

**I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU**

**ENV-2019-AKL-000117  
ENV-2019-AKL-000127**

**KEI RARO I TE MANA O**

the Resource Management Act 1991

**I TE TAKE O NGĀ**

appeal applications pursuant to Clause 14(1), Schedule 1 of the Resource Management Act 1991

**KO**

**BAY OF ISLANDS MARITIME PARK  
INCORPORATED**

**THE ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF NEW ZEALAND  
INCORPORATED**

Kaitono (Appellants)

**ME**

**NORTHLAND REGIONAL COUNCIL**

Kaiwawao (Respondents)

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**Kōrero Taunaki a Kipa Munro hei māngai mō Te Rūnanga o Ngāti Rēhia**  
[Brief of Evidence of Kipa Munro on behalf of Te Rūnanga o Ngāti Rēhia]  
I tēnei rā, i te 25 Mei 2021

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**K A U P A R E**  
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KO ahau tēnei, KIPA MUNRO, nō Te Kerikeri, e oati ana i konei he tika, he pono ngā kupu katoa o tēnei tuhinga:

### Kupu Whakataki

Ngāti Rēhia matakaka  
Ngāti Rēhia matamomoe

Ngāti Rēhia the sleeping giant  
Ngāti Rēhia when awakens faces all challenges

1. Tāreha ka moe ia Māhore ka puta ko Wi Parangi. Wi Parangi ka moe ia Raiha Tumene ka puta ko Apērāhama. Apērāhama ka moe ia Mata Kare ka puta ko Ngāwati Parangi. Ngāwati Parangi ka moe ia Wirihita Te Heihei, ka puta ko Miriana Parangi, tōku māmā.
2. Tāreha ka moe ia Māhore ka puta ko Te Rutunga. Te Rutunga ka moe ia Cpt John Baldwin ka puta ko Hare Te Heihei. Hare Te Heihei ka moe ia Te Koiuru ka puta ko Wirihita Te Heihei. Wirihita Te Heihei ka moe ia Ngāwati Parangi, ka puta ko Miriana Parangi tōku māmā.
3. Ko Haretana Waata Tāhana Munro tōku Pāpā, nō Ngāti Kuri ia, he Katimana hoki tōna Pāpā. He tekau ōku tuakana, tuahine.
4. Ko Kipa Munro tōku ingoa. I whānau mai au i te tau tahi mano, iwa rau, rima tekau mā iwa. Ko ahau te Heamana o te poari o Te Rūnanga o Ngāti Rēhia. E tū ana ahau i tēnei wā hei kaikōrero mō tāku hapū, mō Ngāti Rēhia.
5. E whakatakotohia ana tēnei kōrero taunaki mō ēnei tono kei mua tonu i te Kōti Taiao:
  - (a) ENV-2019-AKL-000117: *Bay of Islands Maritime Park Incorporated v Northland Regional Council*; me
  - (b) ENV-2019-AKL-000127: *Royal Forest and Bird Protection Society of New Zealand Incorporated v Northland Regional Council*.

*Te Tūāpapa*

6. Hei timata i āku kōrero, ka whai pānga au ki ngā kōrero rongonui o tāku tūpuna a Tāreha me tāna kōrero i te tau 1840, mō Te Tiriti o Waitangi te take:

Ko mātou, mātou anake ngā tino rangatira – ngā kaiwhakahaere. E kore rawa e tukua tētahi atu, hei kaiwhakahaere i a mātou. Ko koe te tauiwi ki runga, ko au ki raro. Ko koe ki runga rawa, ko au, Tāreha, te rangatira nui o Ngāpuhi, ki raro rawa! Kahore, kahore e kore rawa, e kore rawa.

7. Ko tāna nei kōrero, mō te mana me te rangatiratanga o Ngāti Rēhia, te rangatiratanga o ngā hapū o Ngāpuhi noki.
8. Kei tāku titiro, i kōrero ia mō te hiahia o Ngāti Rēhia kia tū motuhake, kia tū rangatira ai i runga i o rātou nei whenua. Pērā anō ki ō mātou mātua tūpuna, kia whai hua, kia whai mana, kia whai oranga.
9. Kaore e kore, ko tēnei whakaaro te tūāpapa mō ngā whakahaerenga katoa o Ngāti Rēhia ki roto i o mātou rohe tae noa ki tēnei wā. He tūāpapa noki i āku kōrero taunaki i tēnei rā. E tika ana, kei a mātou te mana me te rangatiratanga i roto i tō mātou rohe whenua me tō mātou rohe moana, ka mutu, ko mātou ngā kaitiaki e pikauria nei ngā mahi tiaki mō te oranga o te taiao te take.
10. I runga i tēnā, e tautoko mārika ana ahau i āku whanaunga, a Nora Rameka, a Hugh Rihari me Aperahama Edwards me ā rātou kōrero mō ngā rohe moana me ngā tikanga a tēna, a tēna o tātou, ka mutu, ko ngā āwangawanga i tukuna e rātou mō tēnei take.
11. Ko ēnei āku kōrero taunaki hei tāpiri ake i te kōrero kua tukuna e rātou.

*Te raupapa o tāku kōrero*

12. I te wā kohikohi whakaaro mō tēnei take, i mārāma ai te kite ahakoa te rahi o ngā kōrero, he hua anō i roto i te wehewehe kōrero hautoru nei. Nō reira, meanei e whai ake nei ko ngā wehewehenga o āku kōrero:

- (a) Te Riu o Ngāti Rēhia;
  - (b) Ngā Mātāpono me ngā mahi a Ngāti Rēhia; ā
  - (c) Tō mātou tūranga mō tēnei tono.
13. Kua tāpiri hoki ahau i ngā āpitihanga mō taku kōrero hei tiro tiro mā te Kōti. Ka waitohungia e ahau ki hea aua tuhinga whai take ai ki tāku kōrero, engari kia ngawari tā tātou kimi i aua tuhinga i te wāhi kotahi, ānei e whai ake nei, ngā āpitihanga katoa mō tāku kōrero:
- (a) Map of Te Riu o Ngāti Rēhia (**Āpitihanga “KM1”**);
  - (b) Maps of Ngāti Rēhia Inlets (**Āpitihanga “KM2”**);
  - (c) Ngāti Rēhia Overview Report, Tony Walzl, 2015 (**Āpitihanga “KM3”**);
  - (d) Coastal Cultural Health Index for Te Tai Tokerau Project Report, 2009 (**Āpitihanga “KM4”**);
  - (e) Te Rūnanga o Ngāti Rēhia Hapū Environmental Management Plan 2018 (**Āpitihanga “KM5”**);
  - (f) Mana Whakahono-ā-Rohe (Agreement between Northland Regional Council and the hapū, Ngāti Rēhia) 2020 (**Āpitihanga “KM6”**);
  - (g) Te Rūnanga o Ngāti Rēhia Submissions to the Far North District Council 2018 (**Āpitihanga “KM7”**); and
  - (h) Te Rūnanga o Ngāti Rēhia Application for Customary Marine Title 2017 (**Āpitihanga “KM8”**).

#### **Te Riu o Ngāti Rēhia**

14. Before discussing our ancestral boundaries, it is important to give context to how Ngāti Rēhia arrived within our rohe and our hapū whakapapa. This kōrero tuku iho also highlights the bonds we have with

the neighbouring hapū within our rohe and is instrumental in understanding those relationships and the political dynamics at play.

*Ngāti Rēhia Whakapapa*

15. The arrival of Ngāti Rēhia into Te Riu o Ngāti Rēhia might usefully be conceived of as comprising a series of stages within a single movement, with the arrival of our many tūpuna from our traditional homeland in the Pacific. But more specifically for now I will focus on the arrival of our ancestor Puhimoana-ariki to Aotearoa aboard Mataatua waka from Hawaiki some fifteen (15) generations ago.
16. Mataatua waka is said to lie in the Takou River, at the northern most reach of Te Riu o Ngāti Rēhia, where Ngāti Rēhia is acting as Kaitiaki. We have been entrusted with this important role, not only on behalf of greater Ngāpuhi but also on behalf of those iwi that whakapapa to this ancestral waka.
17. Our eponymous ancestor Rēhia descends from Rāhiri, and his Granddaughter Uewhati. Thus our ancestral beginnings can be traced back to Puhanga Tohora and Whakaterere Mountain, situated in the deep forest that once stood in the West.
18. It is from there that the two streams of Ngāti Rēhia have issue. Ngāti Rēhia Matamomoe pressed eastward into Orauta, entering into a strategic alliance with Ngāti Hine through our ancestor Te Arakopeka. From Orauta, our people shifted to Te Waimate, and from there to Te Tii Mangonui, Matauri, Whangaroa and northward as far as Mangonui. Ngāti Rēhia Matakaka surged southward through the Mangakahia to Tangiteroria and further on to Arapaoa, and Araparera in the Kaipara.
19. Our actual arrival, however, under the present identity of Ngāti Rēhia Matamomoe, into Te Riu o Ngāti Rēhia is formally recognised as occurring with the raupatu or conquest of Ngāti Miru by our ancestors Auha, Whakaaria and Toko.

20. The raupatu against Ngāti Miru, the resident iwi, was waged for the killing of Whakarongo, the sister of the brothers Auha and Whakaaria of Ngāti Tautahi, who lived at Pākinga Pā, where they were regarded as the acknowledged power of the day.
21. Our ancestor Toko, who was then living with his parents in Orauta, was invited to join his mother (Te Perenga) and her brothers, Auha and Whakaaria, when they arrived at Whakataha. Toko accompanied Auha, Whakaaria and Kauteāwha during the second phase of the conquest, pushing out from inland Waimate through Kerikeri and on to the coast to Tokerau or Matakā mountain, and sweeping northward to Takou and into Whangaroa.
22. According to our kaumātua, the marriage of Auha and Whakaaria to two Ngai Tawake sisters, Pehirangi and Te Aniwaniwa respectively, led to the mana of Ngai Tawake being subsumed under their authority at that time.
23. This practice of reposing beneath the mantle or mana of another, existed down to the time of our tūpuna Tāreha, who received numerous women as wives from those many hapū rangatira who sought his active protection.
24. The confederation of Ngai Tawake is an important tribal group within Ngāpuhi and comprises three branches: Te Waoku (*deep forest, Mataraua, Otaua*), Tuawhenua (*Inland, Waimate*), and Takutai Moana (*Coastal, Te Tii Mangonui, Te Rāwhiti*).
25. We of Ngāti Rēhia descend from these ancestors, both Ngāti Tautahi and Ngai Tawake, such that our identity is scarcely distinguishable one from the other, except by virtue of geographic occupation or Ahikā, which I will address a little later on in this brief.
26. According to Ngāti Rēhia kōrero, Mana Whenua within Te Riu o Ngāti Rēhia was vested in Toko in consideration for assisting his uncles, Auha and Whakaaria, in the conquest of Ngāti Miru.

27. Ngāti Rēhia Mana Whenua is exemplified in the directions given by Auha and Whakaaria to Toko to claim Takou against Auha's own son, Te Hotete, the father of Hongi Hika, which resulted in strife, almost leading to war.
28. The mana vested in our tupuna, Toko, granted him full authority to do whatever he wished regarding the land, where in this instance he gifted those lands to his sister Rimariki, whose descendants still continue to live at Takou to this day.
29. Toko lived and died at Waimate, but would on occasion go to the coast to settle any trouble that arose among his people of Ngāti Rēhia. This Mana Whenua gained greater expression in the time of Toko's son, Tāreha, yet remains the same mana we exercise as his Ngāti Rēhia descendants today.
30. Ngāti Rēhia is part of what has become termed the Northern Alliance – comprising Ngāti Tautahi, Ngai Tawake, Te Uri o Hua formerly referred to as Ngāpuhi.
31. Te Wairua of Ngāti Tautahi who lived at Pākinga, Kaikohe, is the key tupuna who, through his several wives, fathered the major rangatira with whom Ngāti Rēhia have maintained their closest ties throughout successive generations, namely: Auha, Whakaaria, Te Perenga, Te Muranga, Kawhi, Kuta and others.
32. Auha, Whakaaria, and Kauteāwha are the principal warlords who were accompanied by their sister Te Perenga's son, Toko, in the second phase of the conquest of Ngāti Miru and Te Wahineiti within Te Riu o Ngāti Rēhia. The descendants of these warlords deliberately set about cementing this relationship through intermarriage with each other as follows.
33. Auha married Pehirangi, and Whakaaria married Te Aniwaniwa two sisters who were the granddaughters of Tawakehaunga (II), and thereby

embody the mana of Ngai Tawake within the conquest context. A third sister Tangopō is also a significant ancestor whose issue resides in the Whangarei area.

34. Auha begat Te Hotete who through his several wives begat: Kaingaroa, Houwawe, Hongi Hika, Waitapu, Takapu, Kupa and others. Hongi's marriage to Mutunga's (of Ngāti Rēhia) daughters Turikatuku and Tangiwhare is well known.
35. Hongi's older brother Houwawe, and sister Waitapu were killed at the battle of Moremonui. Houwawe married his first cousin Hineira to beget descendants who married into the Parangi family, which shifted here to Te Tii from Waimate in 1946. The Apiata Parangi family has intimate links with our whānaunga in Matauri.
36. These links tie Ngāti Rēhia very closely with the Ngai Tawake, Ngāti Tautahi and Ngai Tawhiu hapū of Waimate and also to the Whangaroa hapū of Ngāti Kura, Te Whānau Pani, Ngāti Kāwau, Kaitangata, Ngāti Rua, Ngāti Ruamahue, Ngātiuru, Te Tahawai, Ngāti Pākahi, and explains the Ngāti Rēhia spread throughout that part of the rohe.
37. Te Hotete's daughter Kupa married Whatu another Ngai Tawake whose descendants married into the Heihei Whānau of Te Tii. Hotete married Kuaka to beget Takupu, whose descendants are the Ngāti Hau, Ngāti Hao of the Whakapara area.
38. Te Muranga begat Kahuru who begat Te Maoi who married Te Auparo to beget Wharerahi, Rewa, and Moka.
39. Whakaaria's grandson Tupe married Toko's daughter Moewaka to beget Te Koki who married Rewa, whose Patukeha descendants reside at Te Rawhiti. Moewaka's sister, Hāpai married Te Ahi to beget Titore Tākiri who did not have issue. Rewa's daughter Matire Toha, represented in the poupu in our whare tūpuna, Te Rangatiratanga, was given in marriage to Kati-takiwaru the younger brother of the Waikato King Te

Wherowhero, to seal the peace between Ngāpuhi and Tainui shortly after the battle of Matakītaki at Pirongia in 1822.

40. Matire left the North with her entourage from Putakowhiti, the beach situated on the spit 50 metres from our marae in te Tii. Matire Toha is buried next to her husband Kati-takiwaru at the cemetery of Saint James Anglican Church at Mangere Bridge, Auckland.
41. Whakaaria's great-grandson was Ruatara. It was he who befriended Samuel Marsden and perhaps more than anyone paved the way for the official arrival to our shores of the Christian Missionary Society (CMS) at Oihi in 1814.
42. Kawhi married Tango from Ngāti Rāhiri to beget Pananehe, Whē, Te Mauri and others. Pananehe married Toko's sister, Rimariki, whose descendants today live at Takou Bay. Whē begat Te Kemara of Ngāti Kawa, known also as Tāreha or Kaiteke of Waitangi. Te Mauri married Titorenui, Toko's brother who now mainly reside at the Ngāti Pākahi kāinga of Mangaiti in Whangaroa.
43. Te Wairua's son, Kuta is an important ancestor of the Ngāti Hao rangatira Patuone and Nene from the Waihou, Puketi area, and also of the Ngāti Mau rangatira Kerakera whose issue live at Ngāwha, Whaerengaere and Te Tii.
44. Te Wairua's daughter Te Perenga married Tuaka, grandson of Rēhia whose issue we are known as Ngāti Rēhia, who identify as those who live at Te Tii Mangonui and Takou.
45. Tuaka's siblings were Wairauipo, Rangihinga, Patuaka, and Poti. Wairauipo's three grand-daughters Whitiao, Taupaki and Te Hauauru were all married to the Parawhau rangatira Kukupa who begat the notorious fighting chiefs: Te Ihi o Te Rangi, and Tirarau (III) from the Mangakahia, Tangiteroria rohe whose influence penetrated deeply into the Kaipara. Hinuata who married Makoare Taonui to beget Aperahama

Taonui of Te Popoto, is a great granddaughter of both Rangihinga and Patuaka.

46. Our ancestor Toko's 4 wives Mahu, Moehau, Karo, and Rere were sisters and descend from Ngāti Whakaeke, Te Mouna, Ngai Tawhiu, Ngai Tawake, and Ngāti Rēhia from Toko's mātua, Rangihinga and Patuaka.
47. There has traditionally been very close intermarriage between Ngāti Rēhia and its close allies, but more especially within Ngāti Rēhia hapū whānau itself, as seen with Toko and his wives – a custom practised widely until quite recently, which was primarily intended to protect the natural and human resources of Ngāti Rēhia.
48. There have of course been marriages down through the generations between Ngāti Rēhia and our closest neighbours of Ngāti Torehina, Ngāti Rua, and Te Hikutu.
49. As this has shown, we have a traditional whānaungatanga connections with many hapū but more specifically for our rohe moana, the coastal hapū are Ngāti Kura, Ngāti Torehina, Ngāti Rahiri, Ngāti Kawa, Ngāti Kuta and Patukeha.
50. Ka waiho au i konei ngā whakapapa but the hope is that this kōrero has demonstrated the tikanga of '*pākuha*' or strategic marriage alliances which have consolidated many inter-hapū alliances within Te Riu o Ngāti Rēhia.

