the Te Maika Trust claim. We will present two witnesses who will give evidence, one about how the land came to be under the trust. The other will present evidence about how the Crown's conduct has affected the land today and the trust activities. The Te Maika story is a story about how the Crown has against the will of the people, tried to impose a Native township on the area known as Te Maika. Despite efforts of the people to avoid this outcome, the Crown rolled over them and set up a township with 90 sections stamped onto pristine land. A township was never built but somehow after all these years the land remained subdivided and the Te Maika Trust is obliged to	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	pay rates on the subdivided sections. Possibly might think that Te Maika Trust has been given a relief from the 90 sections because today they pay rates on only 49 sections. Last year they paid 8000 for the privilege of having no rubbish collection, no fire protection, no sewage or water service. In fact, they have none of the typical infrastructure that accompany rates. They like it that way but they do not believe they should be, all these years after it has to be apparent to everyone that this land is never going to be developed into a township. For those of us who have been listening to stories of out and out raupatu, the Te Maika story will be different. This is not a story of the Crown, who has blatantly taken land and on-sold it for profit, this is a story of a more subtle and deadly form of taking. The rangatiratanga of the owners was undermined by the imposition of the subdivision on this property. The continuing ownership of this land and the use of it is put at risk due to the rate burden the land carries. It continues to be undermined by the inability of the claimants to get the subdivision of the land in efforts to recover some semblance of control over their land. The Te Maika trustees are now in their fourth iteration of planning submissions through their district council since 1993. During this time their plans have become obsolete due to policy and law changes while the council fobs them off with lame excuses. You're about to hear about a Crown breach that began long ago, but continues today. Crown conduct that produces loss of control and possibly even loss	

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	of land. It keeps the owners of the land impoverished and thus undermines the very things it was meant to protect. A very precious taonga and rangatiratanga that was supposed to be able to manage it. The Crown is well aware of how its conduct regarding native township has breached the Treaty throughout New Zealand. Despite this knowledge, the vestiges of the township on Te Maika remain and continue to plague the claimants. They want to know why this hasn't stopped long ago. Why hasn't the Crown removed the burdens of its historic breach? I will now turn over to Alan Rubay will begin his brief of evidence.	
	JUDGE AMBLER	
	Kia ora, just before you do I just want to be clear on the revised brief for Edith Dockery. I understand Ms Registrar, Jenny, that Ms Dockery's revised brief is #J17(b) but seem to get a message that there was another #17(b).	
	ROBYN SWANN	
	Yes I **(inaudible 14:17:48)**	
	JUDGE AMBLER	
	There's a revised 17(b)?	
	ROBYN SWANN	

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	Yes.	
	JUDGE AMBLER	
	All right, thank you. Yes Mr Rubay.	
14:18:08	**ALAN RUBAY**	
	Tihei mauri ora. Te mea tuatahi me mihi hoki ki te Matua nui. Heoi anō hoki ki tō tātou Kīngi, a Tūheitia, e noho mai i runga i te ahurewa tapu o ōna mātua tūpuna. Ka mihi hoki ki ō tātou tini aituā kua wehe atu, ā huri noa, ka mihi hoki ki ō mātou nei tūpuna e manaaki mai i a mātou. Haere mai, āwhina mai.	Arise. Firstly, acknowledgements to the great Creator, and to King Tuheitia sitting on the thrown of his ancestors, and acknowledging our losses, those who have passed on. And acknowledging our ancestors who are here in spirit assisting us. We call upon them to come close and assist.
14:18:50	My name is Alan Rubay. I am Ngāti Mahuta. I am a trustee of Te Maika Trust. I am a member of the team, now I will begin the presentation.	
14:19:09	E tū ana ahau mō te kōrero mō te Kīngitanga i roto i a Ngāti Mahuta, te kaupapa nei ko Te Maika. He whenua i tukuna iho e te iwi ki te Kīngitanga. Nā, nā te rangatira, nā Tūmate Mahuta i homai tēnei tohu rangatira rawa ki ahau, arā ki a mātou katoa, me kī ngā kaitiaki o Te Maika. Nō reira, moe mai e te rangatira. He maimai aroha tēnei ki a koe.	I stand to speak about the Kīngitanga within Ngāti Mahuta, and the matter of Te Maika, the land vested by the tribe in the Kīngitanga. It was the high born Tūmate Mahuta who bestowed this noble calling upon me, indeed upon all of us, we the guardian of Te Maika. So rest in peace noble chief. This is a token of affection for you.
1420	Ko Morris Tūpiki ahau. Nā tōku tuahine, nā Connie Hepi, i whakamārama ō mātou hē ki…ki Ngāti Mahuta. Heoi au mō tēnā. Nā, ōku kōrero ki a koutou i tēnei rangi i rongo ā taringa ahau. Kāore nā te pukapuka. Nā, ka hoki ki te kaupapa nei, ngā whenua i Te Maika i raro i te Kīngitanga.	My name is Morris Tuaupiki ahau. It was my sister Connie Hepi who clarified our ties in Ngāti Mahuta. My evidence this day is based on what my ears have heard. It does not come from a book. Now, returning to the subject, the lands at Te Maika, under the Kīngitanga.

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	Ngāti Mahuta and their relationship to Te Maika: When the Waka o Tainui first entered the Kāwhia Harbour, Hoturoa landed the waka at Te Maika. He then climbed on the top of a hill and surveyed the Moana o Kāwhia. He set up his tūahu there and while he was there he did a karakia ki ngā atua kaitiaki.	To the guardian gods.
	When the time was right (*mā te wā*), Hoturoa and his people crossed over the Kāwhia Moana by waka to a place called Hikuparea. This is a significant (tohu) landmark as well as an urupa. It is used when navigating through the Kāwhia harbour. Hoturoa stayed there. Later…carrying on to Kāwhia and landing at Tangi Te Korowhiti (the Pohutukawa tree), near Maketū and close to Paringātai. It is here at Maketū, where the waka is buried (Te Tumu o Tainui). It is marked by the two rocks named Hani and Puna. Above these rocks, on top of the hill is Ahurei – Hoturoa's tūāhu. It was here that a whare wānanga was established**,** a school of learning for Tainui people. Tainui people lived on the land around Kāwhia, and as the number of people and families increased they separated into different hapū and iwi and settled in different areas on the outskirts of Kāwhia and towards the inland, as Tom Moke said in his evidence earlier this week. Te Rauparaha and Ngāti Toa, who occupied these areas, had numerous battles with Ngāti Mahuta and other tribes,	

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	which resulted in Ngāti Toa moving south to Te Tahāroa, until the battle at Te Karaka took place, where Ngāti Toa were again defeated and moved further south. Ngāti Mahuta then took back their land at Te Maika and Tahāroa. Later they put this claim including the land, foreshore and Tai Ao through the Māori Land Court. The land was then registered under the mana of Ngāti Mahuta. Pōtatau, who occupied the areas of land around Te Maika, Tahāroa and Kāwhia, later returned to the Waikato, leaving Poaka Kiwi as Kaitiaki of Te Maika, Tahāroa and Maketū. That's when Kiwi Roto, a chief of Ngāti Mahuta, and his hapū occupied Maketū and across to Te Maika and Tahāroa. Te Maika - Failure as a Native Township Later in time the Government began planning a township for Te Maika, without any consultation. The ancestors living in Tahāroa did not want the Crown to come into Te Maika, so they called a hui at Waipapa to discuss the matter. I'm talking about Waipapa uri, not the Waipapa over here too. From that hui it was agreed that Te Maika be gifted to the Kīngitanga, in order to protect it from the Crown. The Kīngitanga from that point onwards were believed to be the holders of the land. Our tūpunas said the Kīngitanga ownership is valid because it was a gift by them. However, the Crown ignored this gifting and took control of the land through the Native Townships Act, against the will of the people of Te Maika. To this day the Crown will not relinquish	

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	their takeover. Today there are those areas of Te Maika that are still to be settled for total Mana Whenua to the Kīngitanga. Gifting of the land: When the gifting occurred the Kīngitanga allowed the people living there to utilise the land in the way they wished. This included the planting of gardens and farming. Eventually Tom Scott leased the land on Te Maika as well as Tahāroa and Albatross Point and used it to farm stock. Our tūpuna did not tell us how this lease was granted. The same goes for Mr and Mrs Gibbons who took over the lease after Tom Scott. Mrs Gibbons was of great assistance to the people of Te Maika. After the loss of her husband, Mrs Gibbons left Te Maika. Later, Te Maika came up for tender, allowing the locals to apply. Tom Rewi Wetini succeeded in securing the lease. Later in years it was passed to his son Bill Rewi Weteini. Eventually it was returned back to the Kīngitanga (King Korokī) and Queen Te Atairangikāhu, and managed by the Te Maika Trust. In the late 1980's, Tūmate Mahuta, the Queen's uncle came to Te Maika, and the Te Maika trust was set up to restore the area. Ko te tumanako we will fulfil the hopes and aspirations of our Māori Queen Te Atairangikāhu.	

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	Change of Councils: During that time, the Kāwhia County Council changed to the Waitomo County Council. By 1956 Kāwhia County Council was in strife and got divided between the Ōtorohanga County Council and Waitomo County Council. Te Maika was handed to Waitomo County Council, but they decided that there were too many problems with Te Maika and put it into the 'too hard basket'. One of the problems is the failed native township, which resulted in houses being built on the road along the foreshore, with no consultation with the Kīngitanga. Rather the council consulted with the people who wanted to build baches on the land. School The Te Maika School was opened in approximately 1959. A section was allocated for a schoolhouse. When the school wound down, the Ministry of Education sold the schoolhouse section to a Mr Ron Mayhead. The land should have been returned to the actual beneficial owners, as it was no longer required for the purpose for which it was taken. Wāhi Tapu: Parawai Urupā is a very large cemetery near the south of Te Maika where the following chiefs are buried: (a) The Chief Kauahi; (b) Hōhepa Te Para and others; (c) The Chief Neanea; (d) Nguru and others of Kiriwai; (e) Te Kanawa of Waikato and Kaatu and others; and	

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	(f) Te Puhi Paeturi and family members. Totara Point is Te Rauparaha's Pā site:	
14.29:19	Muriwhenua. He ana tawhito nā Hoturoa. Nō reira ngā tūpuna – kei reira ngā tūpuna e moe ana, o te waka o Tainui.	Muriwhenua is an ancient cave of Hoturoa. That is where the ancestors are interred from the waka Tainui.
	Along from Parawai urupa, a Puriri tree was planted indicating te pou whenua o Pōtatau. The tree is still there today.	
14:29:44	Hei whakamutunga mōku kia hoki ahau ki te reo rangatira.	I conclude my submission as I commenced, in our noble language.
1430	Te tīmatanga mō te kōrero nei me kī atu ahau ki a koutou i heke mai ngā kōrero nei ā taringa. Kei tētahi o ōku kupu e kōrero nei kei ahau he moemoeā, he wawata pea i te mea ko te whakaaro i puta mai i ahau, auē hoki. I haere mai ahau i runga i te ara tapuwae i takatakahia e ō tātou tūpuna, ā rātou i whakatakoto te kaupapa nei. Ko te moemoeā ā te rangatira nei, a Tūmate Mahuta me Te Atairangikāhu kia whakahokia mai ngā whenua katoa i raupatungia. Tēnei whakaaro i tautoko e Te Atairangikāhu i te wā e ora ana ia. Kia ora.	Let me say to you, the oral traditions captured by the ear and passed down through time, they are parts of my submission that could be termed dreams and aspirations perhaps. And since it is I who expressed them, it is I who sense the gravity of it all for I trod the well worn path of the ancestors who laid down the foundations. The dream of the nobleman, Tūmate Mahuta, and indeed Te Atairangikāhu, was for the return of all the lands confiscated. This dream was moved forward by Te Atairangikāhu in her time.
	JUDGE AMBLER	
	Does the Crown have questions?	
	GEOFFREY MELVIN	
	Just a couple Sir.	

