KI MUA I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI

WAI 1071

MO TE TAKE O	Te Ture Tiriti o Waitangi 1975 (kua whakawhitia)
ME	
TE TAKE O	Nga kereme kei raro i te maru o
ME	**NGA RAURU O NGA POTIKI** me era atu o nga kaitono
TE TAKE O	te **TAKUTAI MOANA**

JOINT STATEMENT OF EVIDENCE OF
ANGELINE NGAHINA GREENSILL AND SEAN DANSEY ELLISON

Dated this 9th day of January 2004

RECEIVED
Waitangi Tribunal
30 Aug 2013
Ministry of Justice
WELLINGTON

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Annette Sykes and Jason Pou

In the matter of	**the Foreshore and Seabed Urgent Inquiry (Wai 1071)**
And	
In the matter of	**a claim by Mr Matt Te Pou for and on behalf of Nga Rauru O Nga Potiki for Nga Hapu o Te Urewera and Ngai Tuhoe in respect to the foreshore and seabed (Wai724, 725, 794, 795, 937, 1009, 1010, 1011, 1012, 1013, 1026, 1035, 1036, 1037, 1039, 1042)**
And	**a claim by Te Ariki Morehu for Ngati Makino (Wai 275)**
And	**a claim by Angeline Greensill for and on behalf of herself and Tainui o Tainui ki Whaingaroa (Wai 125)**
And	**a claim by Pereme Porter for and on behalf of himself and interests within the rohe of Nga Puhi Nui Tonu (Wai 966)**
And	**a claim by Wilfred Petersen Snr for and on behalf of himself and Ngati Aukiwa; Naina Oliver for and on behalf of herself and Ngati Rua; and Anaru Kira for and on behalf of himself and the Whakarara Maori Committee, Ngai Te Wake ki te takutai moana, Ngati Whakaeke, Ngati Torehina ki Waiaua, Ngati Kura ki Matauri Ngaitupango, Ngati Ruamahoe, Ngati Miru (Wai 861)**
And	**a claim by Ronald Wihongi for and on behalf of himself and Te Ure o Hua, Pakotoke and Ngati Kura (Wai 304)**

Tenei matou e te iwi e noho nei, i nga Tai Whakarongo e,

Ko te tumu hoki a te iwi e, e aroharoha nei ahau

Whaingaroa he moana, Aotea he Whenua, Kawhia he tangata e,

Ko te tumu hoki a te iwi e, E aroharoha nei ahau

Tainui te waka Hoturoa te tangata I tu ai te Kingi e

Ko te tumu hoki a te iwi e, E aroharoha nei ahau.

MAY IT PLEASE THE TRIBUNAL

We, Angeline Ngahina Greensill and Sean Dansey Ellison, both of Whaingaroa have been duly authorised to make this statement for and on behalf of Tainui hapu of Tainui ki Whaingaroa.

Introduction Angeline Greensill:

1. I wish to acknowledge my tupuna Turi Te Patete, a high contracting party to te Tiriti o Waitangi signed by him at Rangitoto ki te Tonga in May 1840.
2. I also acknowledge my late uncle Hami Whakatari Kereopa, the original claimant for Ngati Hounuku and Tainui in the Wai 125 claim. As our claim will not be heard for at least three years, we believe that this policy if adopted will prejudicially affect us as it is inconsistent with te Tiriti o Waitangi.
3. My name is Angeline Elizabeth Ngahina Greensill. I am the eldest daughter of the late Tuaiwa Hautai Kereopa (also known as Eva Rickard) and James Edwin Lancelot Rickard. Through my mother I am a direct descendant of Kokako, Tainui, Ngati Tahinga, Ngati Koata, Ngati Toa, Ngati Te Ata, Waiohua and Ngati Ruanui while through my father I am of Ngati Porou descent.
4. A mother of 7, a grandmother of 3, I and am currently employed as a lecturer in the geography department at the University of Waikato. I am a registered teacher and hold a Bachelors degrees in Laws.

5. I have been involved in numerous roopu over the past 30 years and continue active involvement with the following organisations in various capacities:

    - Environmental spokesperson for Tainui o Tainui ki Whaingaroa since 1972
    - Tainui Awhiro Ngunguru te Po, Ngunguru te Ao Environmental Management committee. This roopu deals with resource management matters for seven coastal marae groups on the west coast of the North island [between Kawa river (south of Port Waikato) to Karioi Maunga (south of Whaingaroa/Raglan harbour)]. I have been a member of this roopu since 1989
    - Coordinator of Whaingaroa ki Te Whenua Trust from 1984 to 1990. As a member of this roopu I have also been involved in work related to counteracting Government attempts to reserve lands on our maunga Karioi and County Council attempts to restrict our hapu developing our own lands within the statutory framework of the Town and Country Planning Act.
    - Member of the Mana Maori Movement since 1996
    - Member of Nga Hapu o Te Uru Customary Fisheries Committee since 1997. I am the current chairperson of this roopu.
    - Member of Nga Wahine Tiaki o Te Ao since 2000. This roopu addresses GE issues as they affect Maori
    - Member of Te Waka Kai Ora since 2002 nationally promoting Hua Maori (organic production).

6. I grew up on my whenua tupuna, at Te Kopua Whaingaroa, the turangawaewae of the peoples of Tainui Hapu. There, we have lived for generations.

7. Te Kopua has long been the focus of ongoing struggle against the tides of legislative avarice and greed that have attempted to separate our peoples from our whenua, our place, our space. My late mother Tuaiwa Hautai Kereopa-Rickard fought for decades against the injustices of

corrupt governments and their agents to protect our connections and relationships to Te Kopua. A responsibility she inherited from her late mother Riria, which in turn has passed to her surviving descendants.

