IN THE WAITANGI TRIBUNAL

WAI 898
WAI 1439
WAI 1112
WAI 1113

IN THE MATTER of The Treaty of Waitangi Act 1975 (as amended)

AND Claims in the King Country Inquiry consolidated under Wai 898

AND the Wai 1439 claim by **JOHN POUWHARE** on behalf of the Ōpārau Station Trust

AND the Wai 1112 claim by **MANIHERA FORBES** and **MERE GILMORE** on behalf of themselves and Ngāti Hikairo

AND the Wai 1113 claim by **MANIHERA FORBES** and **MERE GILMORE** on behalf of themselves and Ngāti Hikairo

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BRIEF OF EVIDENCE OF JOHN TUKOTAHI POUWHARE

Dated this 23rd day of September 2013

RECEIVED
Waitangi Tribunal
23 Sep 2013
Ministry of Justice
WELLINGTON

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Introduction

1. My name is John Tukotahi Pouwhare. I wish to give evidence to support my Wai 1439 claim, the Ōpārau Station Trust and Ngāti Hikairo.
2. I am a trustee on the Ōpārau Station Trust.

The Ōpārau Land Development Scheme

3. Our Tiritirimatangi block was taken under the control of the government because of non-payment of rates. The Māori Trustee and Māori Affairs Department ended up managing it fully.
4. My Dad worked for Harry Smith up on Lake Road, to pay off the rate arrears. So not only was the control of our land taken but we still had to pay the rate arrears.
5. Our whānau kōrero is that prior to WW2, my Dad was recruited into the army on a promise made to him by the Department of Māori Affairs that the land taken from him at Tiritirimatangi would be returned back when he came home from the war. This promise was never fulfilled. The block was amalgamated with many others and so he never got his actual land back – just shares in the wider Ōpārau No 1 along with the other owners.
6. However when he came home from the war in the 1950's he was employed as the Farm Manager on the scheme. Around 1962 / 1963, my Dad got very sick. While he was on leave the Department brought in a Farm Manager (Crane). When my Dad returned to work he was re-employed as Head Shepherd. He stayed on the farm until he retired when the farm was handed back to the owners.
7. There were other whānau members on the farm when the Department managed the farm. They were brought in as temporary farm labourers from time to time.

8. When the farm was handed back to the owners it was in a poor condition – it needed cleaning up. When the main road (SH 31) was put through, and because transport was limited to the river, the farm was a lot more accessible.

Removal of bodies from under the accessway

9. The Department of Māori Affairs looked at where they could push through access onto Tiritirimatangi. John Beatson, the owner of the Pirongia West 1s2B3D block that separated the bulk of the Ōpārau lands from Tiritirimatangi, didn't want stock going through "his" property. The Department of Māori Affairs Head Office therefore sought the agreement of Kaumātua to build an access way above the known burial site along the harbour foreshore. The Department met with Kaumātua to get their approval for the proposed roadway. I believe our Kaumātua agreed to this arrangement, but there was little choice really.
10. I know of 11 bodies that were relocated - some to Waipuna and some to the Uerata urupā across the harbour.
11. Before the access way was built we used to go around the tide but this wasn't a good option for the sheep. Cattle were easier to move along the foreshore.
12. The reason the Ōpārau Station Trust has this issue today is that the Department of Māori Affairs failed to legalise the access way. After all the trouble we went through to exhume bodies and shift them to other resting places. We are dealing with the accessway issues in the Māori Land Court now, but we bring this to the Tribunal's attention as we think the Crown should compensate us for their mis-management of the Ōpārau station.

Significance of Tiritirimatangi

13. On the harbour coastline of Tiritirimatangi there is now a small island – an outcrop of rocks (shaped like a rowing boat) – that has been cut off from Tiritirimatangi over the passage of time. This

place is hugely significant – in that it is an urupā where heads of our ancestors are buried. I also believe that there are tomo underneath the cliffs of Tiritirimatangi that are burial sites.

14. Tiritirimatangi includes some of the most sacred sites in our rohe.

Taumatua Atua

15. The reason the Taumatua Atua tohu was broken was that it was said to be a bad omen. I remember when the tohu was found by some Junior Naturalist boys. Many hui were held at a house in Ōpārau over a period of about one month to discuss the future of the tohu. Kaumātua came from everywhere to discuss the tohu – and it was here that the tohu was deliberately broken because it was too strong.

16. I don't know how Taumatua Atua ended up at the Museum. Our people just want it returned to its resting place on Tiritirimatangi.

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JOHN TUKOTAHI POUWHARE