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	JUDGE AMBLER	
	Well we'll see if Mr Rubay can answer **(inaudible 14:31:33).**	
	GEOFFREY MELVIN	
	Yes, the first is just a... Tēnā koe Mr Rubay.	
	ALAN RUBAY	
	Kia ora.	
	GEOFFREY MELVIN	
	The first question is just one of clarification. Your brief talks about a township at Te Maika. That's also known as the Parawai township?	
	ALAN RUBAY	
	Yes, Pārāwai.	
	GEOFFREY MELVIN	
	Sorry?	
	ALAN RUBAY	
	Pārāwai.	

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	GEOFFREY MELVIN	
	Pārāwai.	
	ALAN RUBAY	
	Yeah.	
	GEOFFREY MELVIN	
	Kia ora. And do you know when the school was closed, the Te Maika School that's referred to in paragraph 18?	
	ALAN RUBAY	
	Um, 1978 I think. Well I wasn't, I was away when it was closed anyway.	
	GEOFFREY MELVIN	
	So late '70s ~~you're back~~you think?	
	ALAN RUBAY	
	Yeah 1970s, yeah that's right.	
	JUDGE AMBLER	
	No other counsel? I think we're going to hear a little bit more from Mrs Dockery on the trust and the township. Just one matter of	

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	clarification. You referred to this Waipapa and not the other one, so -	
	ALAN RUBAY	
	That's right.	
	JUDGE AMBLER	
	What did you mean by that?	
	ALAN RUBAY	
	There's a place at Te Maika – oh just along from the place, along from Totara where Hoturoa had his farm, it's along, just along from there. It's along the waterfront there. There's a place called Waipapa there.	
	JUDGE AMBLER	
	And that's the Waipapa where this hui was held?	
	ALAN RUBAY	
	Yes, yes.	
	JUDGE AMBLER	
	Ka pai. Ko mārama.	
	ALAN RUBAY	

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	Kia ora.	
	EDITH DOCKERY	
	May it please the Tribunal, my name is Edith Urutawhana Dockery. Others have shown how Ngāti Mahuta claim mana over Te Maika. I have long been privileged to live amongst Ngāti Mahuta, but have many other tribal affiliations within Te Rohe Pōtae and thus perhaps can be considered separate enough to be seen as a relatively independent voice. My hapū is Ngāti Apakura. But for the evidence I give today, I believe it appropriate to assert my whakapapa links to Mahuta. Let me start from the tūpuna Hekemaru who gave birth to Mahuta, the eponymous ancestor of Ngāti Mahuta. From him, Huapiri, who begat Hikarearea, who begat Umukaraka, who begat Rangitakawai, who begat Te Ngaio, who begat Te Tuki, who begat Te Whakapuharu, who begat Te Raaku, who begat Te Rangihurihia (also known as Pianika) who gave birth to Wati, who begat Hohepa, who was my father. So you see I can claim ancestry from Mahuta to the 12th generation. This is not my sole link, but serves my purpose in showing my whanaungatanga to the whenua and the claim for which I have accepted responsibility.	

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	I am the chairperson for the Te Maika Trust. Perhaps a short explanation of how I came to be a trustee –most unwillingly – is in order. When Te Arikinui Te Atairangikāhu's secretary phoned, I was told a negative answer was not acceptable. I therefore became committed to Te Maika for the rest of my life, and there isn't much of that left. So let me explain how we reached our position as Trustees today. Today the trust consists of five tangata whenua trustees and one trustee belonging to the King's family. After the native township failed, the Kīngitanga used several strategies to manage a very difficult situation. Eventually with the encouragement of Te Arikinui Te Atairangikāhu and the leadership of her uncle Tūmate Mahuta, we were better empowered as a Trust to be more active in dealing with the various issues which troubled Te Maika. To begin my story I refer back to the results of the failure of Te Maika native township. You might like to say the Te Pārāwai native township. Failure of Te Maika Township In the beginning, the land taken was in pristine condition and it was then encumbered with a failed native township plan. The land originally was surveyed into 90 different sections and the remaining vacant sections are now rated separately. Houses have been illegally built on the legal road without consents or permits; they are occupying the area without paying rates and with no lease, but having the benefit of	

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	free-ranging over Te Maika; and this situation still prevails today. Te Maika Trust has been burdened with the cost of surveys at the request of Council; Wāhi tapu and urupā have been desecrated. We have weed and pest control problems. We have concerns about the sustainability of a fragile environment. Problems with wandering stock further threaten the environment. When Mr. Bill Rewi Wetini vacated his lease, the trustees assumed responsibility for farming on Te Maika. In loyalty to the Kīngitanga, volunteers with farming experience came forward to help maintain the farmland. We continue to suffer from the ongoing costs of administration, including the maintenance of buildings such as a shearing shed and a workers' bach. We are victims of vandalism because we have no on-site caretaker. The trustees personally incur costs which are not included in a small meeting allowance they receive. The section set aside for a school house was sold. To this day the Te Maika Trust and Ngāti Mahuta ask, How could the Government or its agent, sell land it did not own? Māori Trustee: Earlier trustees were forced to borrow approximately $60,000 (with compound interest finally rising to 22 percent) from the Māori Trustee in order to drain the land around the	

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	school. The trust had no funds to repay this loan and it remained a debt incurring compound interest until 1992, when the trust owed over approximately $200,000. The then Chairman Isaac Kuila, Tūmate Mahuta, Dermot O'Shea and I went to Wellington at our own personal expense to meet with the Māori Trustee to negotiate a reduction in the amount then owed. Mr Luxton was the Minister of Māori Affairs and attended the meeting. We were reluctantly given a reduction, so that we were left with the original loan amount of $60,000, even though some of the interest had already been paid. The money that had been gained from rents and the sale of wool and stock had to be used to repay the debt instead of being used to fund improvements to the land such as weed control, fertilisation, improving sheep quality, fencing and the administration of leases. Accordingly, our whenua suffered. The Māori Trustee, instead of assisting Māori, had hindered us at every step of the way since the loan was made.	
1440	Local Government: Since my appointment to the Trust in 1991 we have been dealing largely with the Waitomo District Council, which has been through 6 different Mayors and we are still dealing with no result. Issues include the fact that there are still baches illegally built on a public road, which means that they do not pay rates or have leases for this land.	

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	Further to this, the Trust pays rates of about $8,000 annually on 49 sections on Te Maika but does not receive any of the services that rates usually cover such as water and power supply, rubbish collection, storm and wastewater disposal, animal control or a rural fire service. We also contribute to a road maintenance levy despite the fact that baches are built on the main road so you cannot drive on it. There is also no road access to the peninsula in the first place; you can only access it by sea, or on foot over neighbouring properties. The Future: The future of Te Maika would have been very different without the intervention of the Government. Some of my trustees remember Te Maika as a beautiful, protected, isolated place where people lived without electricity, steeped in an old-fashioned life. They got around Te Maika on horseback, on foot or by boat. Cooking was done over coal ranges. Their clothes were washed in the stream and patched when needed. They lived off the land and the sea. Their childhood was a dream. That way of life has been put at risk by Crown failure to protect us and our way of life by trying to impose its development plans on us against our wishes. Excuse me a minute. We wish to preserve Te Maika in its unique, natural beauty—a place where people can go back in time and enjoy the	

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	natural way of living our Trustees recall. Instead, the owners of Te Maika were left with a mess to deal with. The gifting of the land to their King was seen as the only means of gaining protection from a Government that ignored their rights under the Treaty. Even the King was unable to protect the land. Previous presentations have dealt with the historic background. I have talked a little about the present day Trust's problems and frustrations. I have included a summary of the plan prepared by Mr Errol Balks for inclusion in the Waitomo District Council Long Term Plan (Annexed marked "A"). This plan was commissioned by the Trustees out of frustration at the lack of positive action from local government. The Trust continues to deal with its duties within the limitations of income from the tenants. As I have said before, the rates alone were over $8,000 last year.	
	JUDGE AMBLER	
	Kia ora Ms Dockery, just pause the, the plan marked A.	
	EDITH DOCKERY	
	You haven’t got it?	
	JUDGE AMBLER	

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	Has that been filed?	
	ROBYN SWAAN	
	Yes Your Honour. Sorry it wasn't refiled with the revised statement but it was originally filed with #J17.	
	JUDGE AMBLER	
	Okay thank you.	
	EDITH DOCKERY	
	A major upgrade of the school building is needed so that it could be used as a base for school visits, and as an outdoor centre for study. Te Maika has unique geological features and is the home of some endangered species. It also has natural sites of interest, all of which deserve protection. As Trustees, many of us have found the frustrations of the job stressful. We have continually laboured under the lack of sufficient funds to deal with the problems of Te Maika. These problems are a direct result of the Government imposing an unwanted and unneeded township on our land. We continue to suffer the effects of the land use decisions that require us to direct large sums of money to local government to pay for things that we have never done or wanted to do at Te Maika. This situation is the direct result of previous and continuing Treaty breaches by the Crown and its instruments, especially local government. We will	

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	continue to deal with the situation as it exists today because we cannot go back. We want action now to resolve these issues; we have submitted plans to the Waitomo District Council 3 times at our expense and once pro bono. Three times since 1990, they have become obsolete due to the passage of time; we feel the fourth plan must succeed. Up until now, the Council has repeatedly pushed us aside with feeble excuses for their failures to act. For example, we have been told that no road can be closed without approval from central government, yet somehow baches can be built on roads without approval from central government. We lack the resources to protect our rights under Pākehā law. We look to the Tribunal for justice under the Treaty of Waitangi. Kia ora koutou.	
	JUDGE AMBLER	
	Mr Melvin.	
	GEOFFREY MELVIN	
	Thank you Sir. Tēnā koe Ms Dockery?	
	EDITH DOCKERY	
	Kia ora.	