8. Te Kopua has been a haven where our rights of self government have been protected and asserted. I attach and annex the Whaingaroa Declaration of Independence affirmed on the 12th February 1996, where we called upon

> *those present today and those beyond that this Declaration be elevated and acknowledged as the expression of the wish for freedom which it so clearly is.*

9. We acknowledge the support offered at the time by Helen Clarke as she then wished us luck in our endeavours and attach herewith a copy of correspondence received by my Mother following the declaration of independence from the government of New Zealand.

10. I maintain my turangawaewae there and have a whare at 142 Riria Kereopa Memorial Drive. My front lawn is the “foreshore and seabed.” I make this affidavit and present it on behalf of Tainui o Tainui ki Whaingaroa asserting the connections and relationships that embed us within the Whaingaroa harbour and its surrounds.

11. Tainui o Tainui ki Whaingaroa are made up of the following hapu who occupy specific areas within the rohe.

12. Ngati Koata	**18. Ngati Kahu**
13. Ngati Tahau	**19. Ngati Te Kore**
14. Ngati Pukoro	**20. Ngati Te Ika**
15. Ngati Tira	**21. *Ngati Hounuku***
16. Ngati Heke	**22. *Te Paetoka***
17. Ngati Ruaaruhe	***23. Ngati Te Karu***

24. Our interests in Te Taiao take into account the needs of our future generations to retain and manage the ancestral inheritance that our tupuna entrusted to us.

25. I pay tribute to Sean Ellison who has ably recounted below many of the stories that our mother recounted to set the values from which our relationship to our whenua is sustained and governed.

26. Ko te Whakataki a Sean Dansey Ellison

27. 13.Ko Sean Dansey Ellison i tupu mai i Whāingaroa mai i te wā e tamariki nohinohi ana. I rongo i ngā kōrero mai i ngā koroua kuia o Te Tai Whakarongo nei ā i whakatūria ki runga i ngā marae e tamariki tonu ana. Koia e kawe ana i ngā karakia i ngā wā e hiahiatia ana e te iwi ki ngā wāhi tapu kei te takutai moana i Whāingaroa. Nō te taha ki tōna pāpā nō Taranaki, nō Ngāti Ruanui, nō Te Ātiawa, nō Ngāti Mutunga, nō Ngāti Tama, nō Ngāti Maniapoto, nō Ngāi Tahu, nō Ngāti Mamoe, nō Waitaha, nō Ngāti Porou. Nō te taha ki tōna whaea nō Ngāti Tūwharetoa, nō Te Arawa, nō Ngāti Raukawa, nō ngā waka o Te Arawa me Tainui. Otirā he uri tonu ia nō ētahi o ngā tūpuna e whai wāhi ana ki Whāingaroa, nō ngā tūpuna o tuawhakarere, nō Hoturoa, nō Rakatāura, nō Tāwhao, nō Tūrongo, nō Whatihua, nō Māhanga.

Io, the Supreme Being, the Oneness
Great Io
Long expansive Io
Io the foundation of all things
Io the parentless, from whom emerged the realm of unlimited, unrealised potential
Io the progenitor, the creator, the well-spring of all

The great realm of unlimited potential
The long, expansive realm of unlimited potential
The realm of unlimited potential from which nothing can be taken or adulterated

The unchanging realm of unlimited potential, the chaos in which there is no confusion or inconsistency

The great night of becoming
The long, expansive night of becoming
The dark night of becoming
The intensely dark night of becoming and of hesitant exploration
The night of becoming in which one inclines toward the realisation of one's potential
The night which borders day in which one moves from the realm of becoming to the realm of being, where one is restlessly pushed toward the realisation of one's potential

28. Tangaroa and Papatūānuku merged, and from their union sprang new life and new energies. When Tangaroa retreated to another space Papatūānuku merged with Ranginui. On Tangaroa's return he and Ranginui fought and Ranginui was pierced through both thighs by Tangaroa's spear and fell. He was not killed but Tangaroa's grievance was satisfied and he left Papatūānuku with Ranginui and new life and new energies emerged. The divine influences of the universe were thus created. Ranginui was propped above and separated from Papatūānuku below, and the world of light, the realm of being, of realised potential forced its way upon the consciousness of all. The gods, the creative and stabilising energies from beyond the world of light exerted their influence over all things, both seen and unseen, and spiritual guardians were placed at sites throughout the universe. The life essence and ethos, the seed of life from which one grows in one's own form, was implanted within all things, including us, humankind.

29. The ultimate guardians, custodians and protectors are the gods, the divine presence. No matter where you are, or what you are looking at or relating with, they are present. Even though it is said that Tangaroa is the ocean and Tāne is the forest there are no real boundaries or separation but those created as frameworks within the perception of the human mind. We are the embodiment of those divine presences. The breath of life, the water of life and the essence or spark of life within each and every one of us comes from that divine presence, from the gods, and ultimately from Io, the progenitor, the creator of all things. The ancestors of each race and of each group of people were guided to the place most suitable for them to settle, to all points throughout the length and breadth of our sacred mother who lies here. A language was given to each, through which one could communicate and interrelate with one another, with the divine influences and spiritual guardians. The ancestors left behind customs and practises to guide their descendants so that they could fully participate in all that the world has to offer. Each family grouping and subtribal grouping settled certain areas and became custodians for all things within their customary influence.