*Te Riu o Ngāti Rēhia*

51. Ka pepehatia e ahau tō mātou riu i konei kia kite ai te Kōti i ngā herenga kōrero e pā kau ana ki te whakapapa, ngā maunga, ngā awa, te takutai moana, ngā wāhi tapu me ngā marae o Te Riu o Ngāti Rēhia. Horekau he porowini tuturu ki roto i te whakaaro o te pākeha e taea te whakatinanahia Te Riu o Ngāti Rēhia, nā te whakapapa māori anake e whakataū.

52. Te nuinga o ngā wāhi nei i nohongia ai o mātou tūpuna mātua, i whakaingoangia ia rātou, ka mutu ngā kōrero hōhonu nei ka whakamaua ki roto ia mātou o Ngāti Rēhia:

*Ko Tokērāu te tūtei ki te taha hauraro o te pūaha  
 Ko Rakaumangamanga ki te Rāwhiti.  
 E rere atu nei Te Kerei Mangonui, te Awa o Ngā Rangatira  
 Titiro whakararo ki Orongo, ki Takou awa  
 Te wāhi i mataaraaratia ai e Puhi  
 Te waka tūpuna o Mataatua e moe mai rā  
 Whiti whaka-te-uru ki te nqāherehere nui o Te Puketi  
 Pohutu noa atu ki te moana o Omapere  
 Awhiowhio te rangi ki runga Whakataha Maunga  
 Kei raro te Awa o Waitangi  
 Ka hirere ki Pōkākā  
 Tōtika kite whatumanawa o Īpipiri  
 Ko Ngāti Rēhia te hapū  
 Ko Ngāpuhi te iwi  
 Ko Whitiora, ko Hiruharama Hou, ko Takou ngā marae  
 Tihewa mauri ora, ki te wheiao, ki te ao mārama*

53. I kite tuatahi ake au i tētahi mahere (**ĀpitiHanga “KM1”**) kei roto i tō mātou rīpoata, nā Tony Walzl i tuhi, e whakatau ana i Te Riu o Ngāti Rēhia. E tautoko mārika ana au ki taua mahere.
54. Tua atu i ngā kōrero i roto o te rīpoata rā, hiahiatia nei e au te whakawhānui ake i ngā kōrero e hangai ana ki ētahi wāhi kei roto i tō mātou rohe, e hāngai ana noki ki tēnei take.
55. Nā reira, ānei ētahi o ngā kōrero kua whakapepehatia i runga. Ko te tumanakoranga me tukuna hei tauira ki te Kōti i te mana, te hirahira me te rangatira o ēnei kōrero ki roto i a Ngāti Rēhia.

56. Ka kite noa hoki te Kōti a kei roto i ngā whakamāratanga o te pepeha nei, ngā wāhi tapu, ngā korero hohonu, hītoria, ngā whakapapa me ngā kōrero e tāpiri atu ana ki ngā tūpuna. Nā ngā wāhi tapu nei me ōna kōrero e tuituia i ngā hononga o Ngāti Rēhia ki te whenua, ki te taiao, ki te moana ara, ki ngā mātauranga o tō mātou hapū.

#### *Tokērāu*

57. Ko Tokerau tētahi o ngā maunga e mohiotia whānuitia e Ngāpuhi hei poupou ki roto i te Whare Tapu o Ngāpuhi. Ko rāua tahi me Rakaumangamanga i noho tonu nei ki roto i Te Rāwhiti.
58. I te wā o te tūpuna nei a Tamatea, te tamaiti o Waimirangi rāua ko Kairewa, te timatanga kōrero mō te hangangia o te whare tapu o Ngāpuhi. He tapu te tūpuna nei a Tamatea, nātemea ko ia te kaitiaki o ngā ana tūpapaku ki roto i a Hokianga. Kei ngā kaikōrero o Hokianga ēnei whakamāramatanga. Ka mutu i te whānuitanga o Ngāpuhi ki kō, ki kō, ki kō, ka hangangia te whare tapu o Ngāpuhi e mohiotia nei tātou i te rā nei.

#### *Te Kerei Mongonui*

59. E wha ngā ingoa e mohiotia nei au mō te moana nei, ko Te Kerei Mangonui, Te Tii Mangonui, me Te Puna me Te Pipiritanga o ngā Waka, ara, ko Pipiri. Ki ahau nei e tika ana ngā ingoa katoa, nātemea i roto i ngā kōrero tawhito ngā tauira i aha ai i tapaina he ingoa anō mō te tahi wāhi kotahi. Hei maumaharatanga ki ngā ahuatanga i mahingia i ngā tūpuna i aua wā, ka roa, ka roa ka whakahuangia he ingoa ano mō taua wahi tonu.
60. Ko te ingoa anō hoki mō Te Kerei Mangonui he tūpuna nō Ngāti Rēhia. I noho a Te Kerei Mangonui me tōna teina a Mātire Toha i roto i te Te Tii. I ngā kōrero tuku iho, i roto i Te Puna tētahi tima. Ka rongona ia pō e Te Kerei Mangonui i tētahi tangata e paopao mokemoke ana. E tangi ana te tangata nei ki tōnā iwi.

61. Ka haere ia ki te pātai ko wai rā tēnei tangata e tangi nei, ia pō, ia pō. Ka whakamohio atu ki ā Te Kerei Mangonui ko te tangata nei ko te rangatira ko Te Rauparaha, nō Ngāti Toa.
62. I roto i te aroha ā Te Kerei Mangonui ki a Te Rauparaha ka haere ia ki te kite i a Kawana Kerei, te upoko o te Karauna i taua wā. Ka kōrero a Te Kerei Mangonui ki te Kawana, kia tukuna te rangatira nei a Te Rauparaha kia hoki ki tōnā whānau ā ki tōnā iwi a Ngāti Toa.
63. Ko te kōrero tuku iho, nā Te Kerei Mangonui i tuku ētahi whenua i roto i te Te Tii kia Kawana Kerei. Ko tēnei tuku whenua ā Te Kerei Mangonui kia Kawana Kerei hei utu mō te whakahokinga ā Te Rauparaha ki tōnā iwi a Ngāti Toa.
64. Ka rongō a Te Kerei Mangonui i teka a Kawana Kerei ki a ia e whareherehere tonuhia ana a Te Rauparaha i roto ia Akarana ka haere ia me tāna teina a Matire Toha ki roto o Akarana ki te whawhai kia tukuna a Te Rauparaha kia hoki ki a Ngāti Toa. Horekau a Ngāti Toa i wareware ki tērā mahi āwhina a Ngāti Rēhia. I puta ēnei kōrero i mua i Te Taraipiunara mō Ngāti Toa. He waiata kua titongia e ngā uri o Ngāti Rēhia hei maumaharatanga ki tēnei mahi a Te Kerei Mangonui.
65. He maha ngā kōrero kei roto i te pepeha nei hei tauira mō te Kōti hei whakatinanahia ko wai mātou, nō hea mātou, he Ngāti Rēhia mātou. Pērā i ngā kōrero mō te Awa o Ngā Rangatira i rere atu ki raro te Pā o Kororipo tae noa atu ki Whakataha te Pā kainga o ngā tūpuna nei a Auwha, Whakaaria me Te Perenga, te timatatanga o Ngāpuhi Nui Tonu.
66. Kua tāpiri hoki ahau i ngā mahere kia kite ai te Kōti i ngā waha moana i roto i tō mātou rohe moana me ngā wāhi e noho pā kau ana ki a Ngāti Rēhia. (Āpitianga “KM2”)

## Ngā Mātāpono me ngā mahi a Ngāti Rēhia

### *Te Moana*

67. It is important to understand that as a hapū that is surrounded by the moana, the moana is a part of everything we do and is often a part of the reasons why we do things. Our day-to-day life was governed by the tides, by the ability to gather kaimoana and by the tohu that we would receive from the wai. The knowledge concerning the moana and wai is a part of who we are as a people and the tikanga that we adopt which, in turn, expresses our identity as Ngāti Rēhia.
68. Ngāti Rēhia have always been, and will always be, water people. During the Wai 1040 Te Paparahi o te Raki Tribunal hearings, we were heavily involved in the production of our Traditional Oral Report which was eventually prepared and written by historian, Tony Walzyl (as mentioned above). I have attached the entire report as an appendix to my brief (**Āpitianga “KM3”**), but for ease of reference, I wish to include excerpts from the report in the body of my evidence that focus on the importance of the moana to Ngāti Rēhia.
69. This was described by many of the interviewees and uri o Ngāti Rēhia, as follows:

The significance of the sea to tribal identity and to the relationship with water are issues of importance and common interest to my people. The sea is a central taonga and is a symbol of its tribal identity. It is referred to in tribal proverbs and waiata, is addressed in karakia and oratory and is a source of spiritual as well as physical sustenance to Ngāti Rēhia. The sea is a living entity, it is referred to as “te tiheru o mataatua” the bailer of mataatua. The sea has always been a principal food source for Ngāti Rēhia. Ngāti Rēhia’s fisheries provided an essential source of sustenance to the various whānau groups and these resources were also fundamental in relation to the hospitality offered by Ngāti Rēhia to visiting iwi or hapū groups<sup>1</sup>

Ngāti Rēhia have always overseen the management of well-being of their traditional waters and access to their kaimoana. This has been their right and duty as kaitiaki and as tangata whenua through ahi

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<sup>1</sup> Wai 1040, #R2 Ngati Rehia Overview Report, page 196

kaaroa (continuous occupation) since Mataatua was brought to the Bay of Islands<sup>2</sup>

Ngāti Rēhia were experts at fishing and had well established techniques in relation to the creation of kupenga (nets), aho (lines), matira (fishing rods), matau (hooks) hīnaki (traps) and pa (fish weirs). They used pāua shell for fish lures and fashioned hooks out of bone, shell and other materials. These matau (hooks) ranged from simple one-piece hooks to complex composite hooks. In the Northland area, small hooks were made of paua shell in a U-shape and in sub-circular forms. The most popular method of catching fish was by hand-line fishing (hī ika)<sup>3</sup>

Ngāti Rēhia also developed practices in relation to preserving kai moana as these skills were vital for their survival. Wiki described some of these practises. Sea fish & eels were cleaned, split and hung to dry. Sharks were beheaded and also hung to dry this way. Shellfish such as pāua, mussels kūtai and pipi were cooked, shelled and threaded onto long strips of flax, dried and kept as reserve food. The drying in all cases was by the sun<sup>4</sup>

Wiki also referred to the preparation of rona noting this was a method of preserving purewha<sup>5</sup>

Wiki explained that these established practices or laws were based principally on respect for life, seabed, the water and the gods associated with the fish and seas. These laws required the maintenance of species, habitats and water purity. Under the principle of kaitiakitanga, Ngāti Rēhia had a duty to protect the fisheries resource.<sup>6</sup>

Nau Epiha recalled that from the age of nine his father began to teach him about fishing. He soon came to know every fishing rock in the Inlet and the right times to go to each. Over most of the first half of the twentieth century the economy at Te Tii was mainly centred on or around the settlement and the sea was an important part of this domestic economy. Traditionally, Ngāti Rēhia had often migrated within their rohe on a seasonal basis and Winika Heihei recalled that her parents had used Te Tii only as a summer base until they grew too old to travel about. Then they moved to Te Tii to live there permanently. In 1936 there were approximately a dozen large families living at Te Tii. Huhana Epiha's memories suggest that even in the late 1930s, people at Te Tii were not going out of the settlement and working for wages although she noted that this

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<sup>2</sup> Ibid page 196-197

<sup>3</sup> Ibid 198

<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> Ibid 199

changed over the next decade as her brothers later had to leave to find work. The availability of kaimoana provided essential sustenance to the Te Tii community at this time and was central to their way of life. The community worked together and all had a role. Even as children they were given tasks to complete. However these tasks were often completed as a group and regarded as part of their playtime. Often these tasks reflected the importance of kaimoana to this community as before or after school children frequently had to collect pipi and gut and scale fish. In doing these chores, they were keenly aware these were being done for the whole community. Ngāti Rēhia kaumātua and kuia recollect that during the 1930s and 1940s there were lots of different kinds of fish in the area including snapper and kahawai, and flounders in the estuary. Although there were hāpuka grounds offshore, most of the fishing by the community focused on the inlet. At Taputaetahi, maomao could be caught. A few families had launches, but most fishing was done from dinghies.<sup>7</sup>

70. Ngāti Rēhia were a nomadic people and moved within our rohe moana depending on the season. That is why there are kāinga along the coast because our people would be able to base themselves in different places along the takutai moana. Ngāti Rēhia would go to different sites to harvest kai, and it was for no more than a couple of days at a time. Ngāti Rēhia whānau would campout along the beach, would dig a hole and make a fire and then when it was time to sleep, would throw sand on the fire to lie on it to keep us warm.
71. Ngāti Rēhia would fish throughout the different Bay of Island Inlets. In particular, we would fish in the different bays along the Mangonui Inlet. The main types of fish collected were: tamure (snapper), kanae (mullet), kahawai, kumukumu (gurnard), pātiki (flounder), araara (trevally), auā (herring), John Dory and takeke (piper). On the west side of the Mangonui harbour there would be round shellfish (cockles or Hūwai), and on the east side of the harbour we would collect pipi (kokota).
72. Ngāti Rēhia harvested three types of pipi: kokota, hūwai, and purewha. These pipi were plentiful and big in size. Ngāti Rēhia whānau would cook the bitter purewha in the pot and it would become sweet and John Dory

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<sup>7</sup> Ibid 211-213

fish would be picked up on the beach during low tide.

73. Moukawa is one of the most significant places as it overlooks all of our seafood and all our kaimoana was found here: pāua, crayfish, pūpū, kūtai and kina. Ngāti Rēhia would have seasonal visits here to harvest kai. But there were many other places too within our rohe moana.
74. On one of the main blocks in our rohe, Te Wiroa, is a site of significance for us called, *Parangiora*. On the foreshore underneath Parangiora there used to be kāinga where Ngāti Rēhia people lived and fished. On the foreshore of Te Wiroa block there is also a beach called Tarawa and our tūpuna had an outcrop with community gardens all around the peninsula. At this site there is a rua dug in the side of the hill which was used as food storage, because just below that point there was plenty of kaimoana.
75. Ngāti Rēhia would camp at Tarawa to gather seafood. In Summer, Ngāti Rēhia whānau collected shellfish (cockles and pipi) for the people of Te Tii and in Winter, collected tio. Sometimes kaimoana was taken to whānau at Waimate North in exchange for eels and pigeons because it was what they did not have (seafood).
76. Ngāti Rēhia only collected kaimoana from here for one season and then would move to another site for two seasons, this was to allow the kaimoana to replenish itself. Everyone knew how to conserve the kaimoana and would move around the bays to collect kaimoana because it was so plentiful around the whole coastline
77. The alcove at Tapuwaetahi has a reef called Te Kupenga a Kupe (“The net of Kupe”). This is a place where the fish would be brought into when the tide comes in, when the tide goes out the fish would get trapped and caught by us. This is a popular Ngāti Rēhia fishing site.
78. Along te wahapu o Tapuwaetahi there is a place called Taiata and further along there is a site called Te Pā. It would not have been a big village, but

there is beautiful flat ground here. From this pā site you can look down onto Tapuwaetahi and Kuririki, and look out onto the Cavalli Islands and the great Pacific Ocean.

79. In Owhatakao, Ngāti Rēhia would fish mainly for flounder and mullet. There was a cove, which was a place that was easily accessible and protected from the weather. It was another village like Te Tii but it was not a permanent one, because Ngāti Rēhia moved around the coast to fish for different species.
80. Te Mumuhu is not a fishing site but at the entrance, from the water's edge there are shellfish (Hūwai) which were collected. Other Ngāti Rēhia fishing sites include: Pitau, Noti, Te Aute, Umuwhapuku and Putakowhiti.
81. Why I am talking about all our fishing sites, different kaimoana species within our rohe? Because this kōrero is an example of our traditional tribal history that is passed down through the generations to ensure its survival, the survival of our people and the survival of the moana.
82. There are no other people that have this knowledge or have experienced the history of our rohe moana but us, of Ngāti Rēhia. It is this kōrero tuku iho that shows our connection with our moana, something we have always had, and something that cannot be taken away.
83. Ko tērā tō mātou kāpata kai engari i mōhio hoki mātou ki ngā tikanga kia kore ai taua kāpata e mate haere. Ko te tikanga o te rāhui te mea hirahira ki a mātou. Ka pōhēhē ētahi i ēnei wā ka whakatūria te rāhui mō tētahi aitua i te moana. Ki a mātou o Ngāti Rēhia anake, ka whakamahingia e mātou ngā rāhui i ngā wā katoa. Pēnā e haere ana koe ki tētahi wāhi moana hauhake ai, kaua e hoki anō ā tērā wā. He rāhui tērā. Kihai te rāhui i mutu. Ko ēnei mātauranga katoa, e noho ana i te tūranga o te kaitiaki.
84. Nō reira, he aha tēnei mea te kaitiakitanga?
85. E mōhio ana ahau, tokomaha ngā tāngata kua tuku i ō rātou whakamāramatanga mō te kaitiakitanga. Horekau au mō te whakahē i

aua kupu, e tautoko ana. But if I want to explain to someone what that actually means, I tell them what we do to ensure we are exercising our duties as kaitiaki and also, what are the signs we look for that show we are being good kaitiaki. I believe it is from those descriptions, you will truly see what kaitiakitanga means.