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	GEOFFREY MELVIN	
	Thank you for your brief of evidence. Can you just outline what the property of the Te Maika Trust is?	
	EDITH DOCKERY	
	The?	
	GEOFFREY MELVIN	
	The trust property of Te Maika Trust. What does it – what is it?	
	EDITH DOCKERY	
	What does it comprise?	
	GEOFFREY MELVIN	
	Yes.	
	EDITH DOCKERY	
	[Chuckles].	
	GEOFFREY MELVIN	
	The flat land area is it?	
	EDITH DOCKERY	

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	It is that area marked ending – it is the peninsula at the end of the harbour entrance down here, and it's lying on its side at the moment, but basically that's the way it is, and there it is on the map, those boundaries.	
	GEOFFREY MELVIN	
	And who are the beneficiaries of the trust?	
	EDITH DOCKERY	
	(inaudible 14:47:03) we've talked about the people Ngāti Mahuta put in the land under the protection of the Kīngitanga.	
	GEOFFREY MELVIN	
	Mhm.	
	EDITH DOCKERY	
	At the present moment, Kīngi Tūheitia is the beneficiary to whom we are answerable and with whom we meet quite frequently.	
	GEOFFREY MELVIN	
	And does the trust generate any income?	
	EDITH DOCKERY	

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	Um, enough to pay $8000 of rates which don't make me very happy. We have income from tenant's leases. We are stuck in the situation of – the land, the land now is encumbered with leases set up, which we have inherited from past history. So we continue to administer leases. We have – we have income now from leases. We had to set up new leases and a system and meet with our lease holders and impress upon them that if they don't pay their leases they go. And so we have a system now that is working. Um, we have a few sheep down there which, which the, um, which keep the grass down on Te Maika and we share them and now and then there is a few extra hoggets that we sell, but that, that's our income. Rents and a little bit from the farm. Round about $6000 which pays enough for the animal health programme, but not enough for **(inaudible 14:48:44)** the job.	
	GEOFFREY MELVIN	
	Mmm and the leases are they perpetual leases or for a fixed period of time?	
	EDITH DOCKERY	
	Perpetual leases, no because the perpetual leases that were held when the Government failed to sell leases in their original Native Township Plan, when they failed, they then became – we turned them, probably illegally again into perpetual leases and one perpetual lease was left, which eventually was sold to a lawyer called Phillip – there is a correction to be made in the evidence of Errol Bauks. The name is Phillip not Alan. So what was your question again,	

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	perpetual leases?	
	GEOFFREY MELVIN	
	Yes, the nature of the leases. Are they –	
	EDITH DOCKERY	
	And they are 21 year leases, seven by seven by seven.	
	GEOFFREY MELVIN	
	And what's the trust's policy in terms of renewing the leases?	
	EDITH DOCKERY	
1450	Negotiation, increase – probably an increase discussion with the lease holder, come to a mutual agreement probably with, always an increase but the increase need not necessarily be that (inaudible 14:50:12).	
	GEOFFREY MELVIN	
	And I had a question about the houses that have been built illegally on the road. Who has come along and built houses illegally?	
	EDITH DOCKERY	
	Probably the, the Native Township Act kōrero will be done in week 8 and we really would be - prefer to have followed that and then it would've been fully explained but in the meantime	

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	could this do, a road was formed. No, a road was dissected. Not necessarily formed as such but it was a legal road. Ms Gibbons asked the Kāwhia County Council at the time for permission to build on Te Maika and I don't know why they said yes she could build on road, I don't know that they knew she was going to build on road, I don't think she knew that she was building on road but that is the case and there's a legal road and you know you can't rate road and neither do we have control of the road because it's vested in the council and we, while we like the tenants, we like the tenants, the tenants are lawyers, one Judge, two Judges, and we've got two Judges. It's not the tenants fault that they are there, they would like to reach some agreement with us but until council do something about closing the road, the best thing is back into the trust. We can't gain any income from probably the more affluent tenants that we would like to acquire. Is that enough?	
	GEOFFREY MELVIN	
	So what sort of title do the people who have built houses on the road have?	
	EDITH DOCKERY	
	None.	
	GEOFFREY MELVIN	
	Seems puzzling but…	

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	EDITH DOCKERY	
	That's the situation, they would argue I presume that they have existing rights.	
	GEOFFREY MELVIN	
	Have there been objections from the trustees to these illegal houses?	
	EDITH DOCKERY	
	We have not, well the fact that the people in those baches and roads, they have a sympathy with us but until the council moves to do the legalities, we can't give them a legal lease and until we give them a legal lease their baches will stay as they are because they can't get building permits or resource consents to change anything. It's a legal mess and only the Crown can fix it.	
	GEOFFREY MELVIN	
	And that's the goal is it, to get these onto a proper legal footing and then earn the income from the rentals?	
	EDITH DOCKERY	
	Yes.	
	GEOFFREY MELVIN	

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	Right, it's not to have the houses disappear, it's to formalise their title and then earn income from the leases? The goal as I understand from what you're saying is to not eject the people from the road but to formalise their –	
	EDITH DOCKERY	
	Their tenancy, yes.	
	GEOFFREY MELVIN	
	- tenancy, right.	
	EDITH DOCKERY	
	Yes in a nutshell that is, I could ramble on and talk about the suffering that we have undergone in order to get a proper resolution but you don't want me crying over the microphone so.	
	GEOFFREY MELVIN	
	No well I'll leave it there then but thank you very much, that's very interesting, very helpful clarification. Tenā koe.	
	JUDGE AMBLER	
	Kia ora, e noho, e noho, have a seat, you don't need to stay standing. Do other counsel have any questions? No?	
	SIR HIRINI MEAD	

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	I agree, tēnā koe.	
	EDITH DOCKERY	
	Kia ora.	
	SIR HIRINI MEAD	
	First question, what does a frustrated trustee look like? Kia ora. Now next question. These houses that are built on the road, no doubt you as trustees have looked at various ways of dealing with it? Like a bulldozer, bomb, have you tried to shift the road?	
	EDITH DOCKERY	
	Um, yes to, yes to all your options there. In around about 1990 I daresay, when I probably came onto the trust as a trustee there had been a 15 year condition put on the tenants in the baches on the foreshore, as we call it, on the road, to remove themselves, they had been given 15 years to remove themselves. Then people who didn't want to go, who didn't see why they should go but who wanted to stay on a more legal basis, they didn't go. Consequently they stayed but nobody had ever had a meeting with them, I mean the trustees had never met on either semi-social or a more formal basis with them, so one of the first things we did was, we decided we would have a meeting on Te Maika. We put down a hāngī to make it a friendly meeting and we discussed the situation with them. And this is 20 years ago and we got the assurance from them that they would like to	

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	stay on as tenants, they understood that there would be probably 100 percent increase in their tenancy, in their lease, but they still wanted to stay because Te Maika is an extremely attractive place for people who need to relax.	
	SIR HIRINI MEAD	
	What hapū are these people from?	
	EDITH DOCKERY	
	Show me a moneyed hapū and I will have them, they are not, oh, there are some people on the road who continue to be whānau of Ngāti Mahuta but mainly they are not from, they're Ngāti Pākehā.	
	SIR HIRINI MEAD	
	Thank you, I don't think I can push this any further and I don't think we've found a way for it have we?	
	EDITH DOCKERY	
	Not yet except through, I see our main, the answer to our problem is probably through local body, through the Waitomo District Council and dealing with them and the plan that Errol Balks has produced, you have, exhibit A is only a summary of a plan that is about that thick. So he is doing a wonderful job. He's not going to get paid, he hasn't, well he hasn't been paid. I mean if the Tribunal decides to recommend certain things then Errol Balks would be a very	

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	happy man.	
14:59	**SIR HIRINI MEAD**	
	Thank you e kui.	
	EDITH DOCKERY	
	Thank you.	
	JOHN BAIRD	
	Thank you very much Ms Dockery. Just a question about the loan that was 60,000 went up to 200 and back to 60, has that been paid off now?	
	EDITH DOCKERY	
	Oh, yes.	
	JOHN BAIRD	
	Yes.	
	EDITH DOCKERY	
	That was paid off with great difficulty but it has been paid off, it was paid off within a couple of, a year, couple of years?	
	JOHN BAIRD	
	Yes so it's no longer around your neck so it's a matter of	

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	going forward now?	
	EDITH DOCKERY	
	Definitely forward.	
	JOHN BAIRD	
	Yes.	
	EDITH DOCKERY	
	Definitely.	
	JOHN BAIRD	
	And the council really I guess are the people who can make changes?	
	EDITH DOCKERY	
1500	Yes. Um, I presume that the council is a, is an agent to the Crown is it?	
	GEOFFREY MELVIN	
	The Crown's position is generally that local bodies are not the agent of the Crown so.	
	JOHN BAIRD	
	Do you have a local councillor who you, who can – is he or	

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	she interested in this at all?	
	EDITH DOCKERY	
	We've been dealing with the Mayor of Waitomo District Council. We've had meetings with the Mayor. He has come out here but then there've been six Mayors. We – I mean if, if we could say that we hobnobbed with the, with the elite of the Waitomo District Council, we've done it six times, but at the moment we are – we continue to deal because what else can we do? We just continue to deal with the people that we think can help us the most, as we are doing today of course. But we live and hope.	
	JOHN BAIRD	
	Thank you very much.	
	JUDGE AMBLER	
	Tēnā koe. I just want to be very clear on one or two matters. You say you still have some stock that you are running that generate a small income, so how many, how many stock do you have? How many sheep and do you have a farm manager or is someone within the whānau just doing it?	
	EDITH DOCKERY	
	We do not have any fire control on Te Maika, so the – one of the ways of controlling the pasture in dry weather is to run stock, is to run sheep. We have a small herd of must be a 100, 100 ewes something like that. We've only recently	