30. When a person moves into the realm of Tāne and Hinewao appropriate prayers and acknowledgements are made to them both. When one moves into the realm of Tangaroa, Hinemoana and Hinewainui, prayers and acknowledgements are again offered. As a result we are nurtured by the divine presences of those places and are given food – of the sea, of the land and of the forest – to feed our

people. Each subtribal grouping, each family grouping has their own gardens and their own places for collecting food. The divine presences, the gods, the spiritual guardians, those that have been ritually placed at the many points throughout the universe, those that guard and protect various spaces, resources and sacred and dangerous places from inappropriate use and abuse and also protect those that assist in that role, those that are feared by some and loved by others, those known as the fairy people, the people of the forests, and the little ones who laugh and chatter and play and make fun, are the custodians and guardians within the spiritual realm. The subtribal groups and family groups are the custodians and guardians within the physical realm. It is our role as human beings to care for, nurture and protect all things within our space, within our world, and particularly within the area in which we live so that they may survive and flourish for future generations. So that the open spaces of the divine presences of the gods and spiritual influences may remain clear, clean and free from obstruction as places where the spirits of both the living and dead roam freely. Where energy flows without hindrance, and thoughts and ideas may soar. Where there is a free and uninterrupted exchange of the vibrations of the universe, and of energies, shifting, moving, escalating, and diminishing, from the earth to the heavens, from the heavens to the earth, from the land to the sea, and from the sea to the land.

31. Tangaroa still embraces Papatūānuku. Ranginui still embraces Papatūānuku. The foreshore is the space where one can clearly witness the movement and exchange of energies, and the preparation, bustling and adaptation made by the divine influences of the gods as they perpetually seek to express the inherent universal balance and harmony, one with another, within the everchanging reality of the physical world. It is the open space, the courtyard on which the voices of all the divine influences of the gods are heard, seen, felt and sensed. As the tide comes in so Tangaroa stands to deliver his speech, and Hinewainui and Hinemoana move forward with cries of welcome and support, as they gently massage Papatūānuku. As the tide recedes it is Papatūānuku, and Tāne, and Hinewao, and Rakahore, and Hinetūākirikiri, and Hineone, and others who reach out to take hold of the life essence of the courtyard, and allow their individual and collective influences to be expressed and felt by all present. Each one of them has their own story, and each one of them has something to say. According to some, during the creation of the world, the gods began to fight, one with another, and Tangaroa and Tane continue to quarrel. The physical manifestation of their dispute may be seen on the foreshore.

32. The foreshore is a sacred space, our place of prayer, our church. Ranginui in the heavens above is the roof, and Papatūānuku is the foundation and the floor. It is where we sense and feel the divine presence of all the gods and spiritual influences at all times. Although it is a place of leisure, and a storehouse of food, certain areas are held in particular reverence, and as such are set aside for certain purposes. When I step onto the beach I feel the presence of Tāwhirimātea in the gentle breezes and buffeting winds, of Hineuamairangi in the soft caress of light showers, of Te Ihorangi in the full, unadulterated, cleansing power of driving rain, of Hinepūkohurangi in the protective embrace of the mist, of Tamanuiterā in the warmth of the sun, of Hina te marama in the illumination of the moonlight, of Urutengangana in the conversations and

energy plays of the stars, and of Hurumanu in the many voices of the seabirds. I remove my footwear and the soles of my feet sense the presence of Papatūānuku, my sacred mother, of Tangaroa, of the seas and the oceans and the waters, of Hinewainui and Hinemoana, as I recall that all things have both masculine and feminine aspects and qualities, of Rakahore, whose children the rocks and boulders have accumulated countless stories over eons of time, of Hinetūākirikiri as the gravel and pebbles lightly massage the energy points of my feet, of Hineone whose sands collect the warmth of the sun, and of Tāne and Hinewao, in the trees and the bush and the forest. The soles of my feet affectionately stroke and massage the sand, the rocks, the pebbles and the grass, in the knowledge that all of creation has its own life essence, and that we are all related. We are related in the divine oneness of the universe, and we are related through our mutual descent from Ranginui of the heavens above, and Papatūānuku of the earth below. I sense the vibrations from our many relations throughout the universe, and I am energised and further enlightened. Here are some of our sacred spaces set aside for special purposes, our sacred rocks, our sacred trees, our places where we follow the example of our ancestors in giving thanks and offering prayers to the divine, and the resting places of our ancestors. These are the areas on which our ancestors walked, that felt the touch, the caress, the kicking, the stomping of their footsteps, and where they continue to roam in spirit.

33. The foreshore provides us with food to sustain our physical being. It is a place where we offer prayer, a sacred space where we conduct rituals, a place where we may purify ourselves in spirit, mind and body, a place of leisure and play, and a place of learning. It is where we may witness the presence of all the divine influences of the gods at the same time in the aspects that they themselves choose to show us, approaching and retreating, ascending and descending, tussling with one another, caring for and nurturing one another. This is the universe in miniature, being played out on the courtyard of the gods for us to witness, and learn from, and understand. The foreshore is a special place of learning. There one may watch and study the stars and the sea, just as our ancestors did in their time, both formally and informally. All things have something to say and something to share, the sea, the fish, the shellfish, the crabs, the shells, the pebbles and gravel, the rocks and boulders, the sand and earth, the trees, the birds, and the winds. There are flax bushes there, and pingao, and bulrushes, used in the art of weaving. There also is our hospital, the medicinal remedies of the land, the bush and the sea, the salt water, and the protective and nurturing influences of our ancestors and of the divine, the gods. Landing places for canoes and sea vessels, both past and present, are here – physical vessels and spiritual vessels. In the words of Te Puea Herangi:

34. “ Your ascent is unto the heavens themselves,
35. From where you descend to the summit of Karioi Mountain,
36. And then to Whaingaroa, the paddling place of your canoes,
37. Aue hei aue! ” *Timoti Karetu*

38. There are many stories and memories, not merely of this time, but of times long gone. Every subtribal group have their own stories. My thoughts turn to Māui, that ancestor of great renown, he of both divine and human origin and attributes.