86. Ko te oranga o te moana te mea matua. He maha ngā tohu o te moana e kī nei e ora ana ia. Ko te kaimoana tērā, ko te mauri o te wai tērā, ko te pari anō hoki o ngā tai. All of these “indicators” tell us about the state of te mauri o te moana, te wairua o te moana. Pēnā ka taea e tātou te kite i ngā mea katoa i te moana, ka mōhio tātou, he pai tōna mauri, he pai tōna wairua, ka mutu, ka rangatira te moana i tā tātou kaitiakitanga. Ki te ora rangatira mai te moana, kua pai tā tātou tiaki i a ia.
87. It also goes the other way. If species of fish are dying out within our rohe moana, if the waters are polluted, if tides are not flowing as they should be, then we know that we are not doing enough as kaitiaki and we need to do more, we need to do our job better. Ki a au nei, ko ēnā mea katoa, he tohu o te ngarohanga o te mauri o te moana.
88. It is not always an easy job being kaitiaki over our rohe moana with all the challenges we face, but we don’t really have a choice in the matter. Our responsibilities as kaitiaki is not something that can ever be relinquished, given or taken away. And as a water people, we would never want to change that, as I said above, we are the water and the water is us.
89. The spiritual connection we have with our rohe moana goes deeper than mere “interests” or “rights”. Knowing the spiritual side of anything is knowing te ao Māori, hako te take, hako te kaupapa, hako te horopaki, me mōhio pū tātou ki te ao wairua.

*Exercise of our kaitiakitanga*

90. How we have actively practised kaitiakitanga in our rohe has undergone

many changes since I was young, but the tikanga remains the same. The major change I see, is the relationships we have to maintain with the Crown and their representatives.

91. Ngāti Rēhia have always been active within our rohe and actively sought out relationships and engagements not only with our neighbouring hapū but with the local government bodies in our rohe. We do so recognising the agreement entered into in 1840 and the whakaaro of our tūpuna that the Te Tiriti would create a partnership based on the recognition that both Te Tiriti partners had authority within different spheres and with different spheres of influence.
92. Ngāti Rēhia have been fighting for the recognition of our authority within our rohe moana and rohe whenua, since I can remember, and we do believe we are making positive progress.
93. I will talk about that relationship further in my brief but first I would like to discuss how Ngāti Rēhia exercise our duties as kaitiaki within our rohe in this day in age. I do so to show the Court that we are aware of the impacts and effects particular activities have on the taiao within our rohe and have been, since I remember, actively engaged in finding solutions to ensure our rohe moana, rohe whenua and everything within our riu is protected.

*Detrimental Effects to our Moana*

94. An example of some of the detrimental effects to our moana in the past years has been algal bloom within areas of our rohe moana. This has developed in my lifetime. Amongst other effects, it has resulted in a strange smell coming from the moana. I am not sure what actually caused it but my guess is that it is an environmental issue, whether it was as a result of run-off from ships or boats, attached to sewerage or run off from farms, I am not sure but it certainly didn't belong in the moana.

95. I understood that when that algal bloom came along you couldn't eat shellfish or oysters because it made you sick. I also heard, whilst growing up, that there was heavy activity back in the 1940s to 1960s where commercial trawlers and fishers were allowed to come into our rohe moana and heavily fish.
96. As a result of our observations regarding the depletion of kaimoana and the pollution of our moana, Ngāti Rēhia participated in and conducted a study: the Tai Tokerau Coastal Cultural Health Index Project 2009 – 2010. Through this initiative, Ngāti Rēhia whānau monitored specific sites within and around the moana over a set period of time in order to assess the health of the site and produce results.
97. This demonstrates the concern Ngāti Rēhia had around environmental degradation and is evidence that we exercise kaitiakitanga over our rohe moana.
98. The project's overall objectives were:
- (a) to raise awareness of utilising cultural indicators to monitor the health of kaimoana by carrying out a series of hui / wānanga in Te Tai Tokerau;
  - (b) to develop and test a Coastal Cultural Health Index ("CCHI") model to be used by a core team of ten kaitiaki from three iwi / hapū organisations in selected pilot locations; and
  - (c) to produce a comprehensive evaluation of the process including recommendations and potential mechanisms for its transfer to other kaitiaki, iwi and hapū in Te Tai Tokerau.
99. The Coastal Cultural Health Index for Te Tai Tokerau Project Report is attached to my brief (**Āpiti**hanga "KM4").
100. Another function which demonstrates kaitiakitanga and evidences protection and appropriate management of resources by Ngāti Rēhia is

our hapū involvement in Te Komiti Kaitiaki Whakature i ngā Tāonga o Tangaroa.

101. I tautoko the evidence given by my whanaunga, Hugh Rihari, regarding this rōpū and my tuahine, Nora Rameka will speak to this rōpū in more detail. However, to summarise in my kōrero, this organisation consists of a collective of hapū kaitiaki responsible for managing our customary fisheries in our rohe moana. A key role of the Komiti is to grant permits for the taking of kaimoana for customary use. Ngāti Rēhia kaumātua, Judah Heihei was instrumental in setting up this group.
102. Another instance where we have acted as kaitiaki is demonstrated when in 2006, Remarie Kapa (then chairperson of the Rūnanga) fought to stop local recreational yachties from dumping their sewage in Te Kerei Mangonui and Te Awa o ngā Rangatira and harming our kaimoana and moana generally.
103. After much effort by Ngāti Rēhia, a compromise was reached whereby the yachties were made to dispose of any sewage in the open ocean. Although this was certainly not the most ideal outcome for Ngāti Rēhia as we oppose any sewage entering the moana, it was however the best we were able to achieve under the circumstances.
104. This issue highlighted very clearly for us two very different paradigms: Ngāti Rēhia saw it as a spiritual thing, as us being guardian of the moana and concerned about its health; the yachties viewed it simply as a playground. Ngāti Rēhia fought an uphill battle in a very tough, hostile environment, but it was a fight we had to have. We will continue to do this as long as we have to - mō te oranga tonutanga o te moana te take.
105. Another instance of our attempts to exercise kaitiakitanga, was the expansion of oyster farms. Te Tii lies out on a triangular peninsula and on either side there are surrounding oyster farms. Neither are owned or operated by Ngāti Rēhia.

106. The oyster farm on the eastern side was granted resource consent for expansion, despite this company's reputation for dumping rubbish and toxins into the water and erecting unauthorised buildings. We were not consulted. All of this takes place right in front of us, in our immediate rohe moana, and we see no repercussions.
107. In discussions with the Northland Regional Council at the time, we raised the following concerns:
- (a) The group who were granted resource consent had been responsible for the dumping of highly toxic discarded battens, rails, tons of oyster shells, unauthorised structures, plastic bags, etc. despite the various conditions detailed in the consent granted, we had no reason or basis to believe this group would adhere to the conditions;
  - (b) There was a substantial increase in the resource consent area. We considered such an increase in oyster farming posed significant environmental risks to our foreshore and moana. The expanded boundary had already been marked out at the site;
  - (c) The consent area was directly adjacent to Te Tii village and is a traditional kaimoana gathering area and the expansion of the consent location would have serious implications for this practice;
  - (d) Ngāti Rēhia are the kaitiaki of our rohe moana. We believed the operations of this oyster farm would compromise the spiritual integrity of the moana and, as such, was culturally unacceptable;
  - (e) We had not seen any information / material from the group that demonstrates any regard for tāngata whenua values, that the oyster farm would be sustainable, what impacts there may be environmentally and what, if any, measures were in place to address these;
  - (f) No discussion or consultation was undertaken with Ngāti Rēhia

regarding the consent, despite the proximity of the consent area to Te Tii;

- (g) The consent location was in a recreational area for Ngāti Rēhia hapū;
- (h) The consent area was right in the foreground of the view overlooking the moana from Te Tii and would be unpleasant visually;
- (i) There were no obvious benefits of this activity to Ngāti Rēhia, despite being in our rohe moana and directly adjacent to Te Tii; and
- (j) The consent expires on 31 December 2024. We considered this far too long given the concerns raised above.

108. This matter was nothing new to Ngāti Rēhia and neither, at the time, was the lack of engagement we were experiencing from the Council. We have had to deal with people coming in and utilising our moana, with free reign to do this for years.

109. The added value that Ngāti Rēhia would contribute to environmental issues were consistently overlooked and this issue was one example of that. Our practices are in line with tikanga Māori and no matter the activity proposed, at the forefront is the mauri and sustainability of the moana.

110. Despite our initiatives and best endeavours during those years we were not supported by the Government in a meaningful sense. We have been the ones that have driven initiatives to protect ourselves and our moana. And the reality was, and still is in some cases, Ngāti Rēhia and our duties and responsibilities as kaitiaki were not being recognised and it was a struggle on a daily basis to realise our own aspirations for the moana.

111. Throughout this entire time, Ngāti Rēhia were continuously looking for a

meaningful relationship with the Council to recognise our efforts to protect our rohe and to provide us with more assistance in order to allow us to better exercise our duties. We know what to do to protect our rohe but our resourcing was almost non-existent and the barriers we faced only added to the difficulty to exercise our kaitiakitanga fully.

*The Rūnanga*

112. It is from this lens that Ngāti Rēhia established Te Rūnanga o Ngāti Rēhia in 2002, to provide the platform for the political and operational leadership for our hapū within our rohe moana and rohe whenua. The main objective of the Rūnanga is to develop a sustainable economic, social, and cultural base for the continued growth of our hapū and to become actively involved in a range of issues associated with our role as tangata whenua and kaitiaki
113. We are active in our rohe concerning all matters that effect the continued exercise of our mana and rangatiratanga within our rohe. We have a close connection with our neighbouring hapū and local bodies to ensure that our rohe is well looked after and protected for our uri whakatupu. We have a Hapū Engagement Management Plan that sets out our mahi in more detail (**ĀpitiHanga “KM5”**). I recognise that this version is dated 2018 and there is most likely a number of matters in our HEMP document that require updating.
114. Since 2002, and in all our interactions with key stakeholders, the Rūnanga has recorded our position as follows:
- (a) Te Rūnanga o Ngāti Rēhia is the hapū authority of Ngāti Rēhia. Ngāti Rēhia hold mana i te whenua and mana i te moana over the traditional rohe of the hapū. The Rūnanga acknowledges that such mana is not necessarily held exclusively. The Rūnanga considers that overlaps in traditional authority between ngā hapū o Ngāpuhi are areas of “shared interest” rather than areas of conflict;

- (b) The Rūnanga, on behalf of Ngāti Rēhia, claim ahi-kaa and tangata whenua status over this rohe;
  - (c) Ngāti Rēhia are proudly Ngāpuhi and acknowledge the guardianship of times past and the mana in which resources were shared with other Ngāpuhi hapū, whose lives, stories, and whakapapa are also interwoven into the landscape. We acknowledge those common interests and kaitiakitanga of our neighbouring whanaunga hapū.;
  - (d) As of 2004, Ngāti Rēhia hapū were estimated to constitute a population of approximately 3,700, including those living at Takou and Te Tii as well as many residing around Kerikeri and the Bay of Islands. As this number was almost 20 years ago, we are currently updating those numbers through a database project, and I suspect that number would be much higher today;
  - (e) Our history and whakapapa, the pā on the ridgelines and the very names our ancestors bestowed on all parts of the landscape are testimony of a time before resource management, biodiversity, global warming, fee simple land title, council rates and carbon sinks. A time when our kaitiakitanga was the preferred management system and the tools of rāhui, tapu, manaaki and karakia were used in place of reserves, regulation and policy.
115. Over the past decade or more, Ngāti Rēhia has witnessed an explosion of development in our rohe moana and rohe whenua. This has led to an increase pressure on our hapū to provide advice and input into a variety of challenging and complex environmental, resource management, and Te Tiriti redress issues. We have welcomed those challenges and developed many strong and successful relationships within our rohe.
116. Most recently, we have entered into an agreement with the Northland Regional Council (**Āpitihanga "KM6"**) that recognises, amongst other matters, the mana of Ngāti Rēhia within our rohe and the desire to work

collectively with the Council in the North.

117. This was a huge milestone for Ngāti Rēhia and is something that we have been striving for since the time of our kaumātua and kuia who have pathed the way for the progress we have made and continue to make within te Riu o Ngāti Rēhia. While the road is still rocky and we still meet obstacles along the way in terms of our relationship with the Council, we are committed to this relationship and the recognition of Ngati Rehia mana within our rohe. The hope is that this relationship will strengthen as we continue to design the pathway of how we work together for the betterment of our taiao.
118. We will continue to hold the Council accountable, an example of this are the submissions we provided in 2019 which set out our priority concerns at that time. (**Āpitihangā “KM7”**)
119. Hei whakakapi, hei whakarāpopoto pea i konei, Ngāti Rēhia are involved heavily in the environmental space within our rohe which includes the establishment of protection strategies to address issues such as (but are not limited to):
  - (a) Degradation of the freshwater and coastal water bodies from development pressure, poor land use practices, sedimentation, and pollution;
  - (b) Loss of biodiversity throughout the rohe moana and whenua;
  - (c) Biosecurity risks to taonga species and habitats;
  - (d) Aquaculture and water allocation policies;
  - (e) Western Science not recognising Kaitiakitanga methodologies;
  - (f) Alienation of land and loss of access to traditional freshwater and coastal kai gathering areas.
120. I te mutunga iho, what I am attempting to show is that Ngāti Rēhia have

been operating within our rohe for the protection of our rohe moana and rohe whenua since we arrived within this rohe and everything we do and the relationships we are building is all based on our duties as kaitiaki.

121. None of these issues are new to us, and we have been trying to implement initiatives within our rohe to ensure environmental protection and sustainability but are constantly faced with challenges to enable us to exercise our kaitiakitanga and mana.
122. What we are happy about in the last year is that we are finally seeing some recognition and awareness of that mana and kaitiakitanga and we don't want anything to effect that, or stop that traction and the progress we have made.

#### **Tō mātou tūranga mō tēnei kēhi**

123. It is for that reason that we fundamentally oppose these applications and the orders sought.
124. While we appreciate that these applications have been filed because of concerns regarding the kaimoana in our rohe moana and the rohe moana of the hapū that share our coastlines, the process is not based on tikanga and is not something we can support. In fact, we have concerns about the risk any orders granted will have on our ability to exercise our kaitiakitanga in our way, the relationships we have established with the Council and also the potential risk orders could have on our Marine and Coastal Area Act matters.
125. I have viewed the maps that have been filed to date and the descriptions of areas that have been provided by parties to these proceedings and it is clear that there is some overlap into Ngāti Rēhia area or the subject areas are so close to Ngāti Rēhia boundaries, that it will no doubt have an effect on our rohe moana practices.
126. Therefore, the potential impact that any decision from the proceedings will have on our hapū is very real. We are not simply a grouping or a hapū

that is interested in the outcome of the applications, this application relates to our traditional rohe moana and has the potential to effect how we exercise our kaitiakitanga. We need to be involved in conversations and more importantly, decisions, that have the potential to affect our rohe and the practise of our tikanga.

127. Firstly, the importance to Ngāti Rēhia of maintaining our customary fisheries cannot be overstated. Ngāti Rēhia consider that the maintenance of adequate customary fisheries is a high priority issue and is something that we need to be involved in, in fact, it is something we need to lead not anybody else. All the key stakeholders, agencies, land owners and users, commercial, customary and recreational fishing groupings need to collaborate closely with Ngāti Rēhia and neighbouring hapū if a viable fishery strategy is to be achieved.
128. We also believe that the fishing concerns as set out in some of the evidence is not only as a result of overfishing, and simply implementing restrictions will not solve the issue. As kaitiaki we believe that the main reason for this, is the surrounding farm lands, and the sedimentation from those farm lands which is not blocked from running off into the moana. There are also large tracts of pine forests surrounding the area and the cutting down of these forests have poured toxins into our inlet.
129. Poor land use practices continue to see sediment and nutrient run-off into our moana. Therefore those issues, coupled with past poor fishery management have all contributed to the lack of fish in our waters. The answer, we believe, has to be a tikanga based approach.
130. The reason that kaitiaki live on the land is so that they can actively monitor and adjust where necessary. We swim these boundaries every year to check and manage how to replenish our fisheries. This is tikanga and kaitiakitanga. We, the kaitiaki, are here, available to fulfil that role, but we are either blocked by Crown processes or overlooked on matters such as this where we see non-Māori groupings seeking to implement

restrictions in our rohe moana without our consent.