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	been able to afford to buy rams. Previously one of trustees is a farmer and he at his own expense, goes down to Te Maika and looks after the animals. We pay for the drench and give a koha to the shearers. It isn't the full pay the shearers would get, but we live, we live on the goodwill of people, and their aroha for the King.	
	JUDGE AMBLER	
	Yes.	
	EDITH DOCKERY	
	But the flock of sheep, if we sell wool and wool's not worth much at the moment, but if we sell anything like that, basically that and money from rentals also go back into animal husbandry and weed control.	
	JUDGE AMBLER	
	All right so, so that the farming operation to the extent that you have one, is not a business as such.	
	EDITH DOCKERY	
	It could become one. It would've been one, but it isn't at the moment, no.	
	JUDGE AMBLER	
	No all right. Now I'm looking at the Māori Land Online digital plan, which shows your title Te Maika B it's known as in –	

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	otherwise known as Pārāwai Native Township B, and you talk about the baches that are on the road reserve?	
	EDITH DOCKERY	
	It's not reserve, excuse, it's road. They are actually surveyed road.	
	JUDGE AMBLER	
	All right well road, on the road – it's the sort of – it is the same thing, but it's on what is designated road and I am assuming that this is on the harbour side, yes?	
	EDITH DOCKERY	
	Yes.	
	JUDGE AMBLER	
	And on my count on the satellite picture, there are about 21 baches there?	
	EDITH DOCKERY	
	Quite possibly yes.	
	JUDGE AMBLER	
	So there are about 20 baches built on the road?	
	EDITH DOCKERY	

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	Yeah plus one section has the ashes of a bach holder's grandmother on it.	
	JUDGE AMBLER	
	All right. In terms of what is actually housing built on your trusts' sections that were created by the township, how many houses are still on those sections?	
	EDITH DOCKERY	
1505	I knew somebody would ask me back, but I think there are about 12, 12 or so.	
	JUDGE AMBLER	
	About a dozen?	
	EDITH DOCKERY	
	Around about that number. We – I don't actually look after the, the leases as such. We have somebody else that does that and just sends out lease demands when they're due.	
	JUDGE AMBLER	
	All right, and for those 12 houses, people pay an annual rental of some amount?	
	EDITH DOCKERY	

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	They pay – they buy a lease and they pay an annual rental.	
	JUDGE AMBLER	
	Yes.	
	EDITH DOCKERY	
	The annual rentals are negotiable. Probably the leases are not, when they come up for renewal that's it.	
	JUDGE AMBLER	
	Mr Melvin asked you about the term of those leases and you're a little unclear in your reply as to what their term is.	
	EDITH DOCKERY	
	Oh.	
	JUDGE AMBLER	
	Are there 21 year -	
	EDITH DOCKERY	
	21 years with a review every seven years.	
	JUDGE AMBLER	
	All right, and is there a right of renewal or is it just 21 years?	

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	EDITH DOCKERY	
	21 years, but if they're good tenant's there and they want to renew it would be no problem.	
	JUDGE AMBLER	
	And so the trust's policy in the past has been to renew if they've been a good tenant?	
	EDITH DOCKERY	
	Yes.	
	JUDGE AMBLER	
	Okay. So leaving aside those 12 houses there's the 20 houses on the road, and are you saying to us that they also pay you something or not?	
	EDITH DOCKERY	
	No.	
	JUDGE AMBLER	
	No. All right.	
	EDITH DOCKERY	
	Well, beg your pardon. I think there are two that pay us $8 to	

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	hold a section behind their own – the bach on the road.	
	JUDGE AMBLER	
	Yes, I see that they all seem to align with sections that you have behind them.	
	EDITH DOCKERY	
	Yes, but only a couple of them now pay an $8 sort of a holding thing. If they should be shifted then they could shift back onto those pieces of land and they would then be on (inaudible 15:07:11) land.	
	JUDGE AMBLER	
	Okay. And I'm assuming that they're all baches or are there some permanent residents?	
	EDITH DOCKERY	
	They're all baches.	
	JUDGE AMBLER	
	Now, returning to the plan that Mr Balk has come up with. Bulls. Is that how you say it?	
	EDITH DOCKERY	
	Balks.	

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	JUDGE AMBLER	
	Yes. But he has been involved for a few years as I see it.	
	EDITH DOCKERY	
	Yes.	
	JUDGE AMBLER	
	And there's an agreement in principle with the councils?	
	EDITH DOCKERY	
	Yes.	
	JUDGE AMBLER	
	And as I understand it what is proposed is that the roads and other reserves be returned to the trust. Yes?	
	EDITH DOCKERY	
	Yes.	
	JUDGE AMBLER	
	And then you will, you intend to enter into some lease arrangement with those 20 houses that are built on the road?	
	EDITH DOCKERY	

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	Yes.	
	JUDGE AMBLER	
	But there's some exclusion in relation to a couple of them and I just want to be clear. There was the reference to Alan Green who is in fact Phillip Green, a lawyer, is it?	
	EDITH DOCKERY	
	Yes. Could I just explain there? Phillip Green also is an advisory trustee to us.	
	JUDGE AMBLER	
	All right. So he's going to be dealt with differently.	
	EDITH DOCKERY	
	Is he?	
	JUDGE AMBLER	
	Well that's what I'm asking. Mr Balks' letter says that two titles will not be returned to the trust.	
	EDITH DOCKERY	
	I think that needs qualifying because basically what he's talking about is that there are – there's a, there's a section, what's their name, there's the school -	

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	JUDGE AMBLER	
	Is that Mr Condors?	
	EDITH DOCKERY	
	The Condors and the other, there's another section that is taken up by people who don't pay any rent, they're on as blood reserve. I can't think of their name at the moment. Anyhow, they went to the council and somehow persuaded council that they should be allowed to remain on esplanade reserve even though, if they did, they would be landlocked by the Maika lands surrounding them, and that is another thing that we have to resolve because we would object strongly to them staying there. But council at the moment have told them that they can stay.	
	JUDGE AMBLER	
	All right well -	
	EDITH DOCKERY	
	It's a mess.	
	JUDGE AMBLER	
	It is a multi-headed mess I can see that, and, as you say, it would have probably been better had we heard the report on the native township first, but you've provided some very good information to us so we will probably learn a little more as to	

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	how this came about. But as I understand, were you to say, the building on the road just began with the first person who convinced the council and then others followed. Is that right?	
	EDITH DOCKERY	
	No. As I understand it, and this is only from what I have been told, the evidence I've given in my brief is mainly what I know and have lived myself, but when the baches were built, if Alan could confirm a little about this, that they were built by Mrs Gibbons to begin with, were they?	
	ALAN RUBAY	
	Yes, there was a few built, but also near the levee, near what they call, that's where Hoturoa climbed the hill. We used, too hard (inaudible 15:11:32) up on the hill but just down below she had a few cottages there that she used to rent out for holiday, you know, like holiday homes when she had the place, and then carrying on from there there were more, they just started to, started to develop all the way along there along the waterfront.	
	JUDGE AMBLER	
	Did Mrs Gibbons own some other land out there?	
	ALAN RUBAY	
	No she was leasing, leasing, she was leasing the place and farming it. As you heard in my evidence before that they were farming Te Maika, part of Tahāroa and Albatross and	

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	that's how they all started –	
	JUDGE AMBLER	
	I see. All right, okay. Now just finally then, the final matter I want to just be clear on is you now seem to, after all of these years, have got a bit of a plan of action, and if the Tribunal were to find the Crown at fault and this were able to be dealt with as a discrete issue, how are you saying to the Crown that it would help today for you to tidy up the problem? What is needed?	
	EDITH DOCKERY	
	I didn't know you were going to ask me that or I would have asked for a bit of extra time. But basically I think we are good managers and if we – I have run other businesses but this is not like any other business. I see it as every project needs a starting pūtea and it's up to the people who accept that pūtea to take it forward. It's a little bit like the parable of the talents; you give – here's so much. You go away and increase it. And I think that the trust has enough nous to be able to do that, but it needs that starter, and it needs to have quite a large starter because not only do we need to go forward, we need to make sure that we don't have any more mess left behind and that sounds a little visionary but that, that is basically I think what we would be looking at is enough to clean up the mess that we've got. I think our trustees have, have given themselves; as well as their time, they've put their whole heart and soul into making Te Maika what it or trying to make Te Maika what it should be and it can be. I	

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	think we are stuck in the mode now of a holiday type of place.	
1515	I don't think we can go back now to farming as it would've been, mean 450 odd acres is quite a reasonable thing, but in today's world we're a little far from markets and so forth, so I think it has to be that you need place where you get away from everything and it becomes your holiday place where you go back, you go back in time. You renew your batteries and I see that as the kind of place that we could make Te Maika.	
	JUDGE AMBLER	
	Well, the point is that you are at a unique point in time where you actually have a plan to put in place. You have some expertise there in the form of Mr Balks who seems to have come up with some options. You seem to have the council's beginning to see some solutions and you are now looking to the Crown to assist in some way. I think that is as far as we can take that, but it may well be a matter that the Crown would like to follow-up on if it sees these sorts of discreet issues as deserving attention. Thank you. is there anything arising Ms Swaan?	
	ROBYN SWAAN	
	No Your Honour that'll be all.	
	JUDGE AMBLER	

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	Kia ora kōrua.	
	EDITH DOCKERY	
	Thank you, thank you very much.	
	JUDGE AMBLER	
	Kia ora tātou. I understand that we are now moving to the final witness.	
	AIDAN WARREN	
	Yes thank you Judge. The final witness on behalf of Ngāti Mahuta this week is Shirley Tūteao. Her evidence is document #J16. There are couple of paragraphs that Ms Tūteao will have taken as read but she'll lead us through those as we go through her presentation. Thank you Shirley, when you're ready you can present your evidence to the Tribunal.	
	SHIRLEY TŪTEAO	
	Kia ora huihui tātou i raro i te tuanui o tō tātou whare. Tēnā tātou katoa. Koinei he pepeha nāku, me kī nā taku tungāne hei tīmata i ahau, Jason King. Whakapiripiri mai ki te tāhūhū o Auau-ki-te-rangi he oranga hinengaro, oranga tinana, oranga wairua. He tumu ki Maketū ka ruka ki Tahāroa, Te Ōhākī ki korā. Ngāti Mahuta ki te hauāuru kia mau ki te kōrero – kia mau ki te korowai o te aroha me te whakaiti. Pai mārire.	Greetings everyone, gathered in our ancestral house. My saying I offer here to commence my evidence. Come close under the roof of Auau-ki-te-rangi as sustenance for your intellect, for your body and your spirit. The tuma at Maketū, unto Tahāroa and the Ōhākī at Kōraha. Ngāti Mahuta to the western winds, Te Hauāuru, hold fast to the words and the cloak of love and humility.