He was a man who looked beyond the horizon of cultural and temporal understandings to new ways of being, and new ways of relating to the world around him. It was he who hid himself in the canoe of his elder brothers and led them out onto the open expanse of the courtyard of Tangaroa and Hinemoana. It was he who through the power and influence of his prayers, through his skill, his inherent abilities, his knowledge, the teachings he was privy to from the gods and the ancestors, was able to haul this land up from the mysterious depths of the unknown, and long forgotten past, to be named The Great Fish of Māui.

39. I cast my gaze upward to Karioi Mountain, ancient repository of much history and cultural understanding. It was he who once stood inland with his wife Karewa. They gave birth to their children, and then Karioi turned his attention to Pirongia, with whom he had an adulterous affair. On discovering this Karewa fled westward, out into the ocean. Karioi followed her but was caught by the rays of the sun and turned to stone. There he stands on the coast, while Karewa lies out at sea. Pirongia however remained inland ashamed of what she and Karioi had done, knowing that through their actions her being had been sullied. This is the story of the subtribal groups to the south. Ours however, of Whāingaroa, states that both Karioi and Pirongia are female, elder and younger siblings. They all resided inland together with Karioi's husband Karewa, and Karewa and Pirongia were involved in a romantic affair. Karioi fled, with Karewa following behind, but Karioi forced him out into the ocean, where he remains, and is known by Pakeha as Gannett Island. Some of their children remain with him, and some are with Karioi.

40. I climb to the summit of our sacred mountain Karioi, and look into the distance. A voice touches my ears.

41. "Who is it that said that we came here on the Tainui canoe?
We were ashore watching as the Tainui sailed past."

42. This statement was made by Honehone Kereopa at the sextennial celebrations of the arrival of the canoes from Hawaiki that was held at Tūrangawaewae Marae in Ngāruawāhia in 1950. He was recalling the stories that had been handed down by the ancestors.

43. On Kupe's arrival to New Zealand people were already living around Karioi Mountain, known as Ngāti Matakore. According to Te Aoterangi "The main source of food for those people was fern root, which they acquired by digging with a spade." When Kupe decided to return to Hawaiki he left behind his servant Pōwhetengū and others to look after the land. When he reached the mouth of the Aotea Harbour he slapped the sea with his belt while reciting prayers so that Pōwhetengū and his companions would be prevented by the waves from following him. That action is commemorated in the name for the waters of this coast, The Seas that were raised by Kupe with his garment. Pōwhetengū turned his hand to fashioning a canoe for himself. He did not wish to remain with the local people. When the canoe was completed it was named Rewatū, and Pōwhetengū and his companions set out from Aotea. At the mouth

of the harbour great waves appeared and overturned their canoe and it sank. There it remains, having been turned to stone.

44. Ngāti Matakore was still living in the area when Hoturoa arrived on the Tainui canoe. After the canoe was hauled across the portage at Ōtāhuhu into the Manukau Harbour, it emerged at Te Mānuka o Hotunui, the place where Hotunui became apprehensive, at the Manukau Heads, and turned to the south. They saw the peak of Karioi, and Hoturoa announced that when they got to the mountain they would rest and wait for a while. However, because of the length of time it took to reach Karioi from the Manukau Heads the harbour was named Whāingaroa, or the place or circumstance of the long pursuit. Hoturoa sent the outrigger of Tainui, named Takere Aotea, into Whāingaroa Harbour to fetch water. The people who came aboard Takere Aotea did not return to Tainui, but opted to remain with the local people. According to the stories of our elders the descendants of Tahinga were ashore at Te Ākau watching as the Tainui canoe sailed past. Tainui continued on, landing finally at Maketū, in Kāwhia, at Te Tumu o Tainui, or the stump or foundation of Tainui, and from there its descendants spread across the country. Our ancestors erected their fortified villages, planted their gardens with food, and paddled and sailed their canoes to their fishing grounds.

45. The time came when Te Ataiōrongo and his brother-in-law Horeta went fishing. Te Ataiōrongo caught many fish, but Horeta caught none. Horeta was annoyed at this and called out to his brother-in-law that his line had become snagged on a rock, and that he should dive down to release it. When Te Ataiōrongo dived, Horeta pulled on the line, striking him in the forehead and killing him. Horeta paddled ashore, leaving Te Ataiōrongo's body behind. When he landed, Rangiwaea, Horeta's sister, saw that her husband Te Ataiōrongo had not returned with him. So she asked her brother where he was. Horeta replied that he hadn't seen him. However, that night the apparition of Te Ataiōrongo's hand appeared and told her what his brother-in-law had done to him, warning Rangiwaea to take their child to Kāwhia. She was pregnant at the time. In the morning she left, guided by the apparition of Te Ataiōrongo's hand, and arrived safely at Kāwhia. When their child was born he was named Kaihū. And when he reached maturity he returned to Horeta's village to avenge his father's death. Te Ataiōrongo remained as a spiritual guardian, a protective taniwha in Whāingaroa. His lair is at Te Kōpua, in the Pokohue Stream.