131. That is our responsibility, our duty as katiaki and we need to be able to exercise our tikanga, without barriers, to ensure these responsibilities can be met. It is only this way that our rohe moana will be appropriately looked after, it is only this way that our rohe moana will live.
132. Lastly, Ngāti Rēhia filed an application under the Marine and Coastal Area (Takutai Moana) Act for Direct Engagement with the Crown to consider our tono for Customary Marine Title orders and Protected Customary Rights orders within our rohe moana (**Āpitiwhanga “KM8”**). We are also claimants in the Waitangi Tribunal, Wai 2660 Marine and Coastal Area Act Inquiry.
133. These matters are still progressing before the High Court, the Waitangi Tribunal and in direct negotiations with the Crown and we feel it is not in good faith that matters concerning our rohe moana are being considered, firstly without our participation, but also while these proceedings are active.
134. We believe there is a real risk that the granting of these orders could have an effect on our applications under the MACA.

#### **Kupu Whakamutunga**

135. As I have set out, we are active in our riu concerning all matters that affect the continued exercise of our mana and rangatiratanga within our rohe. We have a close connection with our neighbouring hapū and local bodies to ensure that our rohe is well looked after and protected for our uri whakatupu.
136. Ngāti Rēhia have and will continue to actively participate in the decision-making processes within our rohe moana and rohe whenua and more particularly, with the regional council when those decisions affect our hapū, our values or taonga.

137. Ngāti Rēhia believe in and promote the agreements and promises made in both He Whakaputanga o Te Rangatiratanga o Niu Tirenī and Te Tiriti o Waitangi and are of the view that they are the founding documents of Aotearoa. It is on this basis that Ngāti Rēhia have consistently sought to meaningfully engage with the Northland Regional Council (NRC) on a regular basis.
138. Ngāti Rēhia have always been here. We have been talking about our rohe moana to the Crown for many years. We have strong relationships with local authorities and Crown agencies within our rohe who recognise that this is our rohe moana and it is only Ngāti Rēhia that exercise our tikanga within these areas. We have mana whenua over this area and mana as kaitiaki over our rohe moana.
139. Kua roa nei a Ngāti Rēhia e whawhai ana kia tāhuri mai te Karauna, kia tāhuri mai te Kaunihera, kia tāhuri mai te Pākehā ki ngā tikanga o te Māori mō te moana, kia aro tūturu mai ki ngā hiahia o te Māori mō te tiaki i te moana. Ko tēnei take nei tētahi o ngā whakamahinga i roto i tō mātou rohe e aro kore ana ki te tūranga o te kaitiaki, āna mahi, āna kawenga, ka mutu, ko tōna pānga ki te moana.
140. Ahakoa te huhua o ngā take e pēnā ana e whakahāweatia ana Ngāti Rēhia, kei konei tonu mātou e aro atu ana ki ngā mātāpono o te Tiriti o Waitangi, pērā i te houruatanga, e ngana ana ki te mahi tahi me te Karauna me ōna pekenga hei oranga mō te moana, mō te taiao, mō te iwi anō hoki. E whakapono ana mātou ki ā mātou mahi hei kaitiaki, ekore rawa ēra mahi e mutu, ahakoa te ngana a ētahi atu.

**DATED** at Kerikeri this 24<sup>th</sup> day of May 2021



Kipa Munro

"KM1"



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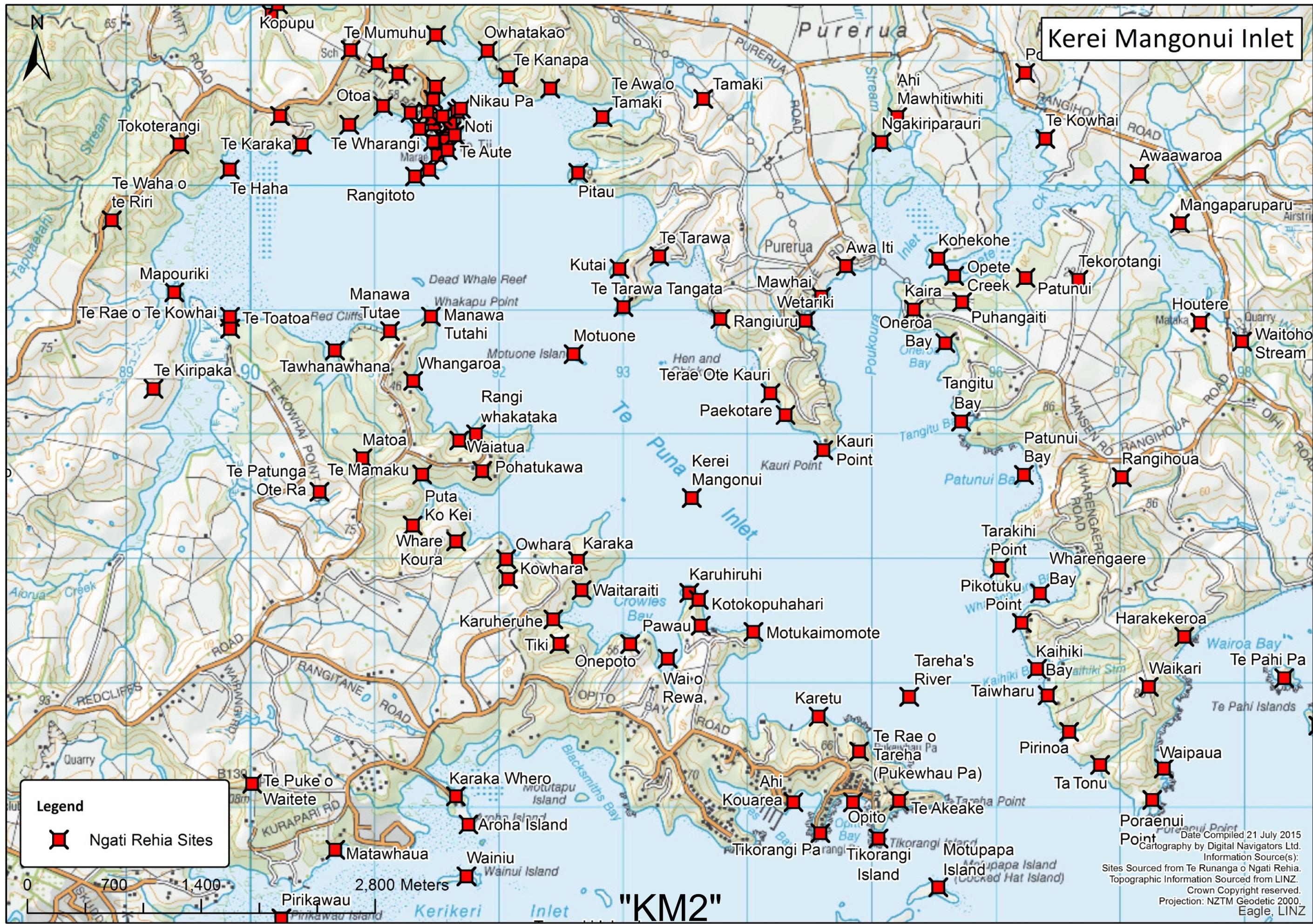
-  Pa Sites
-  Nga Kainga
-  Maunga
-  Mataatua Waka



## Te Riu o Ngati Rehia

He whenua tuku iho ki nga uri o Ngati Rehia

Scale 1:225,000 Main Map  
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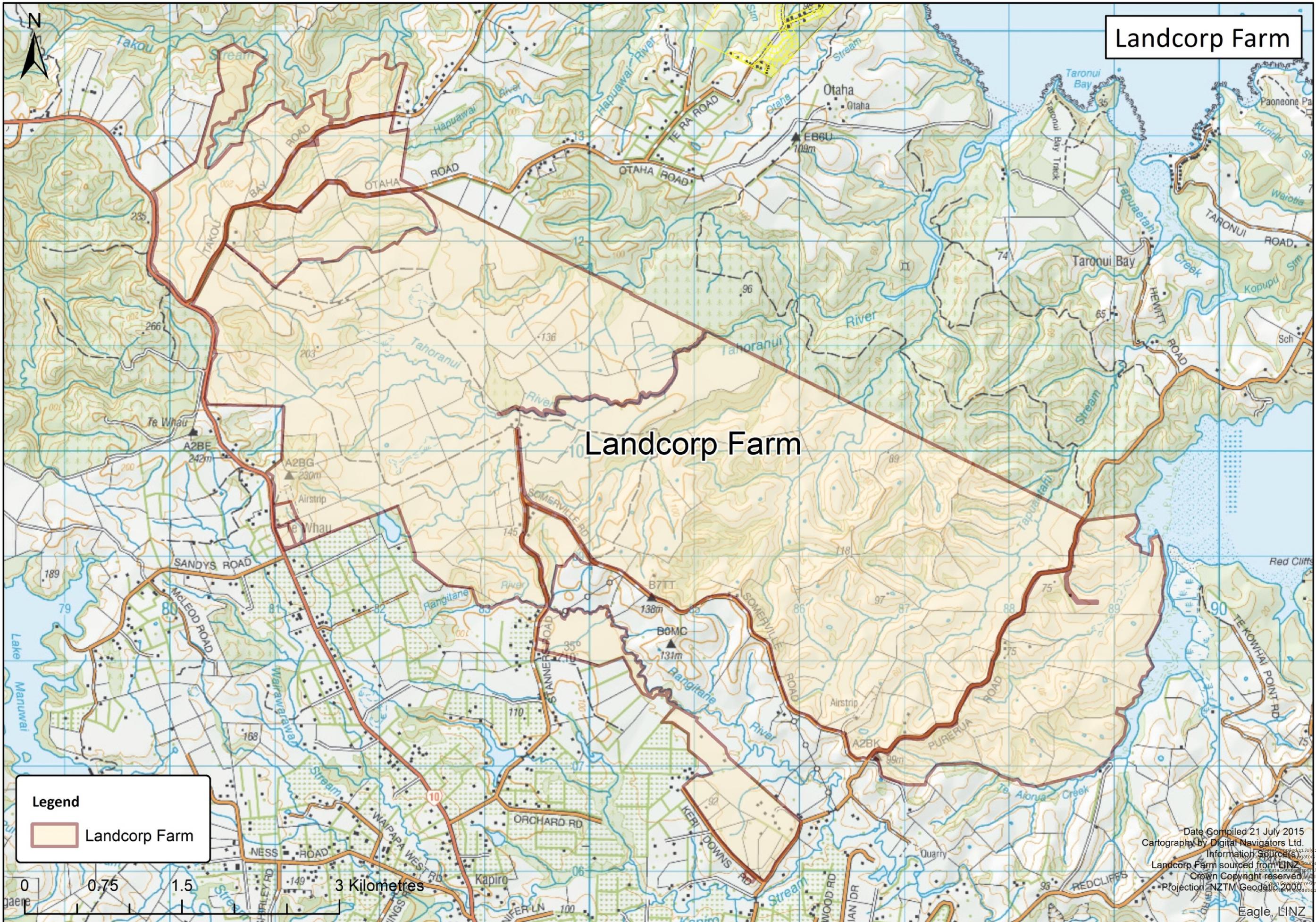


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Wiroa Block

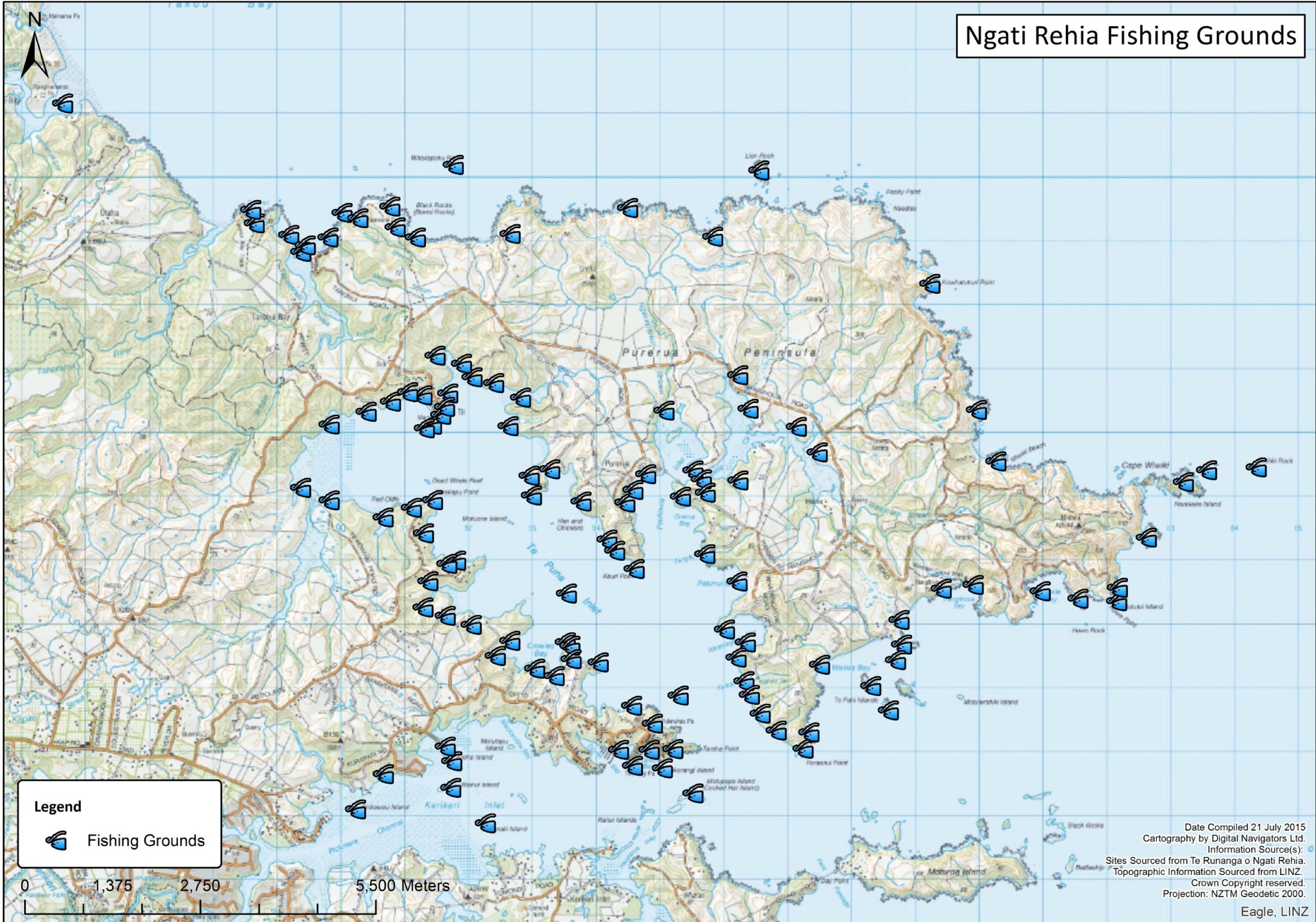
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# Ngati Rehia Fishing Grounds



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# "KM3"



## **NGATI REHIA: Overview Report**

<b>RECEIVED</b> Waitangi Tribunal
<b><i>19 May 2015</i></b>
Ministry of Justice WELLINGTON

**May 2015**

**Tony Walzl  
WALGHAN PARTNERS**

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## INTRODUCTION

This report has been compiled on behalf of the Ngati Rehia Claims Group under Te Runanga o Ngati Rehia as the Runanga's response to the technical research programme that has been completed for the Te Paparahi o te Raki Inquiry District. This research programme produced a series of large overview reports for the whole inquiry district. These reports were based both on chronological periods and specific themes. However, the Ngati Rehia Claims Group wanted to have the material in these reports that was relevant to Ngati Rehia collected together into one place. In addition, with the overview reports having to cover such large subject matters for such a large inquiry district, it was felt that there was a need for gap-filling research – finding specific references to Ngati Rehia that may not yet be included in the overview reports. Such material has been found: in missionary journals, in Land Court minutes, in Ngati Rehia documentation and from interviewing Ngati Rehia persons. The result is a narrative dealing only with Ngati Rehia and spanning a timeframe from the 1700s through to today. The focus solely on Ngati Rehia is deliberate. Whilst a number of hapu have always occupied land in close proximity to Ngati Rehia or have had very close ties with Ngati Rehia, these relationships are not considered in this report but may be the focus of comment from Ngati Rehia. Instead, the intention of this narrative is to tell a clear story of Ngati Rehia and their relationship with the Crown.

In addition to work commissioned by Ngati Rehia, this report also encapsulates work completed under funding by the Crown Forestry Rental Trust as part of a Mana Whenua report completed for the Tai Tokerau Maori District Council (TTMDC) Claims Collective. Ngati Rehis were a part of that Collective. Therefore, the section in the TTMDC report (Wai-1040 E-34) specifically focused on Ngati Rehia is now included in this report although it has, a several points, been added to.

In completing this report, my thanks for continuing assistance and ongoing support are given to the Ngati Rehia Claims Group and all those of Ngati Rehia whom I have met and have contributed their time, resources and viewpoints towards this report. My thanks also to *Walghan Partners* researchers Paula Berghan, Christine Taylor and Neil Robbins who at different times have contributed to the compilation of this report.

## **Section I: NGATI REHIA PRIOR TO 1840**

Moving from the time of the first peoples and the first ancestors, the origins and development of Ngati Rehia will be set out in this Section. This narrative will particularly focus on comparatively more recent developments, two to three generations prior to the signing of He Whakaputanga, when Ngati Rehia established the rohe with which they are currently associated and moved into the geographical locations that they currently occupy.