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	Translate is this – gathered together under the haven of Auau-ki-te-rangi where the mind, body and spirit is nurtured. Anchored at Maketū across to Aaruka at Tahāroa and on to Te Ōhākī at Kōraha. The coastal descendants of Ngāti Mahuta adorned the cloak of humility, Pai Mārire.	
	As by way of introduction, my name is Shirley Tūteao (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 Tahāroa. I was born and raised at our family homestead called Te Waipounamu (the treasured waters). I am the youngest daughter. 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. I am a mother of 3 children and have 13 mokopuna. I grew up with the knowledge that we are all descendants of Ngāti Rangitaka, Ngāti Huiarangi and Ngāti Te Ata, through both of our parents. As other witnesses have explained, these hapū were gifted the name of Ngāti Mahuta by Kīngi Mahuta, the third reigning Māori monarch. This occurred at Te Kōraha Marae after he departed Tahāroa, to never return again. From then on all hapū of Te Kōraha, Aaruka and Maketū Marae were combined and known as Ngāti Mahuta (or Ngāti Mahuta ki te Hauāuru, to differentiate the coastal	

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	Ngāti Mahuta from inland Ngāti Mahuta). Maintaining Mana Whenua: Although my parents lived in Tahāroa for all of their lives, our family has a long history of maintaining the mana whenua of Ngāti Mahuta ki Tahāroa and Ngāti Mahuta ki Maketū. This began with our grandfathers, Koro Wani King and Kana Te Puhi, who both maintained proactive roles at Maketū Marae. They were the beginning of a long line of executive members of the marae that was to follow in future years. From that platform stems an unbroken line of commitment to the ahi kā of Ngāti Mahuta mai Tahāroa ki Maketū. After our tūpuna 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 Maketū Marae trustee and have remained so for the last 17 years. I also acknowledge the other chairpersons who have served in between our families, such as John (Tata) Keepa, Peter Sidney Tūteao and Alan Rubay. 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 Ngāti Mahuta encompassed the boundaries of Tahāroa through to Maketū.	

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	1We were always reminded by our parents of our affinity to Maketū Marae and the importance of maintaining ahi kā when growing up. We would do this by travelling back and forward to Kāwhia for the annual Maketū 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 Kāwhia Harbour by boat. Now I go through my roles with Ngāti Mahuta. My Roles within Ngāti Mahuta include: Trustee for Maketū Marae (as stated above); Te Kauhanganui member in the Tainui governance parliament at Hopuhopu for the last 13 years; Trustee of Te Rūnanga o Ngāti Mahuta ki te Hauāuru for 8 years; and Justice of the Peace to assist the community of our tribal estate and many other communities. 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 Ngāti Mahuta in relation to the matters set out in my kōrero, which are:	
1525	Ngāti Mahuta today; (b) The key challenges facing Ngāti Mahuta, both in general and also for our rangatahi; (c) The establishment of Te Rūnanga o Ngāti Mahuta ki te Hauāuru;	

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	and (d) Ngāti Mahuta aspirations for the future. To my knowledge, there are around 4,000 Ngāti Mahuta (ki te Hauāuru) members. The majority of the hapū members live in New Zealand. Some live throughout the boundary of Ngāti Mahuta at Tahāroa, Kāwhia, Hamilton, Hauturu, Aotea, Ngāruawāhia, Waitomo, Ōtorohanga, Te Awamutu, Pirongia, Te Kūiti, Marokopa, Whaingaroa and other outlying areas, including Mōkau. Others live in and around Auckland, the South Island, Taranaki, the East Coast and many other parts of New Zealand. Many tribal members now live in Australia for work and/or to play sport. Otherwise they are scattered throughout Asia, America and Europe. Our hapū members are involved in different professions such as law, health, education, teaching, Te Reo Māori, environmental, trade and engineering and many other sectors. Ngāti Mahuta members range from the very proactive to those that are totally removed from local events. Many of the tikanga that we grew up with continues to be practised today. The tribal members from the three marae maintain and uphold the tikanga of our tūpuna. This is particularly the case with events such as the annual poukai at Maketū Marae where tribal members get to host the reigning monarch, Kīngi Tūheitia, descendant of Kīngi Mahuta. Another event that we celebrate is the annual	

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	koroneihana (coronation). This is celebrated at Te Kōraha Marae and is a one-day event held on the same day as that which is held at Tūrangawaewae each year. Despite tribal members having different views when attending hui, kotahitanga (togetherness), whakaiti (humility) and whakapono (faith) usually reign, allowing for a one-minded outcome. Kaumātua views are seriously considered and decisions are made as tribal members move ahead together for the betterment of the tribe. Key Challenges for Ngāti Mahuta There are a number of challenges facing Ngāti Mahuta 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. Although we have kaitiakitanga for the takutai moana and tribal members in Environment Waikato, there is a lack of involvement of Ngāti 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 Kāwhia and Aotea Harbours, namely the Shore Futures This is partly due to some hapū members having a lack of	

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	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 Tahāroa. 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. If we can go directly to 24 please. There are also identity issues for Ngāti Mahuta in that many assume that we are Maniapoto. This assumption undermines our ability to address agencies such as the Federated Farmers...	
1530	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 (Maketū, Āruka and Te Kōraha) have been included as marae of the Ngāti Maniapoto Māori 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 Ngāti Mahuta ki uta and have our own identity and mana. We are not part and parcel of Ngāti Maniapoto. This insinuation has a serious impact on	

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	our identity and our mana. 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 Ngāti 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 Ngāti Mahuta affairs to record boundaries correctly and consistently. This includes not only neighbouring hapū 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 Ngāti Mahuta rangatahi to keep Te Reo Māori me ngā tikanga and the concept of the Kīngitanga alive for our hapū. Most of our rangatahi grew up with the knowledge that their parents and/or tūpuna were chastised for using Te Reo Māori 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 Māori leads to punishment. So why would I want to learn Te Reo me ngā tikanga? Our rangatahi no longer have an interest in Te Reo Māori	

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	and, for many, they do not want to revisit that again. Thereby a generation of Te Reo Māori learners is lost and, with the loss of our language, our culture is also lost. 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 whānau. Te Reo Māori me ngā tikanga does not feature high in their lives, or is even non-existent. In my view, how we revitalise Te Reo for Ngāti Mahuta and its descendants rests with three key people in the tribal estate - Haki Tuaupiki, Roy Willison and Jason King, our remaining koroheke and rūruhi, as well as a handful of others, including Sonny Te Ako. For our Ngāti Mahuta tūpuna, a lot of their strength was drawn from the kaupapa of Kīngitanga. 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 Kīngitanga. However, our old ways of learning through traditional whare wānanga and marae have been suppressed. We are instead expected to attend modern day institutes, which is a takahi on our mana whenua. Isolation and higher school learning for rangatahi in Tahāroa and Kāwhia is another challenge. The Tahāroa and Kāwhia Primary School education system only goes to year eight and all other levels of schooling are accessed well outside of both	

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	Kāwhia and Tahāroa (approximately 112 kilometres). 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. 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 Rūnanga o Ngāti Mahuta ki te Hauāuru Investigation for the establishment of a governance body for Ngāti Mahuta (ki te Hauāuru) 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 the North Island, an application for sprat – oyster farming, and the Foreshore and Seabed response to the Government's proposal. It was decided that Ngāti Mahuta needed a governance body to govern the historical, traditional, cultural, spiritual and intellectual affairs of Ngāti Mahuta tribal members. As well as myself, the founding members of the rūnanga were Ruhia King (nee Hepi), Verna Tūteao, Maea Marshall and Delwyn Hepi (nee King). Going through the process of setting up a legal structure such as Te Rūnanga o Ngāti Mahuta Charitable Trust was very long and arduous. The rules and regulations around legal structures presented an issue, particularly because	

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	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 rūnanga. 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 hapū. 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. The rūnanga is a registered charitable trust and is to be incorporated. As well as myself, the current trust members are Verna Tūteao, Maea Marshall, Roy Willison, Ruhia King, Tom Moke, John Forbes and Cathy Moke, and in addition is Jason King. The purposes of the rūnanga are to protect, to preserve and to administer Ngāti Mahuta (ki te Hauāuru) interests and affairs and assets bequeathed by our ancestors for the benefit of all descendants of the tribe, both present and future. The rūnanga is also committed to enhancing, supporting and inspiring all tribal members to develop opportunities, to create healthy alternatives, to enhance	

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	education and to aspire to achieve great things in their lives. The goals for the rūnanga include: (a) Mana Whenua - To make sure the "protection of ancestral possession of land and records" is maintained. (b) Mana Moana - To secure hapū "recognition as guardians of the foreshore, seabed and waterways". (c) Mana Pūtaiao - To set strategies for the prevention of environmental issues. (d) Mana Tangata - To "progress into the future in unity" for ongoing excellence for education, knowledge and hapū systems of kawa and tikanga and future economic development with agriculture and aquaculture business opportunities. The costs of the work that we have carried out to date have come out of our own pockets. We have been on the look out 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. We now look at the Ngāti Mahuta aspirations In filing this claim we seek acknowledgement and recognition that our claims are well-founded and, importantly, that it was Ngāti Mahuta (ki te Hauāuru) that were prejudiced by the Crown in the area in which we claim mana.	
1540	Once our identity and our claims have been acknowledged and confirmed by the Waitangi Tribunal, we want to have the	

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	ability: To negotiate the return of our harbour; To review and analyse environmental surroundings and seek funding to access grants or other assistance to build on the capacity and expertise of Ngāti Mahuta tribal members; To work together with councils and other environmental groups to build and establish iwi and hapū resource management units and for the development of iwi and hapū resource management plans to address the concerns of Ngāti Mahuta. We also want to be able 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 Ngāti Mahuta values and goals in environmental management are followed and our participation in council environmental affairs increase. We want to assist our rūnanga by initiating opportunities to encourage Ngāti Mahuta values in the Kīngitanga, Te Reo Māori, and also to encourage cultural, historical, social and economic growth, and education for the recognition and preservation of Ngāti Mahuta individuals' responsibilities, obligations and well-being; To assist with initiate – oh, we also want, we also want to	

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	have the ability to assist with initiating ongoing education and wānanga (as well as the above), information on coastal land marks, place names along the coastal boundary, mātaitai (kai moana) location and information of significant events. (g) We want to maintain Ngāti Mahuta ties with the Kīngitanga and educate our rangatahi about the historical importance of the Kīngitanga in our rohe; and lastly, to assist in protecting the waka from example, environmental impacts, based on our duties as kaitiakitanga. And I asked that you go to, excuse me 44. Overall, this claim is about Ngāti Mahuta having autonomy and future economic opportunities, example, development (i.e. aquaculture). It is also about ensuring that there is less bureaucracy and more time "playing on our field" instead of just sitting in the stands watching others play our game for us. And if we can turn directly to 46 please, and I close at this time by leaving you – I won't – although we've gone to 46, excuse me, um, I would like the opportunity to leave you with a waiata after questions, and that Waiata would include some historical landmarks that are significant to Ngāti Mahuta and supports our claim.	
	AIDAN WARREN	
	Kia ora Ms Tūteao. Just remain there an answer any questions.	