46. There are a large number of sites of ancestral occupation right around the Whāingaroa Harbour and on the slopes of our sacred mountain Karioi. Te Whaanga, Te Pae Akaroa, Rangipū, Te Hōrea, Horongārara, Pātikirau, Motu Kōkako, Kirikiripū, Rākaunui, Poihākena, and Te Kōpua are a few of them. My thoughts go back to those ancestors who walked these beaches, the very foreshores that we are talking about at this time – to Tāwhao, a direct descendant of Hoturoa who lived at Te Whaanga, known to Pākehā as Whale Bay. He married Pūnuiatekore but they did not produce any offspring. So Pūnuiatekore told her husband to marry her younger sister Marutēhiakina. Marutēhiakina was living at Te Hōrea at that time with her people. Tāwhao recited a love charm over his ivory cloak pin, fastened it to a small raft made of bulrushes and set the craft afloat. Through the power and influence of his prayers it landed safely at

the shore below Te Hōrea to his beloved. When Marutēhiakina took hold of the raft and saw the cloak pin she knew who it belonged to and so went to Te Whaanga to marry Tāwhao and become his second wife. In due course both siblings became pregnant to Tāwhao. Pūnuiatekore gave birth to a son named Tūrongo, and Marutēhiakina to a son named Whatihua, well known throughout the land. Through them tribal connections were established which remain to this day – between Waikato and Taranaki through the marriage of Whatihua and Ruapūtahanga, and between Waikato and the East Coast with the marriage of Tūrongo and Māhinārangi. I turn my thoughts to Māhanga, to Kōata, to Kāwharu, to Te Wehi, and to Whareiaia – for whom the proverbial saying was composed, 'Karioi is the mountain, Whāingaroa is the harbour, Whareiaia is the man'. To Te Ikaunahi, and to Hounuku - a noble man with a kind heart, a chief in the line of his ancestors, in whom the people depended in times of trouble. Wētini Rāpana was one who at age fourteen fled injured from the battle site at Rangiriri, at which both his parents had been killed, to live on land provided to him by Hounuku. There are many others who were also treated with similar acts of kindness by the great chief Hounuku.

47. I look at the land that has been lost over the years and cry. On the northern shores of the harbour is Te Hōrea, taken by governmental legislation, Pātikirau, stolen in a deceitful sale, and to the south, Raglan, sold by Te Awaitaia, for whom Pōtatau coined the phrase for the subtribal groups of this area, 'Tainui, the descendants of Whiro, murmuring day and night'. Where is the land that has been left for the people? Only crumbs remain, fragmented from the whole. And yet what is left is still cared for and cherished by the descendants of the ancestors who once lived here. Those crumbs retain the stories, the histories and customary practises of the old people. Te Kōpua is one such place on the southern shores of Whāingaroa. Although it was lost for a period, it has returned to the people. Te Kōpua is the area of land that was set aside for the descendants of four ancestors, Hounuku, Pōtikitahi, Mauriri and Taioparenui. With the loss of Te Hōrea, Pātikirau and Raglan, the old people moved the bodies of some of their relations into the cemeteries at Te Kōpua, erected their houses, and planted crops. Te Kōpua was a swarm of people. The ancestral meeting house named Miria Te Kakara was built as a place to discuss the topics of the day.

48. I recall the stories told by Tuaiwa Hautai (Eva Rickard) about what happened at Te Kōpua when she was young – there was playing and sport, the collection of shellfish, fishing, growing crops, milking cows, singing and laughing. Those are the benefits of living together as a family group, and as a subtribal group, on ancestral lands. If somebody went to collect seafood, or to fish with a line or a net, he or she would not return to feed only their own immediate family, but would provide for the people. It would be distributed to all. No one died of hunger. Even though there was no money, the people were rich with the resources provided freely by Papatūānuku, by Tāne, by Tangaroa, by Rongo, and by Haumietiketike and others. And how appropriate, for we are the descendants of the heavens above and the earth below. Those were happy days, special days, but also sad days. There were the influenza and typhoid epidemics at the beginning of last century which claimed the lives of many, who were then buried in mass graves at Te Kōpua. There was the revered ancestor, steeped in the practises of the elders, Whātau Haukatokia Pahi, who took the young

soldiers of Raglan to the sacred spring at Te Kōpua and conducted ritual prayers over them to protect them before they went to the battle fields of World War II. In due course all those whom he blessed returned safely, but Whātau himself passed away in payment. That was the power that our ancestors possessed.

49. In 1923 the tribe gifted a section of the land known as Papahua, at the eastern end of Te Kōpua, to the Town Board as a playground for all, Māori and Pākehā, after the Board requested to build a bridge spanning the Ōpōtoru River between the Pākehā land in the township of Raglan and the Māori land at Papahua and Te Kōpua. The Board offered to buy the land, but there are many ancestors buried in that area. The tribe's response was that they would never agree to sell the bones of their ancestors, but instead gifted it with love to the people of Raglan as a playground for both races. The area gifted was over twenty eight acres.