This Section identifies key tupuna for Ngati Rehia. Whakapapa will demonstrate ongoing relationships established over time. This Section will also trace the actions of Ngati Rehia over the generations and the mechanisms through which they maintained mana whenua within their rohe. Evidence of conquests, ahi kaa, the resisting of external challenges, tuku whenua, rahui and tohu placed on the land all will be noted.

For Ngati Rehia, the mana of their rangatira was advanced through their associations and ongoing relationships with other chiefs who collectively formed an iwi/hapu grouping that has been named the Northern Alliance. The origins and development of the Northern Alliance and the central role within it played by Ngati Rehia chiefs will be described. In the time of Toko, this relationship resulted in Ngati Rehia moving into the wider Waimate district and then gaining land through conquest that stretched from Whakataha northwards as well as through to Kerikeri and out to the Purerua coast. The lands around Takou were subsequently gifted to Toko and his whanau. Although there are other versions of these events held by other hapu, it is Ngati Rehia's viewpoint, which they expressed consistently over time, that will be presented in this report.



It would be left for Toko's sons and grandsons to deal with the next great change that occurred in the Bay of Islands - the arrival of Pakeha. Despite the inevitable misunderstandings arising from first contact, Ngati Rehia rangatira developed key relationships with the CMS missionaries as well as other Pakeha who came into the district. A number of technical overview reports have been presented to the Tribunal which have evaluated the extent of change and adaptation occurring in the Bay of Islands in the three decades prior to 1840. It would be a superfluous exercise to reproduce, within this report, that evidence at any great length. Instead, this Section will focus on presenting the evidence specifically pertaining to Ngati Rehia and to assess this evidence in the Commentary as far as it reflects the Ngati Rehia perspective of events.

Within the context of the arrival of Pakeha, there was another significant development for Ngati Rehia. Following a significant breach of tikanga at Kororareka in 1830, the resolution chosen to settle grievances resulted in Ngati Rehia chiefs, with a few other chiefs of the Northern Alliance, being ceded lands that included the most significant trading port then in existence in New Zealand. Thereafter, the Ngati Rehia chiefs Tareha, Titore, Te Pakira and Te Hakiro, took full advantage of the opportunity that had befallen them. In addition to trade, they negotiated a sophisticated series of tuku whenua to maximise benefit for and from the new Pakeha arrivals that flocked into the new port over the 1830s. Elsewhere in their rohe, strategic tuku whenua were arranged with missionaries and lay Pakeha alike in Whangaroa, Kerikeri and Waimate.

Finally, during the 1830s, the arrival of a representative of the British Crown required Ngati Rehia rangatira to develop an appropriate response. This section of the report will trace the series of responses from Tareha, Titore and Hakiro through to 1840.

Figure 2: Te Riu o Ngāti Rehia



## A. ORIGINS AND DEVELOPMENT

A pepeha previously provided to the Waitangi Tribunal sets out Te Riu o Ngati Rehia:

*Ko Tokerau te tutei ki te taha hauraro o te puaha  
 Ko Rakaumangamanga ki te Rawhiti.  
 E rere atu nei te Kerei Manqonui, te Awa o Nga Ranqatira  
 Titiro whakararo ki Orongo, ki Takou awa  
 Te wahi i mataaraaratia ai e Puhi  
 Te waka tupuna o Mataatua e moe mai ra  
 Whiti whaka-te-uru ki te ngaherehere nui o Te Puketi  
 Pohutu noa atu ki te moana o Omapere  
 Awhiowhio te rangi ki runga Whakataha Maunga  
 Kei raro te Awa o Waitangi  
 Ka hirere ki Pokaka  
 Totika kite whatumanawa o Ipipiri  
 Ko Ngāti Rēhia te hapu  
 Ko Ngapuhi te iwi  
 Ko Whītiora, ko Hiruharama Hou, ko Takou nga marae  
 Tihewa mauri ora ki te wheiao, ki te ao marama*

Tokerau is the sentinel mountain that stands at the northern aspect of the harbour mouth  
 Rakaumangamanga stands in the East  
 Both Kerei Mangonui and The River of Chiefs flow there-ward Gazing Northward to Mount Orongo, and the River of Takou The territory cautiously guarded by our ancestor Puhi  
 The ancestral canoe Mataatua there gently sleeps Before crossing westward to join Puketi Forest Sweep past and onward to plunge into Lake Omapere  
 We turn rising skyward to Whakataha Mountain The fountain head of Waitangi River below Gushing eastward to Mount Pokaakaa Inexorably to the heart of the Bay of Islands Ngati Rehia the tribe  
 Ngapuhi the nation  
 Whose Marae are Whītiora; Hiruharama Hou and Takou  
 This breath drawn life animates the emergent world into broad day light<sup>1</sup>

This first sub-section of the report sets out the way in which this tribal territory came into being.

---

<sup>1</sup> 27 Sep 2010, The evidence of Te Huranga Hohaia, WAI-1040 D8, pp.2 & 12

**i. Puhi and the waka Mataatua**

The special link of Ngati Rehia with Mataatua, has been described previously before the Waitangi Tribunal by Te Huranga Hohaia.

Tenei ia taku waka I hoes ake e Puhi-moana-ariki, te tupuna nui o Ngapuhi. E mau tonu nei te urungi o te waka ki taku ringa ki a Nga.ti Rehia, mai ano i te oroko unga mai a, tae noa mai ki tenei ra. Ka mutu taku whakamarama i te ahuaranga o te waka nei o Mataatua.

This is my canoe sailed here by Puhi-moana-ariki, the eponymous ancestor of Ngapuhi. The steering tiller of the canoe of which still remains in my hand, the hand of Nga.ti Rehia, from its first arrival here down to the present day.<sup>2</sup>

There are several different traditions associated with the waka Mataatua. The following is one recently presented by Ngati Rehia.

*Ranginui i runga, Papatuanuku i raro  
Ka whakawehe a korua pupuake ana ko te ira tangata, ki te whei ao, ki te ao marama  
Ka rongo hia ruru ana te ruru i kaia ana te kaia ana  
Kahore koa au ko Maui Tikitiki a Ta  
I haka nukunuku hia, i haka nekeneke hia  
Nga waka tupuna mai Hawaiki I runga I te uma o Tangaroa tikitiki  
Ka utangaia te mata o te Atua ki runga i te waka  
Ko wai ra, ko wai ra  
Aue ko Mataatua, te waka o te Atua  
Aue tai  
Eke, eke Tangaroa, eke panuku  
Ui e, taiki e!*

*Sky parent above! Earthmother below  
Wrenched apart, man sprang forth, to the dawning, Glare of life  
Heard was the morepork's hoot, the scavenging screech of the hawk  
It was Maui of the arrogant topknot, the mover of earth and oceans  
Saw the archaic canoes departs Hawaiki, slice the rim of Tangaroa's girdle  
Whence the face of god was cast on the canoe  
Which canoe? Which canoe?  
Behold it is Mataatua canoe of God.  
Cresting the ocean foam, Rise Tangaroa. Rise up ! Thrust forward!  
Disengage! Taiki e.*

<sup>2</sup> 27 Sep 2010, The evidence of Te Huranga Hohaia, WAI-1040 D8, pp.4 & 14

When *Mataatua* canoe left Hawaiki Toroa was the Captain, Tamakihurangi the High priest. Other ancestors who also arrived on the canoe were: Puhi-moanariki (eponymous ancestral name of Ngapuhi); Wairaka; Rahiri; Nuiho; Taneatua; Puharaunui; Kakepikitia; Taka; Muriwai; Tahingaotara; Wekanui; Tarawhatu; Manu; Hinemataroa; Akaramatapu; Ruauru; Kanioro; Ruaihonga; Tuturiwhatu; Moungaroa and Turu.

In Hawaiki before the waka *Mataatua* left Irakewa father of Toroa and Puhi cautioned; when you arrive you will see a high cliff by a river mouth on the east coast; build there a cave nearby for your sister Muriwai.

When *Mataatua* waka arrived prayers to the gods and a holy platform was erected. A sacred manuka tree was planted embodying the mauri (life force) of the canoe and crew. The first pa was Kaputerangi built by Takairaukau before the migration.

Irakewa chose his eldest son Toroa as the paramount chief, the younger brother Puhi defied him.

The brothers prepared their kumara plots. Toroa chose his garden plot on a flat land which was poorly drained. Toroa's crop was poor and stunted.

Puhi chose his garden plot on the hillside facing the east it flourished. Toroa became jealous and accused Puhi of black magic; they hurled insults at one another.

Puhi's chant

*Koorokoro iti, koorokoro rahi, tu ana te manu i nga puke rara, tenei te kai ka iri, he kai whakarere te kai.*

*A bird with a small and large throat sits on yonder hill for here is food abandoned and strewn on tu in anger.*

Toroa's reply

*Te ko miti runga miti raro miti ha ha, ka tupu te wai, ka ora te wai, ko te wai na wai, ko te wai na uru-manawa .*

*The spade works above, below and aside, the water rises and all is well. To whom does the water belong? To uru Manawa.*

There was extreme bitterness between the two brothers. Puhi decided to leave and sailed north to seek a new home never to return.

During the northward journey, there were many places named by Puhi as they travelled northward.

According to one of our elders, Wiremu Paora: The waka *Mataatua* was not stolen it was taken honourably.

When Puhi arrived at Takou, a couple on the canoe was quarrelling. The husband was Kohakoha, and the wife was Tawhiura.

During the heat of argument the sea whipped up and they were unable to enter the river.

Puhi commanded that the woman, man and all their children to be tossed overboard and suddenly the storm abated. Puhi did a chant and turned them to stone. At the entrance of Takou awa (river) there lay boulders of Kohakoha (husband) Tawhiurau (wife) and their children, they became the guardians of the awa entrance. Puhi feared the canoe would be stolen so he took *Mataatua* further up the Takou awa and turned it to stone, it remains in Takou. Whenever Tawhiurau is seen facing up it means someone has passed on.

Puhi, according to Wiremu Paora, was a prophet of his people. A devout man, he prayed to his gods. He had power, blessed with incarnations Kohakoha, Tawhiurau their children and the waka *Mataatua* he turned them into stone.

Whenever our elders saw strangers acting suspiciously they were asked to leave. These teachings go right back to Puhi's teachings. Anyone who came to Takou with bad intentions, they will never be able to cross the awa as the seas would whip up a storm and these boulders would be tossed around and it is very frightening.

We of Ngati Rehia believe, while our families were away from Takou, the sea and the sky became the guardians of the waka.

In 1985 there was a reunion of Toroa and Puhi's uri (offspring) at Whitiara marae, Te Tii after 700 years of the separation of Puhi and Toroa's offspring. Ko tahi nga uri o te waka o *Mataatua*.

Figure 3: Haeretanga o Mataatua



### Haeretanga o Mātaatua

**Legend**

- Waka Landing
- Locality
- Māunga
- Pā or Marae
- Resting Place of Mātaatua Waka
- Puhī's Kainga
- Gardens
- Orchard
- Pararuhe
- Te Kowhai

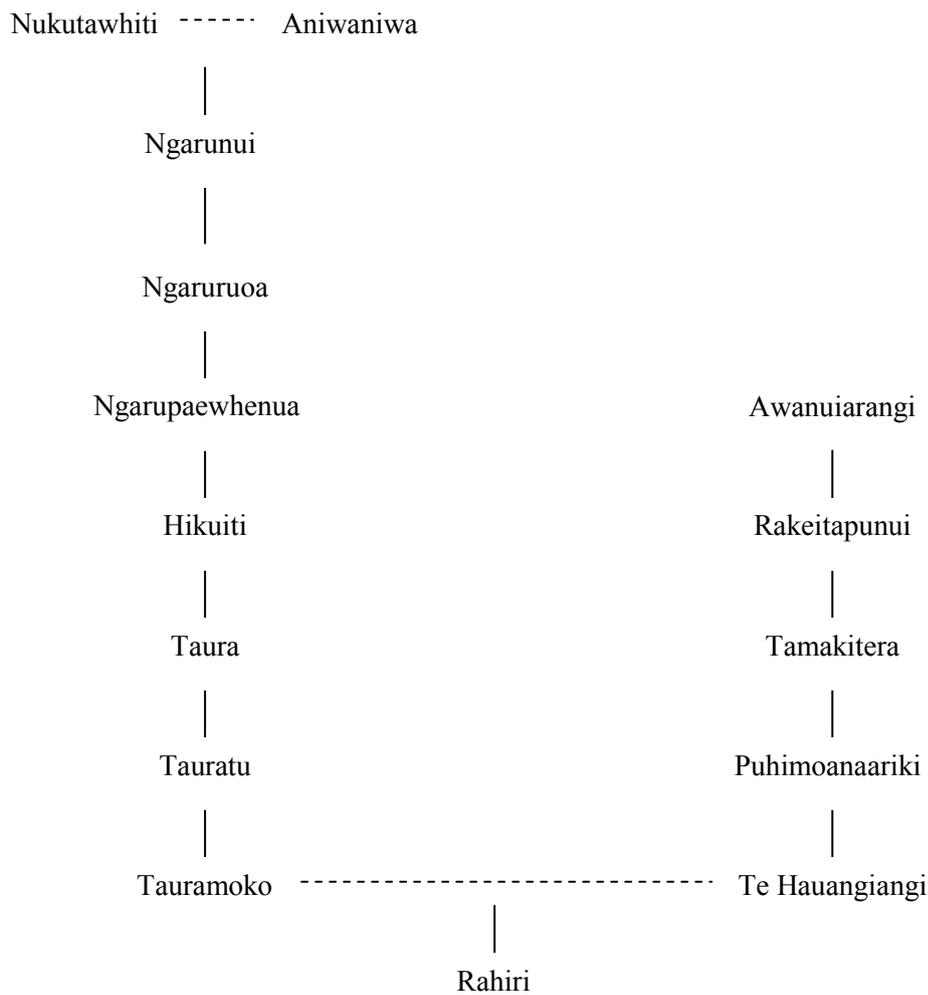
Main Map: 1:20,000

Overview: 1:2,800,000

Data Sources: LINZ Topographic data (crown copyright reserved)  
Northland Regional Council Imagery  
NZTM Grid Projection  
Mapping completed by Sinclair Knight Merz, 2012

## ii. Rahiri

For Ngati Rehia, Rahiri was a key tupuna. Several waka traditions of the north are brought together under Rahiri – either through his whakapapa or his subsequent actions in life. Through the marriage of Rahiri’s parents, the Ngati Awa tradition from Mataatua is brought together with that of Nukutawhiti’s people.<sup>3</sup>



<sup>3</sup> Compiled from Manuka Henare et al, "He Whenua Rangatira: Northern Tribal Landscape Overview", Nov 2009, WAI-1040 A37, pp.170, 176 & 179

Over his lifetime, Rahiri also became associated with the neighbouring Ngai Tahu, who at this time were located to the southeast of Hokianga in the Mangakahia, inland Bay of Islands and Whangarei districts. Rather than entering into conflicts with this group of people, Rahiri formed a relationship through marriage with Ahuaiti.<sup>4</sup>

A key development occurring during Rahiri's lifetime is the way in which he allocated land between his sons. This story has been relayed in full in the work of Manuka Henare and others. In summary, Rahiri became estranged from Ahuaiti as a result of a transgression she made in relation to food allocation to her relatives and she, pregnant with Uenuku, was exiled from Whiria. Uenuku grew up with his mother's people in the kainga of Pouerua, Ngawha and Waitangi. Eventually, as a young adult, Uenuku returned to his father seeking recognition from him of his tuakana status. Since the expulsion of Ahuaiti, Rahiri had married Whakaruru and had the son Kaharau who was not prepared to give up the tuakana status he had held until Uenuku's return. To avoid his sons fighting over their rivalry, Rahiri devised a solution of building a giant kite which, when sent skywards, flew until it landed near Kaikohe. Hence it was decided that Uenuku was to control Rahiri's lands of Taumarere to the east whilst Kaharau controlled the Hokianga lands to the west. Kaikohe became known as Te Pua o te Wheke (the heart of the octopus) and the gateway between the two divisions.<sup>5</sup>