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	JUDGE AMBLER	
	Mr Melvin.	
	GEOFFREY MELVIN	
	Thank you Sir, just a couple of questions. Tēnā koe Ms Tūteao. You refer to project to construct some windmills in Tahāroa.	
	SHIRLEY TŪTEAO	
	Yes.	
	GEOFFREY MELVIN	
	When, when was that project?	
	SHIRLEY TŪTEAO	
	The project has been ongoing for and still currently is over the last six years, perhaps seven even.	
	GEOFFREY MELVIN	
	Right and are you still in discussions with the Department of Conservation about it?	
	SHIRLEY TŪTEAO	
	No, they have come to a solution and now we continue to	

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	move on.	
	GEOFFREY MELVIN	
	What's the solution?	
	SHIRLEY TŪTEAO	
	After many discussions, they've allowed further resource consent to – let me think for a second.	
1545	I might get the assistance of Tom but could you repeat the question once again please? I just want to be clear.	
	GEOFFREY MELVIN	
	Yes. You said you've come to a solution. I was just asking you what the solution is but perhaps I could just shortcut it by asking whether the matter is now resolved?	
	SHIRLEY TŪTEAO	
	Yes it is.	
	GEOFFREY MELVIN	
	Thank you.	
	SHIRLEY TŪTEAO	
	Yes. Thank you.	

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	GEOFFREY MELVIN	
	And in paragraph you refer to the fact that schools here in Kāwhia and Tahāroa go only to year 8 and students have to travel to go to school beyond that.	
	SHIRLEY TŪTEAO	
	That is correct.	
	GEOFFREY MELVIN	
	Was there previously a high school in the districts?	
	SHIRLEY TŪTEAO	
	Definitely Kāwhia. Definitely Kāwhia.	
	GEOFFREY MELVIN	
	And when did that high school finish?	
	SHIRLEY TŪTEAO	
	Oh approximately 30 years ago, Kāwhia that is.	
	GEOFFREY MELVIN	
	Right, so there hasn't been a high school here for the last 30-odd years?	

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	SHIRLEY TŪTEAO	
	I'd say yes.	
	GEOFFREY MELVIN	
	Thank you very much.	
	SHIRLEY TŪTEAO	
	Thank you.	
	JUDGE AMBLER	
	Other counsel? No.	
	JOHN BAIRD	
	Yes, thank you very much Ms Tūteao. Just looking at your paragraphs 21 and 24. And 21 is the one that you've just been discussing with Mr Melvin about DOC's efforts to stop the wind turbines.	
	SHIRLEY TŪTEAO	
	Yes.	
	JOHN BAIRD	
	And also building relationships with local and regional councils. In 24 you talked along similar lines about Ngāti Maniapoto, and I just wondered, do you actually have	

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	projects or people who are responsible for actually moving these things forward so that you're proactive as opposed to just feeling that other people are not coming to you?	
	SHIRLEY TŪTEAO	
	If we, I'd like to refer to the first part of your question, and I understand that is to do with the DOC project.	
	JOHN BAIRD	
	Yes.	
	SHIRLEY TŪTEAO	
	Judge, thank you. And the question last please.	
	JOHN BAIRD	
	I guess I was quite interested that you appeared to have the same problems with DOC as you did with that Ngāti Maniapoto, and are you proactive in resolving these issues?	
	SHIRLEY TŪTEAO	
	I understand as an individual and as a shareholder of the Tahāroa C block who are the people who are responsible for constructing the wind mills. I personally, I'd just like, from my own experience, of attending a number of hui, a number of hui, so we have been proactive. There were hui set up with DOC and, and the Tahāroa C. Yes I attended many. It wasn't an easy process or a quick process but I understand	

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	that during that time yeah DOC were very – I'm not very, not very, not very...	
	JOHN BAIRD	
	Well you've resolved that so that's great.	
	SHIRLEY TŪTEAO	
	Yes, yes.	
	JOHN BAIRD	
	I mean can you take the same sort of approach with Ngāti Maniapoto?	
	SHIRLEY TŪTEAO	
	Yes I'd say yes we are in the same position as they are, yes. We have been with DOC.	
	JOHN BAIRD	
	You're talking about -	
	SHIRLEY TŪTEAO	
	They have been quite difficult to work with, but as you say, we've worked through it.	
	JOHN BAIRD	

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1550	Thank you very much.	
	SHIRLEY TUTEAO	
	Thank you.	
	JUDGE AMBLER	
	Tēnā koe. We've heard about Tahāroa C Incorporation but haven't heard from the incorporation, and I just was interested because earlier in the week when I heard about the mining I was wondering what the long-term plan is for the incorporation given that I assume that eventually the iron sands will be depleted. I'm not sure if they replenish or not. But am I right in understanding that the windmill project is being fronted by Tahāroa C?	
	SHIRLEY TŪTEAO	
	That is correct.	
	JUDGE AMBLER	
	And that is seen as a significant strategic move for the future?	
	SHIRLEY TŪTEAO	
	Yes I understand it and I believe it to be as moving forward for Ngāti Mahuta yes.	

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	JUDGE AMBLER	
	And am I right that eventually the iron sands will run out, or do they naturally replenish?	
	SHIRLEY TŪTEAO	
	I'm not an expert at it but it doesn't seem to have run out to date. If I may say, as of last year they thought they'd depleted but we now have another 15 year contract. I know that the experts are here, members of the Tahāroa C are here, but that's my understanding. We have now another 14 to 15 years contract, so...	
	JUDGE AMBLER	
	14 or 15?	
	SHIRLEY TŪTEAO	
	Yes, 14 to 15 years.	
	JUDGE AMBLER	
	Okay. The second matter was, and I'm only asking you really because you're the last one standing.	
	SHIRLEY TŪTEAO	
	If I may refer to my colleagues **(inaudible 15:51:44)** thank you.	

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	JUDGE AMBLER	
	Well it was just a place –	
	SHIRLEY TUTEAO	
	My whānau.	
	JUDGE AMBLER	
	A place name that was referred to by Dr Grant Young in his paper and elsewhere, and there's a reference to Kāwhia Springs, and I didn't understand what Kāwhia Springs is. Can you answer that or is there someone else who can just help me with what that is?	
	SHIRLEY TŪTEAO	
	I can make a comment on it and then I can get the expert in it.	
	JUDGE AMBLER	
	Yes.	
	SHIRLEY TŪTEAO	
	But otherwise I understand it to be Te Wai o Rona.	
	JUDGE AMBLER	

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	I see nē? Okay, all right that makes sense, Te Wai o Rona. And the final matter is you've given some figures of population for Ngāti Mahuta, Te Tai Hauāuru.	
	SHIRLEY TŪTEAO	
	Mhm.	
	JUDGE AMBLER	
	And I think Verna had talked earlier in the week about how accurate figures are and so forth. But you've given a figure of 4000. What is that taken from?	
	SHIRLEY TŪTEAO	
	I did, I did make mention to my knowledge that I, I believe that there was around 4000 people but at – it was obviously, if I may say, through my knowledge of the interconnection with all the different families through that whakapapa.	
	JUDGE AMBLER	
	So that's your own estimate?	
	SHIRLEY TŪTEAO	
	Yes it is.	
	JUDGE AMBLER	

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	All right. Now just in terms of the communities that we've been discussing. So basically here at Maketū. How many Ngāti Mahuta people would be permanent residents here? How many are still haukāinga? A rough guess.	
	SHIRLEY TŪTEAO	
	If I may refer to someone that's actually – do you mind?	
	JUDGE AMBLER	
	No that's fine. If there's someone – who are you looking to?	
	SHIRLEY TŪTEAO	
	Merv? Merv.	
	JUDGE AMBLER	
	Merv, can I get you back up here?	
	SHIRLEY TŪTEAO	
	Yeah, if you could just direct your questions to Merv please.	
	JUDGE AMBLER	
	Yes, you're not in trouble, don't worry. How many Ngāti Mahuta would be permanent residents, home haukāinga here at Maketū/Kāwhia township?	

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	MERV RANGA	
	About 40 of us.	
	JUDGE AMBLER	
	About 40?	
	MERV RANGA	
	Yes. Nāianei.	
	JUDGE AMBLER	
	Yes. And how many, probably back to you Shirley, but how many at Tahāroa?	
	SHIRLEY TŪTEAO	
	Approximately 250 to 300 people.	
	JUDGE AMBLER	
	And I'm imagining that the big difference there is that you've got the iron sands business providing employment?	
	SHIRLEY TŪTEAO	
	That's correct and I think I refer to that in one of my points earlier. Not specifically but yes.	