50. In 1941 the rest of Papahua and over seventy five acres of Te Kōpua was taken under the Public Works Act for defensive purposes. The Government desired to build a runway at Whāingaroa for the period of the war. They looked at a few farms owned by Pākehā but decided that Te Kōpua and Papahua was the most suitable site for this project, despite the fact that people were living here, there was a meeting house, gardens and cemeteries. They then went through the form of giving the owners an amount of money that they themselves had decided upon for the land and the buildings. Due to the tribe's protests over their cemeteries and kūmara plantations the cemeteries were kept outside the airstrip operations, and four acres were set aside for cultivations at a cost of one pound per year. The tribe agreed to these arrangements in support of New Zealand's war effort, and in the belief that at the end of the war the land would be returned. Whereupon the houses were dismantled by the Government, including the cooking house and the ancestral meeting house Miria Te Kakara, and the families were moved to the remaining portion of Te Kōpua and across the creek to Rākaunui. Some however left the area to seek employment elsewhere.

51. So then Te Kōpua was used as a place of residence at one end, as a dairy farm, a garden growing kūmara, watermelon and strawberries, an air strip, a recreation ground, and as a route to town. One would walk across the land to school or to town, and return again over the land, feeling the warmth as the spirit of the ancestors embraced you from their graves and their cemeteries. The people still used Te Kōpua and Papahua to get to the sea and the river to collect seafood, to fish, and to go to the gardens to plant, weed and harvest. But at the end of the war in 1945 the land was not returned, and in 1949 the garden was given to a Japanese man for him to use to grow crops for sale.

52. However, although the land had been taken, when a person from Te Kōpua passed away a tent was erected on the site of Miria Te Kakara, where he or she would be mourned, farewelled, and buried at Te Kōpua. Each night the people would go to the sea to get salt water to wash the body so it wouldn't deteriorate too quickly.

53. After the war the township of Raglan formed a flying club, and they utilised one end of Te Kōpua as a landing strip, which it still is today. Another part was given by the County Council to the Raglan Carnival Club. They trained and raced horses, raced motorcars and motorbikes, and ran carnivals for the people of the district. In 1969 the Raglan County Council decided they no longer needed to retain Te Kōpua for defensive purposes and so gave the lease to the Raglan Golf Club, which had formerly been situated at Waitetuna.

54. The course started with nine holes, but in extending it to eighteen it moved into the cemeteries of Te Kōpua. That was when Hautai (Eva Rickard) began to protest. That was when she moved into the political arena for which she is widely known throughout the country.

55. She wrote letters to the Raglan Golf Club and the Government requesting that they stop playing on the graves of the old people, and that they return the land forthwith. That did not produce the desired results. However, at the start of 1978 the respected elder of the Wanganui River area, Titi Tihu, contacted her saying that if she wanted the land to be returned twelve elders versed in the ancient lore of the Māori people should gather at Te Kōpua at twelve o'clock midday on the twelfth of February of that year, 1978, to rededicate the land with prayer. The idea was that if the land was not returned then it would be allowed to return to the sea. Accordingly, people responded from around the country, and the elders, friends and relations arrived to support. That particular day was a competition day for the golf club and the police were called to evict them. When the police arrived they didn't lay a hand on the elders but specifically targeted those who they considered to be trouble makers such as Hautai, and arrested seventeen of the protestors. That was the day that saw this issue move into the public arena to be discussed and debated by the country. In due course the court dismissed all charges against those that had been arrested, and eventually returned the land. An administrative body was established to look after Te Kōpua, for those lands that were returned, named Whāingaroa Ki Te Whenua Trust, for the length and circumstances of the pursuit to have the land returned into the hands of the tribe.

56. Te Kōpua is still used for the welfare of the tribe. Through the years courses have been run there to train and upskill youth so they may find employment. A festival was set up to celebrate free expression and the performing arts, commemorating the day on which Hautai and sixteen of her close supporters were arrested for the sake of the land. The festival was named Te Ao Mārama, and it is still held on a semi-regular basis. Although Miria Te Kakara no longer stands at Te Kōpua the cultural practises of our people are still very much alive. When visitors arrive they are welcomed and cared for, just as our ancestors did in their time. Now it is the pre-school children who are there learning the Māori language and customary ways in the kōhanga reo (language nest) in Hauora, the building that was erected for that purpose. They are taken out onto the beach and the foreshore and taught about that area. Recently Te Wānanga o Aotearoa began using the facilities to teach their students the language. Those are some of the schools of learning now. At an earlier time there was another type of school of learning that stood at Te Kōpua, where tribal histories and sacred lore was taught.

57. Te Whaanga is another area steeped in history, with numerous sacred places, sites of significance and graves. Even though land on both sides has been sold, what remains is firmly held in the hands of the families concerned. It was Hautai's mother Riria Rāpana Kereopa who retained those lands while others were selling theirs. And so Te Whaanga is still a place where family members live and maintain their occupational and custodial rites – not just to the land, but out onto the courtyard of Tangaroa and Hinemoana. It is a place where ancestors are buried. It is where our ancestor Tāwhao lived, as has been mentioned before. There are sacred places there that we still use today to offer prayer, for ritual purification, for the blessing and naming of children, for weddings, funerary rites, burials, unveilings and the placing of rāhui. There are spiritual guardians there. Family members still return to stay, to plant crops, to meditate and surf. The custodial role of the family over Te Whaanga has remained intact from ancient times through to the present. The ancestral fires of occupation still burn brightly. Te Whaanga has been a storehouse of food for time immemorial. Pāua, kina and crayfish are collected to feed the family. The family have been caretakers, guardians and custodians of Te Whaanga for generation upon generation. Nobody is allowed to walk on the land or the foreshore without first asking permission from the family. Then access may be granted. Hautai's brother, Hāmi Whakatari Kereopa, known as Sam Kereopa, was renowned for his custodianship of Te Whaanga. He evicted people for abusing the land and the family. At times he had a shotgun in his hand. He has passed away now but lies buried at Te Whaanga, with his nephew, and his ancestors. However, as one fern frond dies, another one takes its place. The family remain there caring for and protecting those noble lands.