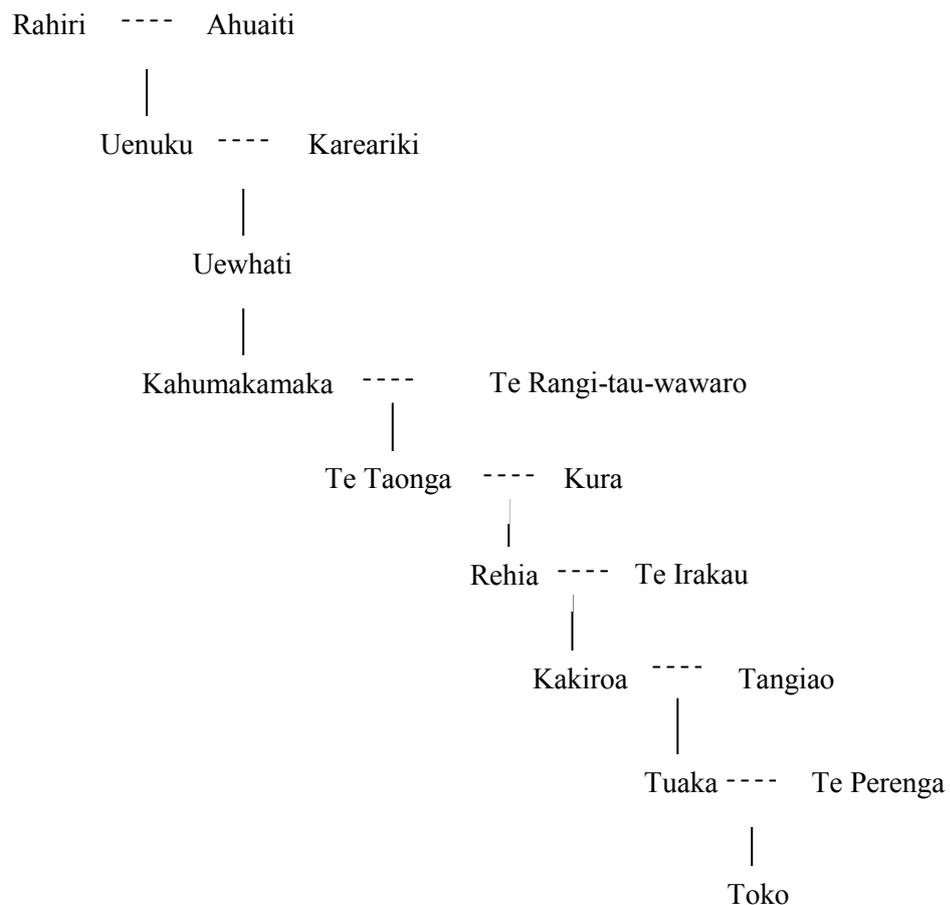
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<sup>4</sup> Compiled from: Waimarie Bruce, "Mana Whenua report for Ngati Kahu O Torongare me Te Parawhau" Jul 2000, WAI-674 L7, p.17; and Henare et al, op cit, p.179

<sup>5</sup> Henare et al, op cit, pp.23-5

### iii. Rehia

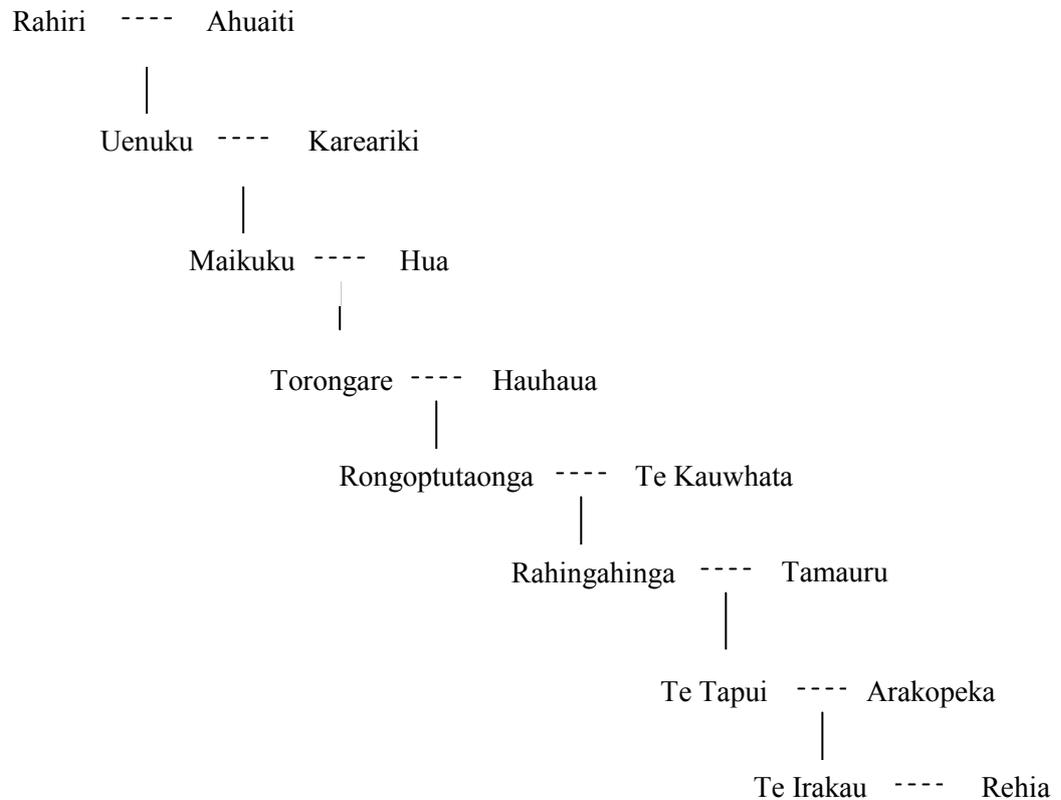
Ngati Rehia kaumatua Tu Keepa (Kemp) in 1990 described the importance of his eponymous ancestor as follows: “Our Ngati Rehiatanga descends from Rehia. Our Ngati Rehiatanga is directly from Rehia.”<sup>6</sup> Whakapapa reveals the links from Rahiri to Rehia and beyond this to her grandson Toko.<sup>7</sup>



<sup>6</sup> Henare et al, op cit, pp.106-107. Keepa’s recounting originally appeared in *Waka Huia*, 1 Jul 1990, transcribed and translated by Hohipere Tarau.

<sup>7</sup> Evidence of Te Huranga Hohaia, 27 Sept 2010, WAI 1040 #D8 and Evidence of Wiremu Heihei, 27 Sept 2010, WAI 1040 #D9

Whakapapa also shows the link of Rehia's spouse Te Irakau to Rahiri.<sup>8</sup>



The grandson of Rehia – Tuaka – married Te Perenga, the sister Auha and Whakaaria,<sup>9</sup> It appears that at this time, Tuaka and Te Perenga lived with their people at Orauta.<sup>10</sup> It was through the connection with Auha and Whakaaria that Ngati Rehia would come to be centrally involved in events in the Bay of Islands in the late 18<sup>th</sup> and early 19<sup>th</sup> century in a history of internal politics and warfare which can be summarised as the gradual conquest and increasing domination of the Bay of Islands over three generations by the descendants of Auha and Whakaaria and their allies.<sup>11</sup>

<sup>8</sup> Compiled from: Henare et al, pp.179; Bruce, op cit, p17; and Ngati Rehia interviews

<sup>9</sup> Jeffrey Sissons and Pat Hohepa, Puriri Trees are Laughing: a Political History of Ngapuhi in the inland Bay of Islands, Auckland; University of Auckland, 1985 p.17

<sup>10</sup> 3 Oct 1900, Evidence of Hiramai Piripo, Whakataha Investigation case, MLC Northern MBk 28, p.198

<sup>11</sup> Angela Ballara, Iwi: the dynamics of Maori tribal organisation from c.1769 to c.1945, Wellington: Victoria University Press, 1998, p.198

It was indicated by Hiramai Piripo that Auha and Whakaaria were descended from Kuraimaraewhiti, Kino and Mahia.<sup>12</sup> The hapu of Auha and Whakaaria have been identified by commentators as being Te Uri-o-Hua and Ngati Tautahi and, through one of Auha's marriages, Ngai Tawake. By the middle of the 18<sup>th</sup> century this group of hapu were located at Pakinga, southwest of Kaikohe. It has been estimated that around 1790, Auha and Whakaaria, and their brother in law Kauteawha of Ngati Rahiri from Pouerua, fought Ngati Miru and a related hapu, Te Wahineiti, and forced them out of the Waimate and Kerikeri districts.<sup>13</sup>

A number of different traditions exist of the immediate causes associated with this conquest although they are usually based on events that resulted in the death of Whakarongo, a sister of Auha and Whakaaria at the hand of her husband, the Ngati Miru leader Kaihu.<sup>14</sup> There were a series of attacks on Ngati Miru and Te Wahineiti. It appears that initially a taua under Auha and Whakaaria and the other Ngapuhi chiefs attacked and captured Pahangahanga pa, where Kaihu was staying, with Kaihu being killed on the eastern side.<sup>15</sup> Ngati Miru and Wahineiti subsequently fled west to Hokianga, south to Waimamaku and north to Te Tii Mangonui. Over time, they were attacked again until they fled to Whangaroa.<sup>16</sup>

Other changes were also occurring in the adjacent district of Taiamai where during the 1790s the Ngati Pou occupants were evicted by Ngati Rangi and their allies.<sup>17</sup>

In the aftermath of these conquests, the kinship connections of Ngati Rehia with the family of Auha and Whakaaria grew into an even closer relationship through the post-conquest occupation of Whakataha, the former pa of Ngati Miru, located on the northern side of the Waitangi River.

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<sup>12</sup> Evidence of Hiramai Piripo, 1 Nov 1904, Papatupu Block Committee MB, Waimahe, Item No.51, p.145, (Jane McRae, Draft Translation, Mar 2010.).

<sup>13</sup> 27 Sep 2010, The evidence of Te Huranga Hohaia, WAI1040 D8, pp.17-8

<sup>14</sup> See 27 Sep 2010, The evidence of Te Huranga Hohaia, WAI1040 D8, p.17 Also Evidence of Hiramai Piripo, 22 Sept 1913, Papatupu Block Committee MB, Te Wiroa, Item No:19 (Parts 1-3), pp.9-12, (Jane McRae, Draft Translation, Apr 2010); Evidence of Hiramai Piripo, 1 Nov 1904, Papatupu Block Committee MB, Waimahe, Item No.51, pp.145-6, (Jane McRae, Draft Translation, Mar 2010.).See Also Henare et al, op cit, pp.27-28

<sup>15</sup> Evidence of Hiramai Piripo, 1 Nov 1904, Papatupu Block Committee MB, Waimahe, Item No.51, p.148, (Jane McRae, Draft Translation, Mar 2010.).

<sup>16</sup> Ballara, op cit, p.172 see also evidence of Hiramai Piripo, 22 Sept 1913, Papatupu Block Committee MB, Te Wiroa, Item No:19 (Parts 1-3), p.10, (Jane McRae, Draft Translation, Apr 2010).

<sup>17</sup> Henare et al, op cit, p.175

#### iv. Toko moves to Whakataha

Following the conquest of Ngati Miru, Auha and Whakaaria occupied the Okuratope and Whakataha pa. Subsequently, they brought their nephew Toko and his Ngati Rehia people onto the land although there are two accounts of this story as told more than 100 years later before the Land Court. Hiramai Piripo, a witness for the descendants of Auha and Whakaaria informed the Court that only a small part of Whakataha was given to Toko under the following circumstances:

When Te Perenga (their half sister) heard that Auha and Whakaaria had conquered the land, she told her son Toko to go and see his uncles. Toko came to Whakataha and found Auha and Whakaaria there and living with Hotete and Manu their sons. Toko said it was not a good place at Orauta to live; it was swampy and they could not grow food well. Auha and Whakaaria then invited Toko to bring all his relatives to live on Whakataha. He did this and Auha and Whakaaria set apart a piece of land at [illegible] extending from there to the Waiwhakaata, portion of Whakataha block as a place for them to dwell on.<sup>18</sup>

At the Whakataha Land Court Case, Ngati Rehia witness Hare Te Heihei described another perspective of the events which he specifically noted had been handed down to him from his ancestors. According to Te Heihei, at the time of the conquest of Ngati Miru and Wahineiti, Toko was at Orauta “where he had extensive cultivations and many people.”<sup>19</sup> Te Heihei explained that Toko was sent for by Auha and Whakaaria to solve a problem for them of a relation who would not leave the land at Whakataha.

Toko was sent for by Auha and Whakaaria. He came and they said ‘We have sent for you to come here, now go and kill Kawhe that the land may be clear for you.’ Toko wondered why they would not kill him themselves. Early in the morning Toko went down to Whangai Makariri. It is close to Whakataha hill. Toko went to Kawhe’s house and left his spear at the back and came round to the front and sat down in the doorway and said ‘I came to tell you to clear off.’ Kawhe agreed to do so. Had he not listened, he would have been killed. He [Kawhe] returned to Waikaraka where he had his permanent abode. Toko then returned to Auha and Whakaaria. Auha and Whakaaria then invited Toko to come and live there. ‘If you remain living with your mother it is not probable that you will even become a chief.’ He had told Auha and Whakaaria that Kawhe had gone. They had not wanted to kill him themselves being his

<sup>18</sup> 3 Oct 1900, Evidence of Hiramai Piripo, Whakataha Investigation case, MLC Northern MBk 28, p.198

<sup>19</sup> 5 Oct 1900, Evidence of Hare Te Heihei, Whakataha Investigation case, MLC Northern MBk 28, p.219

relatives, but they got Toko because, although being a relative of Toko, he had done the same thing to relatives before.

They then said 'return and bring your mother and father and all your relatives to Whakataha. Ngati Rehia, to the number of 70, then came on to the land Whakataha, on this invitation. Auha and Whakaaria gave Toko and his people full control and authority over the land. After a time Auha and Whakaaria returned to Te Tuhuna in the vicinity of Kaikohe and left the whole of the land under the control of Toko and Toko occupied the land.<sup>20</sup>

Whakataha, meaning 'to oust' was named after Toko's eviction of Kawhe.<sup>21</sup>

A complex system of land and use rights existed around Whakataha. For example, at Omapere, Ngati Rehia, Ngai Tawake and Ngati Tautahi shared eeling rights with many other hapu to the eastern side of the lake.<sup>22</sup> Around Whakataha, the descendants of Auha and Whakaaria also would have shared land rights with Toko's descendants<sup>23</sup> and indeed the 1900 title investigation case resulted in an award to the descendants both of Toko and Auha and Whakaaria. However, just as Okuratope was primarily seen as the residence of Auha and Whakaaria, most commentators saw Whakataha as the place of Toko's Ngati Rehia descendants. Most writers have therefore come to primarily associate the Whakataha area by the late 18<sup>th</sup> and early 19<sup>th</sup> century with Ngati Rehia. Kawharu has described it as a 'Ngati Rehia stronghold'<sup>24</sup> Hohepa and Sissons conclude that the village missionary Samuel Marsden came across in 1815 situated on the northern bank of the Waitangi River and noted as belonging to Tareha was "almost certainly" Whakataha.<sup>25</sup>

In addition to its importance for cultivation, Whakataha was also an important source of trees for waka. Canoes made on the land were named Maramatauhini, Kutoro and Torokingongi. In addition, Pakira made a waka on the block named Karikohu.<sup>26</sup>

It is recorded that subsequently Toko's sons, Tareha and Pakira, would invite relations to come to Whakataha to cultivate. This included Ngai Tawake groups with which there were increasingly close kinship ties – Tareha's sister had married a Ngai Tawake man and one of

<sup>20</sup> Ibid

<sup>21</sup> 27 Sep 2010, The evidence of Te Huranga Hohaia, WAI1040 D8, p.19

<sup>22</sup> Sissons & Hohepa, op cit, p21

<sup>23</sup> Ibid, p16

<sup>24</sup> Merata Kawharu, "Te Tiriti and its Northern Context ", 2008, WAI-1040 A20, pp.28-29

<sup>25</sup> Sissons & Hohepa, op cit, p14

<sup>26</sup> 1 Oct 1900, Evidence of Akuhata Haki, Whakataha Investigation case, MLC Northern MBk 28, p.180

Tareha's wives was also of Ngai Tawake. This also included Hongi Hika and his people who were at one time invited onto the land to cultivate. According to Hare Te Heihei, the reason for this was that Whakataha had become a major centre of cultivation due to an innovation which Tareha and Pakira had adopted.

They made these invitations because a man of Ngati Parao had said his people had given up planting kumeras in the ground and always got better crops by bringing up gravel from the river. The gravel was used on this land and from this circumstance the name Kerikeri was applied to that part of the land. The first cultivation treated in this way with the gravel was Ngararo Kiaio. My grandfather told me this.<sup>27</sup>

Hongi's residence on the land was said by Hare Te Heihei to have resulted in a reaffirmation of the rights that Ngati Rehia held over the land.

Hongi and the others invited lived there for seven years or more. About this time Tareha and Te Pakira came to a determination to give back the land to Hongi s they had received enough benefit from the land which had been called after their bodies; and as Hongi was the great chief of that day. Hongi declined the gift. He said he could not accept it, he could not tread [sic] on the neck of his ancestor. "This land is permanently secured to you both Do not be in any further doubt or perplexity about it, it is yours."<sup>28</sup>

Titore was also closely associated with Whakataha Ballara noting that Whakataha pa was sometimes referred to as 'Titore's Mount' by Europeans.<sup>29</sup>

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<sup>27</sup> 5 Oct 1900, Evidence of Hare Te Heihei, Whakataha Investigation case, MLC Northern MBk 28, pp.230-1

<sup>28</sup> Ibid, p.231

<sup>29</sup> Ballara, op cit, pp.131 & 148

#### v. Ngati Rehia's Coastal Acquisitions

As noted, following their defeat, Ngati Miru and Wahineiti fled to several places including the coastal areas of Te Tii Mangonui and Takou. After several years,<sup>30</sup> Auha and Whakaaria came to feel that these coastal Ngati Miru and Wahineiti may soon pose a threat if they regrouped their strength and sought to reacquire their old lands. Therefore, a meeting was held at Whakataha and a messenger was sent to Kauteawha to attend. It was decided that pre-emptive action would be taken. Kauteawha and his party would go by sea and the inland tribes would go by land.<sup>31</sup> As a result, Ngai Tawake, Ngati Kura, Ngati Tautahi and Ngati Rehia, under Auha and Whakaaria, joined with Ngati Rahiri, under Kauteawha, and successfully undertook the campaign.