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	JUDGE AMBLER	
	Kia ora e kui. Mr Warren, nothing arising?	
	(UNIDENTIFIED SPEAKER)	
	No questions.	
15:55:16	**SHIRLEY TŪTEAO**	
	Kia ora tātou.	
	JUDGE AMBLER	
	Kia ora. Tō waiata.	
	SHIRLEY TŪTEAO	
	Taku waiata.	
15.55.26	**WAIATA**	
	Tau ana ki runga i te tihi o Rangipā *Titiro whakararo ko te ōhākī ki runga ko ranga* *Hoki whakamuri ki ngā tai papaki o Honepaka* *Ka papa atu ki te pātaka [ngaru?] o Paparoa* *Whakarongo kau ana ki te rangi uru noa ana o te one* *Whātoro atu ki te ruku hīnaki ki te roto o …* *…ki te Tahāroa runga a ruka* *Pikihia a Mangatangi te tihi o …* *… whakararo atu ki Muriwhenua* *Ki ngā kōiwi mātua tūpuna* *Ka tangi tonu te hauāuru moana*	*Resting upon the summit of Rangipa* *Gazing down upon Te Ōhākī* *And turning to the tides that crash without at Honepaka. And onward to Paparoa.* *I listen to the sound of the sea* *And upon the roto of Tahāroa, and unto Te Tahāroa, ascending the summit of Okioki.* *To the resting pace of the ancestors* *And the western winds blow*

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	Huri taiāwhio i te rohe o te Tahāroa *He tangi nō mai rā anō* *He tangi nō ngā mātua tūpuna* *Whakawhiti atu ki te ahurei, ki te waka Tainui* *ki Auau-ki-te-rangi i runga Maketū* *Auē huri taiāwhio ko Ngāti Mahuta*	*Aand heading over the realm of Tahāroa* *And the wind moans and blows as of the ancestors* *And traversing to te Ahurei to the sacred waka Tainui upon Maketū* *And turning, we are Ngāti Mahuta.*
	JUDGE AMBLER	
15:57:09	Kia ora kōutou, Ngāti Mahuta.	
	That's the evidence, the end of the proceedings for the week. I anticipate there's nothing arising.	
	No reira kei a koe, te pāpā.	
	HARRY MIDWOOD	
	(inaudible 15:57:33) those numbers that you adduced of the 300-odd at Tahāroa and the 40-odd that are here in Maketū, I'd have to say that that of course doesn't represent the whole of Te Tai Hauāuru-Ngāti Mahuta. There's 800-odd at Tahāroa and there's 40 odd that are here at Maketū. I'd have to say that this of course doesn't represent the whole of the Te Tai Hauāuru- Ngāti Mahuta. There are 800 odd in my branch alone. I'm only one family, and there's thousands of others spread throughout world, so just make that clear. Kia ora.	
15:58:20	**PROFESSOR HIRINI MEAD**	
	Kāti, tēnā tātou. Tēnā tātou i te mea kua tae mai ki te mutunga o ā tātou mahi mō tēnei rā. Nō reira ka mihi ki a koutou ngā rōia tae atu ki a koutou o te Karauna, ngā mema o te Rōpū Whakamana i te Tiriti, kua tutuki ā tātou mahi mō	Ladies and gentlemen, we have reached the conclusion of our work for this day. I want to commend the legal counsel and the Crown team, and the support staff of Waitangi Tribunal, and unto the members. We have completed our

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	tēnei wiki. Nō reira ka huri atu ki a koutou te iwi kāinga, koutou ngā rangatira o tēnei marae, ngā rangatira o Te Rohe Pōtae, tēnei rā tātou kua hui mai i te Mane tae noa mai ki tēnei rā. I horahia ngā kōrero ki roto i tō tātou whare i mau ki ngā pakitara o te whare. Ko ētahi o ngā kupu i mau i ō tātou taringa, ngā mea pai ngā taringa ki te hopu kōrero, he nui ēnei kōrero. Kōrero hōhonu, kōrero tawhito, kōrero whakamārama mai i te āhua o koutou o Ngāti Mahuta, nā te mea i tēnei huihuinga ā tātou ko koutou te tangata whenua, ko koutou kei te whakatakoto i ā koutou kōrero kia mōhio ai te Rōpū Whakamana i te Tiriti o Waitangi he aha ā koutou kerēme.	tasks this week, and so we call upon the home people, the leaders of this marae, and leaders of Te Rohe Pōtae. Here we are, who have gathered here commencing on the Monday unto this day. Evidence has been laid forth in our house. Some of the words our ears pricked up, and we had many, many stories and narratives of depth from ancient times, and clarifying narratives from you Ngāti Mahuta, because in this week, you have been the home people, and you have laid forth your stories and narratives so that the Waitangi Tribunal is clear what your claims are, and the - so ...
1600	He aha ā koutou nawe, he aha ā koutou whakamārama, ā koutou kōrero kia mārama ai mātou. Engari ko tētahi mahi nui ā te Rōpū Whakamana i te Tiriti o Waitangi he āta titiro ki ā koutou kōrero. He rapu i te tika me te pono, ehara pea i te rapu i te mea ngaro, engari he rapu i te tika me te pono. Tae rawa ki te mutunga o ā tātou mahi ka mārama ngā kaupapa katoa e pā ana ki Te Rohe Pōtae, ki tēnā iwi, ki tēnā iwi, ki tēnā iwi, ki tēnā hapū, ki tēnā hapū, ki tēnā hapū. Nō reira nui atu ngā mihi ki a koutou mō te wairua o tā tātou hui mai i te tīmatanga tae noa mai ki tēnei wā. Koutou ngā kuia, ngā koroua, ngā mōrehu o Te Rohe Pōtae, ngā mōrehu o tēnei takiwā, nui atu ngā mihi ki a koutou. Me te mīharo ki te moana e ngunguru mai rā, me te mōhio he nui ngā kōrero e pā ana ki te moana mō Kāwhia. Kei a koutou ngā kōrero. Kei tēnā iwi, kei tēnā iwi, kei tēnā hapū, kei tēnā hapū. Heoi anō mātou o waho ka rongo, ka rongo ki ngā kōrero e pā ana ki tēnei moana, ki ēnei Kāwhia moana, Kāwhia tangata, ana ko koutou ēnei. Nō reira kāore e nui ake ngā kōrero, heoi anō	What your grievances are and the - so that we are clear. Engari, the great task before the Waitangi Tribunal is to look closely at your narratives and to seek the right path, and the truth. And we have completed all our works. We will be clear as to all parts of Te Rohe Pōtae, each tribe, each iwi, each hapū, and so great is my commendation for the spirit with which our meeting was conducted from the commencement unto this time. To the elders, the elders of Te Rohe Pōtae of this district, warmest greetings to you all. And it is with wonder that I think of the waters of Kāwhia and the many tales therein that you hold, each iwi, each hapū. We the outsiders have listened to the tales pertaining to the waters of Kāwhia, to the people of Kāwhia, to you people. I will not take too long, but my love goes forth to the matter that we have discussed from the Monday unto this time. Our love extends to you, and for the experiences of your ancestors which still reverberate to this day. So great is our compassion and sympathy to you and to your ancestors.

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	he aroha ki te kaupapa i whakahaeretia e tātou mai i te Mane tae noa mai ki tēnei wā. He aroha ki a koutou me ngā raruraru i pā ki ō koutou mātua tīpuna, ā e ngau haere tonu nei te āhua o ā koutou kōrero, kei te ngau haere tonu. Engari he aroha ki te hunga kua ngaro ki te pō, ana kua waiho mai ko tātou hei whiriwhiri, hei wānanga i ngā kaupapa nei. Nō reira ka mihi ki a koutou, tēnā koutou. Ā te wā ka tūtaki anō tātou nā te mea kei te haere tonu tēnei kaupapa. Ka huri haere te rohe, ā āhea rā ka mutu. Ana ko taku wawata kei te ora tonu ahau tae ana ki te mutunga o ā tātou mahi me ētahi pea o koutou, kuia, koroua, ka taea e tātou te mau haere tonu kia tae ki te mutunga o tēnei kaupapa nui. Nō reira me mihi rā ki te kaiwhakawā. He taumaha ngā mahi kei runga i a ia, ki te whakahaere i ā tātou mahi kia tika ai e ai ki ngā ture ā te Rōpū Whakamana i te Tiriti o Waitangi. Nō reira huri noa tō tātou whare, tēnā koutou, tēnā koutou, kia ora tātou katoa. He waiata tā tātou? Taku rākau?	And it is left for us to delve into the words left behind. In time we will meet again because the hearings go on. We go throughout te rohe and my fondest hope is that I am still standing at the end, and I guess that would pertain to some of you elders. So be stout of heart through this process, and great acknowledgement to our Judge who has led our hearings and adhered to the laws which bind Waitangi Tribunal. So to one and all, thank you very much.
	WAIATA	
	Taku rākau e…	
	Nō reira te hunga mate, kua haere rā koutou, kua wehe atu i tēnei ao, ka mihi tonu ki a koutou, nō reira moe mai koutou. Ka huri mai ki a tātou te hunga ora ki roto i tō tātou whare, tēnā koutou, tēnā koutou, kia ora tātou. Kei a koutou.	To those who have passed beyond the veil, who have left for another world, abide in the Lord. We the living in our house -
16:06:24	**KARAKIA**	
	(Inaudible 16:06:20) no reira kia whakapaingia tōna ingoa i ngā wā katoa. Kia tau iho noa hoki ana manaakitanga ki runga i ā Kīngi Tūheitia, ā huri noa i te whare ariki o Pōtatau. He mihi taurangi tēnei ki a koutou Ngāti Mahuta, aku whānaunga. Whānaunga tata rawa nei nā te mea taku	Introductory chant from the orator. Praise the name of the Lord at all times. And may his blessings be bestowed upon King Tūheitia and the royal house of Pōtatau, pai mārire. Greetings to you Ngāti Mahuta, my close kin, as one of my ancestors is of Ngāti Mahuta. So I thank you for requesting

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	tupuna wahine … nō Ngāti Mahuta. Nō reira e mihi ana au ki a koutou kua tonohia mai nei e koutou ahau kia noho mai i runga i tō koutou paepae tapu i tēnei rā, nō reira kia ora koutou. Ka whai ngā tuāhine, ngā koroua, tō tātou … ngā maramara o tō tātou waka, ko Tainui, kia ora mai rā tātou, kia ora mai.… tēnei koroua, i te mea e tū ana au … mōhio ana ai koutou ko Maniapoto tēnei, ko … tēnei, Ngāti Mahuta, Ngāti Hikairo tēnei e haere nei tēnei o aku waewae, tōku whānaunga. Nō reira, e te kaiwhakawā, Tā Hirini … kia ora koutou. Kia ora koutou o te Karauna. Kia ora koutou ngā rōia kua haere mai nei kua rongo ai koutou ngā nawe kua whārikihia nei ki mua i a koutou. Heoi anō kāore e tōroangia tēnā kōrero. Heoi anō he mihi ake … i tēnei o ōku hoa, nō reira e tau ana.	my presence here. To the elders, I acknowledge you. You the remnants of our waka Tainui, I greet you. I will be brief. I stand here with one leg in Maniapoto and the other leg in Ngāti Mahuta, Ngāti Hikairo, my kin. So Judge Ambler, Dr Harris, Mr Baird, Sir Hirini and the Crown counsel, and the legal counsel who have come and heard the grievances that have been laid before you. I will not tarry but I acknowledge and greet you. I do not have a waiata. I think all my song birds have returned home. Perhaps it is because of my presence.
	Karekau āku waiata. Kāore au pea aku hoa wāhine. Kua okioki katoa pea ki te kāinga, ko kore he mea. Kite mai pea kei konei au kua kore e noho mai hei homai waiata māku...	
16:08:40	**WAIATA**	
	E pā to hau... *E pa te hau, he muri raro,* *He homai aroha.* *Kia tangi atu au i konei* *He aroha ki te iwi* *Ka momotu ki tawhiti, ki Paerau.* *Ko wai e kite atu?* *Keiwhea aku hoa i mua ra?* *I te tonuitanga, ka haere mai,* *Tenei ka tauwehe, ka raunga-iti au.*	*The wind blows upon me conveying love as I lament here.* *Great is my love for the people who have gone to the great beyond, to Paerau.* *Who will see them again?* *Where are my comrades of your -* *In the days of my full stature.* *I stand here disconsolate.*
16.10	Nō reira āpiti hono, tātai hono, ngā mate huri noa i tō tātou	All the losses throughout the land, farewell, proceed.