58. The tribal groups of Whāingaroa, namely Tainui, Ngāti Hounuku, Ngāti Ikaunahi, Ngāti Kōata, Ngāti Māhanga, Ngāti Hourua, Ngāti Tahinga, Ngāti Tamainupō, Ngāti Kōtara and Ngāti Te Huaki are the custodians and guardians of Whāingaroa, of the harbour, sea and waterways, of the land, and of the foreshore. This right is not of recent times, but from long, long ago - from long before the arrival of the Pākehā, and from long before the arrival of the canoes. It comes from Māui, from Kupe, from Rakatāura, from Hoturoa, from the old people, through generation after generation, to the representatives of those ancestors who live here today. They are still here upholding the custodial roles once held by those who have long since been called to return to the spirit world. The bond between the people and the land remains unbroken. Papatūānuku is the land, whether it is above the ocean or beneath it. The question is – Why does the Government want to change what has been operating perfectly well for time immemorial, and has historically been handled very capably and faithfully by the Māori people? Are they able to protect the sanctity of our sacred sites, the customary practises of the foreshore, and the resting places of our ancestors so they are not abused by other people, either in ignorance or otherwise? To me, we have been ordained by the gods and by our ancestors as custodians, guardians and protectors of our ancestral lands, what right has anybody to dispute what they have put in place?

When power, influence and vested authority is retained intact and utilised appropriately The sanctity and divine influence of all is maintained with respect and honoured
And the life essence, the ethos and absolute uniqueness of every species is nurtured and protected
It is the essence of life, the ethos, the spark, the life force of divine origin
It is the essence of life, the ethos, the spark, the life force reflected in our human condition
Behold and take heed! I announce my presence! The life force and divine spark burns strongly within me!

Contemporary History

Boundaries

59. Tainui is part of a confederation of hapu who trace our descent from tupuna who arrived on the Tainui waka and who settled within an area defined by the following pepeha or proverbial saying:

Mokau ki runga

Tamaki ki raro

Ko Pare Hauraki, Ko Pare Waikato

Te Kaokaoroa o Patetere

Ko Mangatoatoa ki waenganui.

I annex and attach a Map of Tainui rohe.

60. Our boundaries are part of a dynamic relationship that takes into consideration and balances our relationships with our whenua and neighbouring peoples. These boundaries are fluid and adapt to ensure to ongoing health and sustenance of our peoples and whenua.

61. Similarly, the foreshore and seabed are a part of a dynamic relationship of integrated parts influenced largely by the temperaments of winds, the movement of the sand and the lunar influences over the sea.

62. In 1836 Turton entered our rohe and began dissecting our whenua, drawing the first cadastral lines across our coastal lands. This

dissection was intended primarily to facilitate the alienation of those lands to the Crown. I attach and annex Turton's Deed.

63. In 1855 we gifted our maunga Karioi to Queen Victoria retaining a reserve for ourselves. Eight years later, our tupuna were rewarded for their generosity by being labelled rebels and having 150,000 acres of our coastal land at Te Akau confiscated for British settlers from the high water mark inland.

64. In 1874 Penehamine Kiwi, Tamihana Tunui and other tupuna received 90,360 acres back as a Crown grant to say sorry for the theft of the 150,000.

65. In 1904 the Te Akau Commission, in the face of much resistance by our peoples defined and established a boundary between Ngati Tahinga and Tainui at Tauterei. These imposed boundaries chop into our relationships and connections and bear little relationship to the people who now share those boundaries.

Efforts at Kaitiakitanga

66. The relational connections between the peoples of Tainui Hapu and the Whaingaroa harbour engender obligations that we for generations have strived to fulfill. These obligations and their origins have been outlined already and I outline below some of the different efforts we have undertaken.

67. Given these efforts, we are aghast that our abilities to manaaki our whenua are being trampled on, derided, and subjected once again to the legislative juggernaut that my mother and my kuia staunchly resisted.

Pollution

68. In the early 1970's under the Town and Country Planning Act 1972, permission was granted to build oxidation ponds over Te Rua o te Te Ataiorongo, the domain of our tupuna and taniwha. That struggle continues.

69. The ponds sit like a festering carbuncle on our awa, our moana, our takutai moana. It has degraded our waterways, kaimoana areas

adjacent to our marae and contributed to the destruction of traditional practices. Our refrigerator is now a thoroughfare for the human excrement of the residents of Raglan.

70. Attempts to have the sewage pipeline decommissioned, the oxidation pond removed and the discharges of effluent into the Whaingaroa/Raglan Harbour terminated have been going on since 1974.

And who remains to clean up the mess.

Kai Moana

71. For generations a special mussel bed Pipirua was seeded, nurtured and then gathered by our people to send to Turangawaewae to feed the thousands of people who attended the annual coronation. A rahui was placed on the reef so that enough food would grow for the annual take.

72. In the 1960's commercial fishermen, discovered the reef and began to dredge it, causing destruction of the bed and depletion of kutai and other kaimoana in the harbour. Our tribal committee protested and demanded a revocation of the licences and once again placed a rahui on the bed.

73. We began reseeding the area again in 1990, and although the mussels returned, within 3 years they became polluted and died. It is likely that the sewage effluent being discharged into our harbour was largely responsible for the pollution of this bed.

And who remains to clean up the mess.