According to Hiramai Piripo, prior to the attack, 700 of Ngapuhi including Auwha, Whakaaria and Toko, were staying at a pa which became known as Te Waha-o-te-riri. Ngati Rahiri were said to have stayed at Pananawe. Ngati Rahiri attacked Ngati Miru and Te Wahineiti pa at Rakau-whakapakeke and Maramatautini with the survivors fleeing to Opuawaka. Ngapuhi staying at Te Waha-o-te-riri then attacked Opuawaka and defeated the remaining Ngati Miru and Te Wahineiti. This was said to have extinguished their authority on the lands in that area and out to sea.<sup>32</sup> Te Huranga Hohaia has added that as a result of the conquest of Ngati Miru, the maunga Tokerau, at the end of the Purerua peninsula, "became established as a pillar in the Sacred House of Ngapuhi."<sup>33</sup>

Following this, Auha and Whakaaria divided the newly conquered lands of Ngati Miru and Wahineiti giving Ngati Rahiri the coastal lands and taking for themselves the inland areas. This distribution of land occurred at Te Waha-o-te-riri.<sup>34</sup> Hiramai Piripo told how Auha and Whakaaria said to Kauteawha that as he came by sea he would have authority over the sea. This

<sup>30</sup> Hare Te Heihei notes that it was three years after Toko and Ngati Rehia came to occupy the Wakataha block. (5 Oct 1900, Evidence of Hare Te Heihei, Whakataha Investigation case, MLC Northern MBk 28, p.220)

<sup>31</sup> Evidence of Hiramai Piripo, 22 Sept 1913, Papatupu Block Committee MB, Te Wiroa, Item No:19 (Parts 1-3), p.11, (Jane McRae, Draft Translation, Apr 2010).

<sup>32</sup> Ibid, pp.11-12

<sup>33</sup> 27 Sep 2010, The evidence of Te Huranga Hohaia, WAI1040 D8, p.19

<sup>34</sup> 27 Sep 2010, The evidence of Te Huranga Hohaia, WAI1040 D8, p.19

led to a saying “When the sea is rough, Ngati Rahiri are out paddling.”<sup>35</sup> In addition, they gave lands to Toko who had also been on the campaign.<sup>36</sup> As Hiramai Piripo noted:

Thus were the lands of Ngati Miru and Te Wahine iti conquered and divided out. Auha and Whakaaria then gave this land to Te Perenga’s son Toko. The land given was Te Wahaoteriri [sic Te Waha-o-te-riri] and Tii Mangonui, Opuawaka and Takou and Te Toatoa etc<sup>37</sup>

The Ngati Rehia perspective of this was recently recorded before the Waitangi Tribunal.

It was at Te Waha-o-te-riri that they jointly agreed that the authority over the sea would be given to Kauteawha because Ngati Rahiri travelled by sea when the battle was engaged.

Authority over the land was given to Tako, to protect and also to distribute lands to those tribes and whanau whom he consented to, and afterwards Auha and Whakaaria returned inland.<sup>38</sup>

Toko was supported in his holding of land by his brothers Taurikiriki, Titorenui and Rae,<sup>39</sup>

Hare Te Heihei agreed with Piripo’s evidence on the conquest of the coastal Ngati Miru and Wahineiti and the subsequent granting of their lands to several groups. He also described a subsequent development which originated in ill-feelings held by Hotete, the son of Auha towards his cousin Toko.

Angry feelings arose between Hotete and Toko because Auha and Whakaaria had given Takou to Toko after this fight. Toko erected his rahui on the land and Te Hotete threw it down. Auha and Whakaaria then told Toko to get a drift kauri rika, take it to a conspicuous place and plant it firmly in the earth and give it the name of their joint (Hotete and his) ancestor Wairua. Hotete could see that Auha and Whakaaria were making Toko a very big man indeed. They had given him this piece of land at Whakataha called Nga Iwi Kaokao and had also instructed Toko to call the rahui on Takou lands, ‘Wairua’ thereby confirming Toko’s title to it.

<sup>35</sup> Evidence of Hiramai Piripo, 22 Sept 1913, Papatupu Block Committee MB, Te Wiroa, Item No:19 (Parts 1-3), p.12

<sup>36</sup> 3 Oct 1900, Evidence of Hiramai Piripo, Whakataha Investigation case, MLC Northern MBk 28, p.199-200

<sup>37</sup> Ibid, p.200. Piripo also claimed that after this grant of coastal lands, neither Toko nor his people ever returned to Whakataha but as will be shown in this report, evidence from a number of sources contradict this. [p.202]

<sup>38</sup> 27 Sep 2010, The evidence of Te Huranga Hohaia, WAI1040 D8, p.20

<sup>39</sup> 27 Sep 2010, The evidence of Wiremu Heihei, WAI1040 D9, p.21

...Toko then returned to Te Waho o te riri. Hotete learned that he had called the rahui mark 'Wairua'. Hotete then challenged Toko to go on Takou land and fight, the victor to be the owners of the land. They agreed to fight it out with their people. When they got there Hotete stopped at Paraanohe and Toko stopped at Te Kopua Kanau. At early dawn Hotete advanced against Toko and their men were arranged in battle array. Hotete could see that Toko was shaping very bravely and he sprang between the opposing forces and stopped the combat – no one was killed. Hotete then said to Toko 'you have behaved yourself very bravely, you shall have the land of our common ancestor. There was a stream there, and on the other side of it from Te Paru Kowhai to Te Ahi Maumau thence to Taumatangi was all reserved to Hotete and the balance of the land to Toko.<sup>40</sup>

Thereafter, Toko resided at Whakataha where, it is said, all his children were born. It is also said that Toko cultivated portions of land at Waimate "and various other places"<sup>41</sup> Other members of Toko's family, his siblings, went to occupy the coastal lands.

All his children were born on this hill. His elder sister Rimariki and her children went to Takou to live, also one of his younger brothers, then after some years a younger brother named Kai. Toko continued to live on Whakataha until a dispute arose between his brothers over a woman. Kai returned to Whakataha and afterwards brought his dead from Matatua [sic], his sacred place at Takou, to Whakataha. The body was that of his first wife's father. When returning he was pursued by his brother and killed. Tina was the name of the woman they had quarrelled over. Kai's companions returned with Kai's daughter Pokaora to Whakataha. When Toko heard that his younger brother had been killed he went to get the body, and over thirty men with him. A man called Te Tahataha assisted to carry the body back and was killed by Toko on the spot now called Te Taha. He was killed as compensation for the death of the brother although he had nothing to do with the murder. Whenever a chief died someone was killed as a companion on his journey. Hengi killed 15 persons also in connection with the death of Kai.<sup>42</sup>

Toko remained at Whakataha and was said to have been buried on the block.

After his death he was taken to the top of Whakataha and the people went there. After the funeral ceremonies were over, he was taken to a certain part of the block and hidden among the rocks, a custom adopted with the remains of great chiefs.<sup>43</sup>

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<sup>40</sup> 5 Oct 1900, Evidence of Hare Te Heihei, Whakataha Investigation case, MLC Northern MBk 28, pp.220-1. See also 27 Sep 2010, The evidence of Te Huranga Hohaia, WAI1040 D8, p.20

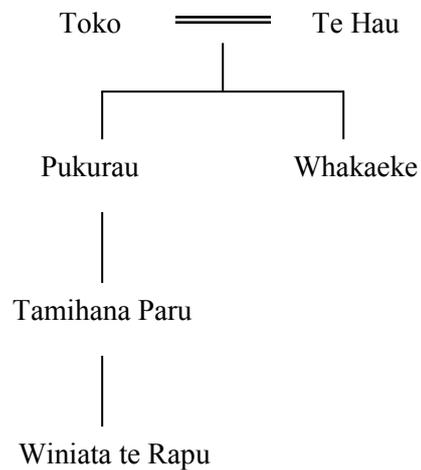
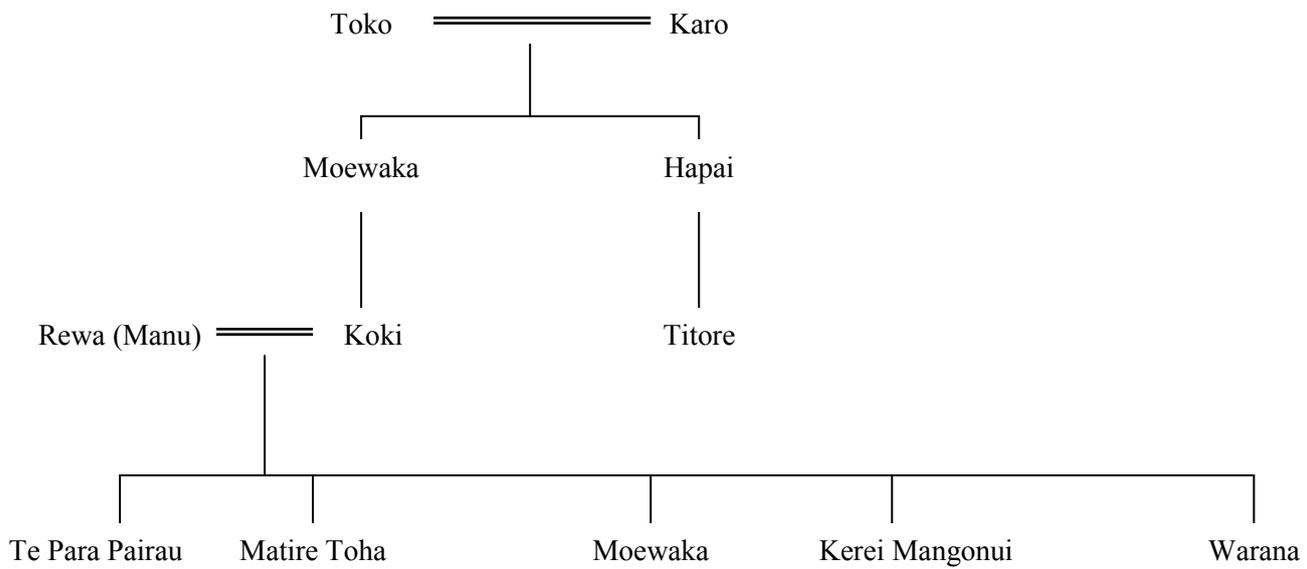
<sup>41</sup> Ibid, p.223

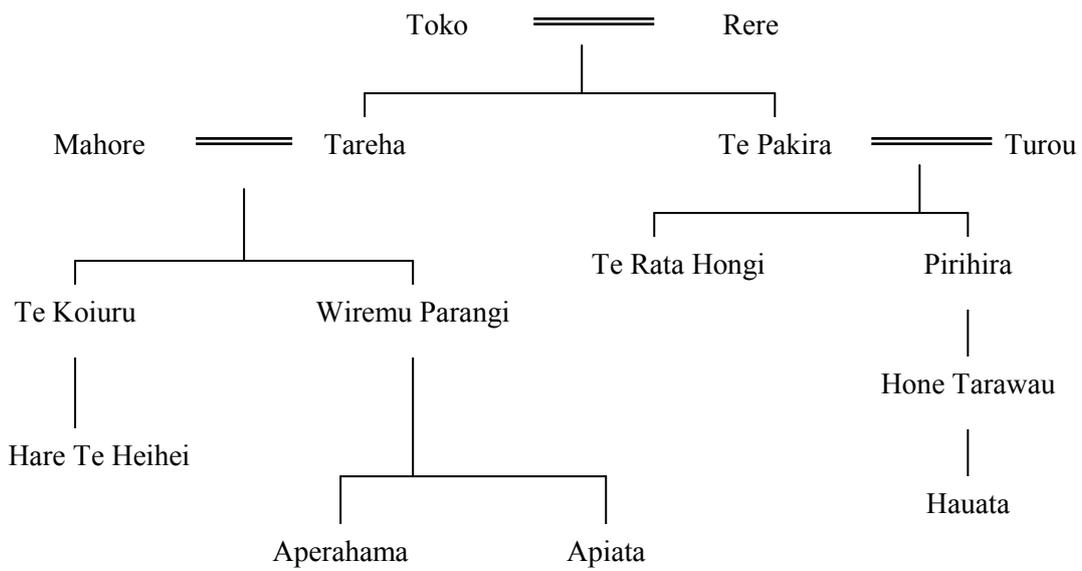
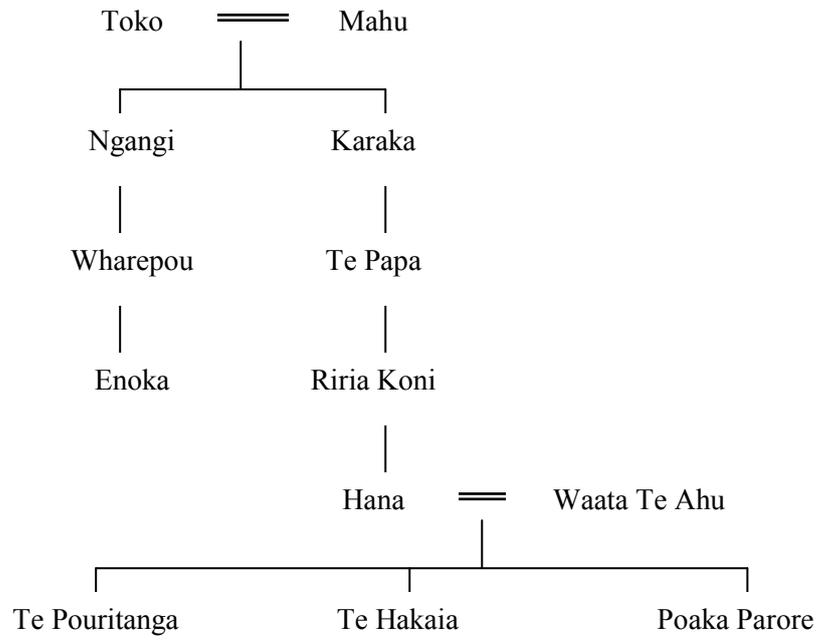
<sup>42</sup> Ibid, pp.222-3

<sup>43</sup> Ibid

## vi. Toko's Descendants

The following whakapapa, compiled from Ngati Rehia sources, shows descent from Toko through four of his wives:





In the following subsections of this report, especially for the period from the early 1800s through to the 1860s, several rangatira will feature prominently in the Ngati Rehia narrative. These will include Toko's sons Tareha and Te Pakira, Tareha's son Te Hakiro and the Takou chief Te Whata and his son Te Kowhai.

An explanatory note is required of the way that the names of several of these chiefs appear in the source material. There are two primary reasons for this:

- firstly, to explain the transliteration that occurs from early missionaries or through to the 1840s from non-te reo speaking Pakeha. This primarily relates to Tareha, Te Pakira and Te Hakiro.
- secondly to note the wide variations of names that are used after 1840 by the Ngati Rehia chiefs Te Hakiro and Te Pakira.

In relation to the transliterations, these occur with most chiefs. Hence Te Whata is often recorded as 'Wata' even by te reo speaking missionaries. Similarly Titore is often recorded as 'Titori'. While these names are easy enough to discern, the variations of names relating to Tareha, Te Pakira and Te Hakiro used in the source material are somewhat wider.

- **Tareha:** 'Tarea', 'Tareah', 'Tariah' or 'Tariha'.
- **Te Pakira:** 'Pakiro', 'Pakera', 'Pakeda', 'Pakedo' and 'Pakereado'.
- **Te Hakiro:** 'Hakedo', 'Hakero', 'Akeda', 'Akedo', 'Akedi', 'Akede', 'Akere', 'Akerō', 'Akerō' 'Akida', 'Akoro', 'Kiro', 'Okeda', 'Okida' and 'Takiri'.

Great care has been taken in ensuring that the transliterations listed above variously relate to Tareha, Te Pakira and Te Hakiro. In some cases the link is self-evident, in other cases the context of events being described or the appearance of these names together as a group has provided sufficient proof of identification.<sup>44</sup>

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<sup>44</sup> Great care has particularly been taken to differentiate between Te Hakiro and a chief named Kira from Whangaroa. In the above transliterations, where the name ends in 'da' (such as Akeda) a very close check has been made. In several places it has been

In the post-1840 era, it is not the misspelling by source material that is the difficulty, but the adoption by the Ngati Rehia chiefs Te Pakira and Te Hakiro of a variety of names that provide the challenge. Again, the context of the source material often provides proof of identification, but more importantly has been the knowledge of and advice from Ngati Rehia on the variant names used by their tupuna.