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	moana, tō tātou whenua, haere koutou, haere ... moe mai, moe mai … Ka hoki atu te rākau ki a koutou.	Proceed to Te Putahitanga o Rēhua. Rest, rest in peace. To the whānau, kia ora. Ngāti Mahuta, I return the oratory stick to you.
16.10.47	**MERV RANGA**	
	Tēnā koe, e te pāpā. Nō reira, e te kaiwhakawā, kua harikoa ngā ngākau, kua … mōku. He tohu pea tērā, he tohu pea tērā me titiro tātou ki te moana. Ko te kōrero tūturu ko Kāwhia moana, ko Kāwhia tai, ko Kāwhia tangata. Ko … whenua, ko Karioi maunga, ko Whāingaroa moana, ngunguru i te pō, ngunguru i te ao. Nō reira, e te kaiwhakawā, tēnā koe. Kei te mihi ki a koe, e te kaiwhakawā. Kei te mihi ki a koutou, kei te mihi ki a koutou te Taraipiunara Whakamana i te Tiriti nā te mea i te karanga ki muri, e rua marama ki muri, kātahi ka mōhio … e rua marama … ngā ripoata kei te haere, ngā whakahaere mō te marae, ērā mea katoa. Ngā kaimahi, ērā mahi whakateretere i a Ngāti Mahuta. Engari i roto pea i te whakateretere i a Ngāti Mahuta, ko te mua o te whare, te muri o te whare, kua pērā hoki te whakakotahi. Ahakoa he iti, engari te mea nui ko te whawhai. Nō reira kei te mihi … engari kei te mihi mō tēnei whakakotahitanga mō Ngāti Mahuta. Kei te kōrero haere, kei te wānanga haere ināianei … Nō reira kei te mihi ki a koutou, Tā Hirini, ko Mātaatua, i mua i te taenga mai o tērā tau ko … te ingoa o te taniwha kei roto o Kāwhia moana, engari ko te rohe … ko Kāwhia moana, ko Kāwhia tai, ko Whāingaroa, ngunguru i te pō, ngunguru i te ao … o tērā taniwha, ko te ao taioro, nō reira kei te mihi, kei te mihi, kei te mihi. Koutou … tēnā koe, kei te mihi. E te rangatira … kei te mihi ki a koe, tēnā koe. Koutou ngā kaiwhakahaere kei te mihi ki a koutou, te Karauna, tēnā koe. E kī ana a Kīngi Tāwhiao, kei muri i	Thank you my elder. So Judge, the heart is gladdened. Perhaps that is a sign that we must – should gaze out to the sea. And the saying for Kāwhia the seas, is Kāwhia seas, Kāwhia food, and Kāwhia people. And the lands of Aotea and Mount Karioi, and Whaingaroa that reverberates at day and at night. And so Judge Ambler, I acknowledge you. And to your fellow members, I want to thank you the Waitangi Tribunal because Ngāti Mahuta only knew two months ago of this week, so we had to scramble to prepare for this week, to gather our resources and man-power, but in our haste, to prepare the front of the house and the rear of the house to come together in unity. But we thank you for this opportunity to come in unity Ngāti Mahuta, and we press – carry on with our learnings oh Judge. Sir Hirini, you of the Mātaatua waka and remembering the taniwha Te Atai o Rongo and the waters of Kāwhia and unto Whaingaroa, Raglan, this is all the abode of that taniwha. So great is our gratitude to you members. Jenny and your team, thank you for your efforts. Acknowledgements to the Crown. Kīngi Tāwhiao's uttered the words, "Behind me is the ocean," and one of his other sayings, "I have a grandchild coming. It is a child, a girl child. It is Te Atairangi Kāhu." And he foretold the anguish of the advent of the Pākehā but he also foretold the coming of Te Atairangikāhu and the challenges facing the partners and the Tiriti o Waitangi. So the people of Te Atairangikāhu

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	ahau he moana, ko Pūrekireki ka puta, ka ora. Tētahi o ōna kōrero kei te haramai tōna mokopuna, he kōtiro, he wahine, ko Te Atairangikāhu. Tana kitea i te … tōna iwi, ka haramai te whaakaro o te Pākehā kua kitea. Te taenga mai o Te Atairangikāhu he … kitea tōna iwi ngā āhuatanga katoa o tērā o tāua o te Tiriti o Waitangi. Me hoki te iwi o Te Atairangikāhu ki ngā Māori mana motuhake. Ko tērā te kitea o tōna tupuna o Tāwhiao. Tēnei te wā ka kite mātou. Kua tino matatau ngā mokopuna kei te haramai. Ko mātou Ngāti Mahuta mō ngā mokopuna katoa kei te haramai. Nō reira koutou o te Karauna, kia mōhio koutou ko Ngāti Mahuta kei te matatau ana. Nō reira tēnā koutou. Mehemea kāore te Karauna, mate atu au tērā, e kī ana a Te Atairangikāhu, kotahi te kōhao o te nīra me kuhuna te miro mā, te miro whero, me te miro pango. Ko tēnā tāua ki roto o te Tiriti. Nō reira e te Karauna, tēnā koutou. Auau-ki-te-rangi. He tupuna nō [Tahiti?] … nō [Tahiti?] te tupuna nei. Nō reira tēnā koe. Tēnā koutou, kia ora. Tēnā koutou ngā rōia e kōrero ana mō ngā hapū, ngā whānau, tātou katoa. Kei te mihi ki a koutou. Tēnā i haramai mō te Karauna, tēnā koe. Nō reira tēnā koutou … kia ora tātou katoa. Me hoki au ki ngā rōia … ki a mātou a Ngāti Mahuta takaroa. E rua marama tā rātou hei mārama i a mātou. Tēnā koe, Aiden, me koe Ming, me Toby, tēnā koutou. Tae ki a koutou taku kōrero, nā koutou … ko koutou i whakatere tā mātou mahi. Nō reira kei te mihi. Kei te mihi ki a koutou. Kei te mihi ki te whānaunga kua haramai. Tēnā koe. Ka rongo, ko wai tērā, ko te whānaunga kua tae mai ki te whakateretere, te whakaoho i a tātou i roto tēnei whare. … Kāwhia moana, Kāwhia kai, Kāwhia tangata. Te Rohe Pōtae, nā Tāwhiao i makana tana pōtae … kei korā, haramai i muri i te raupatu o Waikato. Tana pōtae …	return under the mantle, if te mana motuhake under her ancestor as foretold by Tāwhiao. And today we have seen it, and our generations growing up are very capable, and we anticipate their leadership in days to come that you may know oh Crown that Ngāti Mahuta is increasing its capacity. For if there was no Crown, Te Atairangikāhu once said, "There is but one hole through which the three threads must come through, the red, the white and the black." So thank you Crown. Turning to the legal counsel representing the hapū and whānau, and all of us, thank you for your efforts. Thank you. And focusing on our Ngāti Mahuta, Takaroa, legal counsel who in the two months past, galvanised us. So thank you Aidan, Albie, the team. You picked up your tempo so that we could complete our works. And to the kin from Te Arawa, Ms Sykes, our kin who has come to galvanise us, to raise our awareness. And to the people of Kāwhia Moana, Kāwhia food, Kāwhia tangata/people, Te Rohe Pōtae, when Tāwhiao took his hat off, and after the confiscation of Waikato, he placed his hat on the map so that the land would not be taken. However, we have experienced problems and sufferings. And so from Whatiwhatihoe, Tāwhiao came here to discuss the issues and he left a legacy of discourse there for the descendants, for he knew that the time would bring forth Te Atairangikāhu. So we, the descendants, the living descendants of our ancestors, where is the noble elevating thought; the big picture? The ancestor of our King Tūheitia said, "Follow me, will come the deluge, the Pākehā." And here are the leaders of Pūrekereke who know that in two or three month's time,

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	raupatungia. Āianei, tēnā raruraru ana, tēnā raruraru. Engari i te mutunga atu, i haere ia ki Whatiwhatihoe, i te mutunga ka hoki mai, ka haere mai ki Kāwhia nei ki tōna whānaunga ki konei. He wānanga i reira. I tērā wānanga i waiho hoki ngā kōrero, i waihotia ngā kōrero mō ngā uri i te wā i kitea ai Te Atairangikāhu. I te wā i kite ai a Te Atairangikāhu. Tātou ngā uri o rātou mā. Kei te whakaaro pērā. Kei te whakaaro pērā … rātou. Ngā rangatira ka tū ki Whatiwhatihoe. I reira te tupuna o tā tātou Kīngi Tūheitia, tana tupuna e kī ana, 'Kei muri i ahau he moana, ko Purekireki ka puta, ka ora'. Nō reira ka mutu pēnei. I Maketū nei anei te … Pūrekereke, kei konei. Kāore au e mōhio, he rua marama pea, toru marama pea kei te tūwhera tā rātou whare. Mō te aha? Mō tātou hei wānanga. He wānanga. I roto i te wairua o ngā tūpuna, ngā rangatira. Ko rātou ngā rangatira. Nō reira koutou, tēnā koutou, tēnā koutou, huri noa kia ora tātou. Mā te atua e manaaki, e tiaki i a tātou ka hoki atu ki tō tātou kāinga, ki ō tātou kāinga, nā reira e te kaiwhakawā, tēnā koe, ka huri, tēnā tātou katoa.	they will open their house. For who? For us. So let us discuss this matter. So thank you, the home people. May the Lord bless and guide you as you return to your respective homes. So Judge Ambler, thank you. Greetings to you.
	WAIATA	
		A great tide Tainui.
16.22:13	**KARAKIA WHAKAMUTUNGA**	
		Let us pray our closing prayer. Our Lord may you bestow your blessings upon King Tūheitia, to those who are in ill health, and indeed all of us here today. For thine is the glory. Thine is the Kingdom and the glory. And glory unto you, pai mārire.
	HEARING CONCLUDES: 16.23 PM	