Erosion

74. In the 1950's our whanau noticed the increasing rate of erosion of our shores. This was caused in the main by human misuse and abuse of our whenua by those who without invitation have intruded into our realm and trampled over our domain. These uninvited and unconnected interlopers have damaged our whenua with reckless abandon contributing to great extent what is now an ongoing problem that we are obligated to address. I annex and attach photographic evidence that has

been gathered over the years that show the causes and effects of the recklessness of the uninvited. This is the legacy and impact of uncontrolled ‘public access’.

75. As coastal people we live with the constant interchanges that occur between Tane and Tangaroa in their exchanges with each other over Te Takutai Moana. My whanau has observed this interaction of energies since time immemorial and have learned to respond in kind when required.

76. My father has for the last fifty years diligently cared for and nurtured Te Takutaimoana to try and maintain the balance that exists at Whaingaroa. His methods have mimicked those natural processes of Tane and Tawhirimatea where sand is blown into the pingao and once trapped stabilising the landscape restores balance on Te Takutaimoana. I annex and attach photographic evidence showing the processes that we have employed and the effect that this has had.

The Passing on of Knowlege

77. These natural processes have been passed to us to carry on the obligations of Kaitiakitanga that have been undertaken by those that have come before us will continue into the future. I attach and annex photographic evidence of our tamariki who now help in the care of our whenua. These tamariki at three years old are among the youngest to have given evidence to a Regional Council to elucidate their disgust at the way rawaho mismanage their ukaipo.

78. It will come as no surprise that the complete depth and intimacy of the knowledge we possess of how we connect to our rohe is not passed to anyone. There are many secret places along our coastline which we will not divulge to anyone and never will. Our experiences have taught us that the release of such matauranga undoubtedly leads to our exploitation. We are the guardians of such places and we will ensure that they are protected, in our way.

79. It has been our experience that the provisions authorising the courts to take into account the treaty and kaitiakitanga, which purportedly protect

our way of life, merely emphasise the impotence of Maori when faced with decision makers who are incompetent in tikanga terms when ruling upon our future.

Derogation and Substitution

80. Given the success of our methods of conservation, we find it difficult to come to terms with those who would trample upon us to whakamana themselves. I attach and annex a newspaper article from the Waikato Times that derides us for our efforts. How offensive that we be required to ask permission to care for our mother. The offence is compounded when we consider who caused the damage in the first place. A policy that requires us to seek permission to care for our mother from her abusers stomps our tikanga into ground and is reprehensible.

81. Such is the legacy and impact of 'regulation' by those who are not connected to our world. How can you regulate that which you do not know, that which you do not understand?

Reciprocity

82. As we look after and nurture our whenua, so too does it care for and nurture us.

83. Not only does te Takutai Moana provide us with a bounteous food source, it is also a rich source of rongoa. When we are ill we go to Tangaroa and he massages our aches, reaching into our wounds removing imprity, cleaning and disinfecting as he aids in the restoration of our constitution.

84. How we ask can this be continued with the abuse that is currently being meted out by the ministrations of those who seek to separate us from that which is ours. Are our shores to become like those of Hawaii, whose once beautiful waters now turn scratches into sceptic sores.

Conclusion

85. Our connections to Te Takutaimoana have been briefly outlined as part of this evidence by Sean Ellison. The urgency of this hearing has meant that our histories and our hurts have merely been alluded to. The

description while indicative of our relationships are far from complete. They do however amplify the long enduring and multidimensional relationship we have with Te Takutai Moana at Whaingaroa.

86. When I affirm my connections with my tupuna the Whai, I do not go to the forest, I do not go to the river, I go where I always have, where my mother went, and hers before her, to Whaingaroa. He finds me in the same way. What will he think when next he arrives in the harbour to the stench of human waste. What will he think of me?

87. When our dunes are all fallen into the sea from the careless trampling of those who do not care for our whenua, when the contours of my ukaipo are altered to new forms, will the whai remember where we once met? Will he still come to this place that reeks of sewage and change. Will he need your permission?

88. When the cry of the Karoro and the roar of Ngataiwhakarongo are substituted by the screaming cacophony of uninvited intruding metal and machines, when our koiwi are ground to dust under the sandaled feet of sunseeking loiterers, when our taonga are replaced by barbeques on the beach and pavlova, when our right to commune with nature is substituted with the arduous neverending task of picking up rubbish;, when our mother heaves in the knowledge that she is being used and not cared for by those she doesn't know, will the whai revoke the obligation of caring for Te Tai Ao that we have been entrusted with? Will he lament the fact we neglected the responsibility to protect and uphold our way of life from the thurndering cyclone of destruction that ravaged our spiritual corridors and pathways of our world?

89. These connections are fundamental to our way of life as a people. Much fuss is made of the principle of certainty in the proposed policy. If you remove the stingray from the sea, he will scald in the rays of the sun, his skin blistering and cracking as his gills collapse gasping for breath. Separated from his domain, he will surely perish in a world that is not his. No attempt to force the stingray to live in this foreign world will ease

his suffering, he will still suffer he will still perish. It is against this that we must be protected.

It is against this that we will fight!

90. Whaingaroa is a special place. From our kainga at Te Kopua I purvey the panorama of our world , the mists of the past lifts clear and I see a ghostly host. I don't want to look at more poles and a television mast spoiling my dreams. I don't want to look at more developments that wreak destruction on our cherished memories. I want to look at Whaingaroa and believe I am walking over the silent hills of my childhood following in the footsteps marked by our ancestors to protect for our future generations.

Dated at Whaingaroa this 9th day of January 2004

Angeline Ngahina Greensill **Sean Dansey Ellison**