- **Te Pakira**

- Pakira Tareha
- Hori Kemara Te Pakira<sup>45</sup>
- Hori Kemara<sup>46</sup>

- **Te Hakiro**

- Tehakiro
- Kingi Wiremu Hakiro
- Kingi Wiremu<sup>47</sup>
- Kingi Wiremu Tareha
- Kira Kingi Wiremu<sup>48</sup>
- Wi te Hakiro

## vii. **Ngati Rehia and the Northern Alliance**

By the late 1790s, therefore, it is evident that Ngati Rehia occupied Whakataha pa inland at Waimate and the coastal areas around Te Tii and Takou. In holding these areas, Ngati Rehia had a close relationship with communities under the leadership of Auha and Whakaaria and subsequently Hotete, chiefs of Te Uri-o-Hua, Ngati Tautahi and Ngai Tawake hapu. Collectively this grouping, with other hapu, has been identified as an ‘alliance’ of hapu that increasingly worked together over the coming decades. Whakapapa relationships and the forming of broader whanaungatanga relationships through intermarriage were key factors in

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found that either the context shows it to be Te Hakiro or, in OLC files, for example, 'Akeda' is mentioned as a name in one place and then in another place something more closely resembling Te Hakiro is recorded.

<sup>45</sup> not to be confused with Kingi Hori Kira of Whangaroa

<sup>46</sup> not to be confused with Kaiteke Te Kemara Tareha of Waitangi

<sup>47</sup> not to be confused with other Kingi Wiremu such as one who signed the Treaty at Waitangi, but who does not seem to appear subsequently in the literature. The name Kingi Wiremu Hakiro is usually the name used by Te Hakiro. Where the name of just 'Wiremu Kingi' appears in a few later sources, it is usually the context that will identify this 'Wiremu Kingi' as being Te Hakiro. (ie being associated with Ngati Rehia kainga, or appearing with other Ngati Rehia chiefs)

<sup>48</sup> not to be confused with Kingi Hori Kira of Whangaroa

tying groups together, as they created responsibilities and obligations for each group. It is recorded that one of Te Hotete's brother-in-laws, Te Koki, married Mutunga of Ngati Rehia, and produced two girls, Turikituku and Tangiwhare, both of whom married Te Hotete's son, Hongi Hika.<sup>49</sup> Missionary sources also record that one of Tareha's wives was a daughter of Hongi Hika although the person concerned is not identified.<sup>50</sup> By the early 1800s, Tareha was widely known as Hongi's "chief captain".<sup>51</sup>

Commentators have come to name the grouping associated with the descendants of Auha and Whakaaria as a 'Northern Alliance.' The main hapu of the Northern Alliance around 1800 were Te Uri-o-Hua, Ngati Tautahi, Ngati Whakaeke, Ngai Tawake and Ngati Rehia. Other groups were also allied to it. The Northern Alliance's territory extended from "Kaikohe to Waimate, Kerikeri, Rangihoua, Te Puna, Pakaraka, and Waitangi".<sup>52</sup> Ballara adds that Te Hikutu were sometimes part of the northern alliance but that they wavered on some occasions as they had close kinship links to the north and south of the Bay of Islands and even across to Hokianga. Ballara also notes that the alliance included Te Patukeha of Kerikeri, under Rewa.<sup>53</sup> Ngati Rahiri was also part of the alliance despite having kin ties with Taiamai. Waraki was the leading Ngati Rahiri chief at Waitangi in 1815. Waitangi was the site of Ngati Rahiri's main and perhaps only coastal settlement.<sup>54</sup>

A second grouping of hapu have been described as making up the Southern Alliance whose lands included Kororareka, Matauwhi Bay, down the Otiria Stream and Kawakawa River, from Taiamai and Tautoro to Kawakawa, Paihia and Waikare. Before the arrival of Europeans, Kororareka was principally a fishing settlement with very little soil suitable for agriculture.<sup>55</sup> It was Whaingaroa, (Te Morenga's father) the leading rangatira of Ngare Hauata, who had, in

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<sup>49</sup> Henare et al, op cit, p.67. (The original reference is Lee, p.32). Turikituku was the mother of at least two of Hongi Hika's children: a son named Hare Hongi, and Rongo (later baptised as Hariata). Turikituku always travelled with Hongi as his 'chief adviser'. Around 1816, she became completely blind, but still went with her husband on military expeditions when she was not tending the kumara gardens at Te Puna. Hongi Hika became involved in the family issues of his wife. For example, in 1819, he led an expedition to Whangaroa upon hearing that the people there had disturbed the bones of Turikituku's parent Mutunga. Between 1821 and 1823, Turikituku went with Hongi on his three expeditions against tribes from the Coromandel and Hauraki Gulf, Waikato, and Bay of Plenty. In 1825, she was part of the campaign against Ngati Whatua. She died in 1827, while accompanying Hongi on a war party to attack Ngati Uru and Ngati Pou of Whangaroa. [Henare et al, pp269-271]

<sup>50</sup> Elder, John Rawson (ed) *Marsden's lieutenants*, Dunedin; Otago University Council, 1934, p.431

<sup>51</sup> Barton, R.J. (comp.) *Earliest New Zealand: the journals and correspondence of the Rev. John Butler*, Masterton, Palamontain & Petherick, 1927, p.19

<sup>52</sup> Henare et al, op cit, p.153

<sup>53</sup> Ballara, op cit, p.189

<sup>54</sup> Sissons & Hohepa, op cit, pp36 & 38

<sup>55</sup> *Ibid*, pp39 & 40

alliance with Kaitara of Ngati Hineira and Matahaia of Ngati Rangi, defeated Ngati Pou of Taiamai in 1790s.<sup>56</sup>

A third bloc of interests in the Bay of Islands at this time has been identified as Ngare Raumati, whose general territory extended from Paroa Bay to Te Rawhiti and on to Motu Kokako (Cape Brett). Whilst there was a political division between the Southern Alliance and Ngare Raumati, it seems it was considerably less intense than the rivalry between the northern and southern alliances. On the other hand, when Ngare Raumati faced attack by the northern alliance, at some time around 1800, hapu of the Southern Alliance did not assist them..<sup>57</sup>

It was around 1800 that the Northern Alliance launched its series of attacks on Ngare Raumati to address a number of past *take*. One of these, according to an account of Te Waaka Hakuene, resulted from a Ngare Raumati war party attacking the Okuratope pa at Te Waimate which had resulted in several deaths.<sup>58</sup> Another account recorded in several sources deals with rivalry between Ngai Tawake and Ngare Raumati chiefs over a woman named Te Whakahoe. Ballara records that the conflict began when Te Hakiro of Ngare Raumati at Te Rawhiti abducted Whakahoe. In turn, Whitirua of Ngai Tawake then abducted Te Whakahoe. Ngare Raumati sought utu and formed a taua which came via Okura on the southern side of the Te Kerikeri inlet. As they advanced, they came upon and killed Te Maire, a son of Te Kohine of Ngati Rehia, nephew of Toko and therefore grandson of Te Perenga, the sister of Auha and Whakaaria. [See whakapapa above] Whakahoe was then killed in response. Te Ngare Raumati taua then came across and killed Te Auparo and Te Karehu, the mother and sister respectively of Ngai Tawake chiefs Rewa and Moka. As this required a significant response, Te Hotete formed and led a taua which attacked several pa in Te Rawhiti and killed the chief Kuauau. Ngati Rehia were part of this taua.<sup>59</sup> Another taua was led from Hokianga by Tapua of Ngati Hao and also by a person that had been identified as Kira who came 'from the north'. (ie Whangaroa) The invading waka fleets encountered a Ngare Raumati war party at Tapeka Point, and a battle ensued. Te Tawheta, the leading chief of the Ngare Raumati forces, was killed by Kira. Another Te Ngare Raumati chief named Tareha was also killed.<sup>60</sup>

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<sup>56</sup> Ibid, p24

<sup>57</sup> Ibid, p46

<sup>58</sup> Henare et al, op cit, pp.175-177

<sup>59</sup> Personal Communication; Te Huranga Hohaia, 28 Apr 2015

<sup>60</sup> Ballara, op cit, pp.180-1. See also Henare et al, op cit, pp.247-248 and Merata Kawharu, op cit, 2006, p.36

It appears that these events were of great significance to Ngati Rehia, due, possibly, to the killing of Te Maire. Ballara has said that to commemorate these events, Toko's son took on the name Tareha from this time after the fallen Te Ngare Raumati chief. It is also said that Toko's grandson (and Tareha's son) took the name of Te Hakiro after the Te Ngare Raumati chief who first abducted Whakahoe.<sup>61</sup>

Although these attacks left Te Rawhiti as a largely unoccupied area, it is generally regarded by commentators that a conquest of Ngare Raumati in the Bay of Islands had not yet occurred. It has been noted that Ngare Raumati were a strong tribe and Hotete's first action was not enough to cause a shift in political power.<sup>62</sup> Instead, for the next quarter century, an uneasy truce remained in place between Ngare Raumati and the Northern Alliance.

This lull in hostilities was possibly associated with the fact that from the 1790s, through into the first decade of the 1800s, hapu of the Bay of Islands were facing external threats. For example, during the 1790s Ngati Rangi were fighting with invading Ngati Paoa and Ngati Maru taua from Hauraki.<sup>63</sup> Also at this time, Hotete and Ngai Tawake and Ngati Tautahi and other members of the northern alliance, as well as allies from Taiamai and Hokianga, were increasingly becoming involved in a war with Te Roroa and Ngati Pou ki Waimamaku which was also extending to include Ngati Whatua hapu. A series of minor conflicts culminated in the battle of Ripiro which the war leader Pokaia of Ngati Tautahi won. However, around 1807, Pokaia led another taua against his west coast foes but was severely beaten at the battle of Moremonui where Bay of Islands hapu lost many warrior and leaders.<sup>64</sup>

In 1818, Hongi and Te Morenga led the first two of the great taua to the south. The *take* for this was said to be the 1806 kidnapping by the crew of the *Venus* of Bay of Islands women who were taken south where they were killed and eaten. Between 1821 and 1823, three great taua involving Bay of Islands, Hokianga and Whangaroa hapu made a series of attacks south. The pa that fell included Mauinaina in Tamaki, Te Totara in Kauaeranga, Matakitaki in Waikato and Mokoia in Rotorua. In Waikato and Rotorua, peace was made soon afterwards to remove

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<sup>61</sup> Ballara, op cit, p.181.

<sup>62</sup> Sissons & Hohepa, op cit, p144

<sup>63</sup> Ballara, op cit, p.177

<sup>64</sup> Ibid, p.181

future *take*.<sup>65</sup> Available evidence shows that, not surprisingly, Ngati Rehia were significant participants in these campaigns.<sup>66</sup>

In addition, there was also the matter of utu to address for the disastrous defeat at Moremonui. Before 1820, Te Morenga was involved in four campaigns seeking utu for Moremonui.<sup>67</sup> In addition, Tareha organised a campaign against the western coast. This event was witnessed by the first missionaries who were beginning to travel within the Bay of Islands. (see below in the next section for a full discussion on the arrival of Pakeha in the district). On 3 May 1820, a visiting party headed by the missionary Samuel Marsden travelled to Waimate and came upon a “farm” belonging to Tareha. At this place, Marsden recorded, was “the largest assemblage of natives I had ever seen.” On seeing the missionary party, Tareha “received us very cordially, and furnished us with a good hut and plenty of potatoes for ourselves and our porters.”<sup>68</sup> Marsden learnt that the hui had been called to discuss the launching of a war expedition against Kaipara Maori as utu for those killed at the battle of Moremonui. The hui was also witnessed by officers of the HMS Dromedary who estimated that 3,000 persons attended.<sup>69</sup> Subsequent to the hui, Tareha led the war party to Kaipara. Marsden later formed the view that although Hongi Hika was in England at this time, he had left word that a taua against Kaipara be formed. Despite this, Tareha led the taua and was accompanied by Rewa, Moka, Wharenui, Hihi and Hare Hongi. The taua went via Mangakahia valley and down the Wairoa valley killing those they came across and fighting a battle at or near Otakanini. The taua had returned by December 1820 with sources suggesting that possibly it may have experienced a reversal of fortune at some time.<sup>70</sup>

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<sup>65</sup> Ibid, pp.190 & 192

<sup>66</sup> Tareha and Hakiro were at Te Totara in 1821. (JPS IX p.30) Tareha was at Mokoia in 1823. (JPS IX p.102)

<sup>67</sup> Ballara, op cit, p.185

<sup>68</sup> Elder et al, op cit, p.242

<sup>69</sup> See *Journal of the Polynesian Society*, Vol.IX, p.11

<sup>70</sup> Ibid, p.9

### viii. Tareha

Ngati Rehia have previously presented to the Tribunal evidence that spoke of the significance of their tupuna Tareha. Trained by the elite of Ngapuhi warlords, Tareha, "In size, strength and stature ... stood out among his countrymen and was looked up to for his bravery in warfare." He bore the names of Tareha the Protector and Tareha the Peacemaker: " Ko Tareha, he Kaitiaki, he Hohourongo hoki."<sup>71</sup> Tareha had seven wives. In addition he had relationships with many women from other hapu as a way of bringing those hapu under his protection.<sup>72</sup>

*Figure 4: Tareha*



[*Tareha to the Life*, 1844, by William Bambridge] (*W C Cotton Journal*, vol IX, Dixson Library, State Library of New South Wales (ML Ref: MS 41))

<sup>71</sup> 27 Sep 2010, The evidence of Wiremu Heihei, WAI1040 D9, pp.4 & 22

<sup>72</sup> 27 Sep 2010, The evidence of Wiremu Heihei, WAI1040 D9, p.22

The word rangatira (ranga: a derivative of raranga or to weave together and tira: a party of people) expresses the ability to weave individuals together.<sup>73</sup>

One of the key concepts structuring Maori society is that of mana. It is usually understood as being a part of and stemming from the spiritual realm, imbuing whoever holds it with a spiritual power and authority that stems from the atua. Related to the mana of a person or a tribe was the concept of tapu which refers to the sacredness of their existence. The greater a person's mana, the greater the tapu nature of that person. The mana and tapu of individuals and tribes were to be nurtured and protected, constituting as they did the very essence of their physical and spiritual wellbeing.<sup>74</sup>

Maori society is structured according to different groupings of individuals, descending from the waka, to the iwi, to the hapu to the whanau.<sup>75</sup> Whanau or extended family groups usually worked as independent economic and work units that cultivated crops and gathered food for their own consumption. Larger groups such as hapu evolved from these groups and were typically comprised of a number of closely related whanau who made a decision to settle together in an area for reasons such as proximity to food resources or the need for defence.<sup>76</sup> A range of activities were carried out at a hapu level. These could include the provision of food through fishing or creating large cultivations and the important activity of canoe making. Political affairs also involved the larger hapu group. Activities of this sort reinforced the group's identity. To a large extent hapu acted autonomously and this is reflected in several of the interpretations of the well-known whakatauki 'Ngāpuhi kowhāo rau' (Ngāpuhi of a hundred holes).

Each hapu or tribal kinship group was headed by rangatira. Usually first-born children succeeded to leadership because they were viewed as representing the most direct lines of descent from the ancestor gods, through whom they inherited great mana. However, if for some reason the first born did not possess the necessary qualities to maintain the high level of mana required for effective leadership then the mantle could fall to a younger sibling.<sup>77</sup>

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<sup>73</sup> Henare et al, op cit, p.363.

<sup>74</sup> Ibid, pp.35-36.

<sup>75</sup> Ibid, p.54.

<sup>76</sup> Ibid, p.148

<sup>77</sup> Ibid, p.222.

Leadership in Maori society was dependent on the consent of the people. A leader's mana depended on the recognition of the people of that person's right to hold the mana. Mana kokiri refers to the mana to lead that a person held with the support and following of the people.<sup>78</sup> Leaders had to earn and uphold respect through their abilities in reinforcing the group's solidarity and maintaining control. This was not always an easy role as priorities and opinions were changeable.<sup>79</sup> A key principle governing these relationships was tohatoha, a measure of reciprocity. This principle held that all members of the community were to be provided for according to their needs, and ensured that the cohesion and strength of the community were maintained.<sup>80</sup>

An essential part of the chief's role was to be responsible for ringa kaha or providing strong defence. The stability of the group depended on the chief's ability to maintain the loyalty of his people and on his skills in forming critical allegiances with other rangatira.<sup>81</sup> Furthermore, to foster loyalty among his people and to raise the status of his kin-ship group and therefore their ability to participate in alliances, a chief had to be able to make astute decisions that would enable his group to be seen as prosperous and moving ahead economically. Rangatira built and maintained their mana through the distribution of wealth and resources rather than through the accumulation of wealth.<sup>82</sup>

In traditional Maori society land was under the mana of a particular rangatira rather than 'owned' in a Western legal sense.<sup>83</sup> The chief had mana over his territory which included his own ancestral lands and could also include the land and land-use rights of other hapu that might be living under his mana. The chief's authority included the right to manage and make decisions in relation to this territory and the hapu within it.<sup>84</sup> The chief as kaitiaki would be responsible for caring for the land. Chiefs would also allocate use rights over various areas.<sup>85</sup>

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<sup>78</sup> Ibid, p.56.

<sup>79</sup> Ibid, p.363.

<sup>80</sup> Ibid, p.57.

<sup>81</sup> Ibid, p.227.

<sup>82</sup> Ibid, p.491.

<sup>83</sup> Ibid, p.95.

<sup>84</sup> Ballara, 1998, p.204; cited in Henare et al, op cit, p.222.

<sup>85</sup> Henare et al, op cit, p.95.

This mana or authority over the land was usually inherited by the chief from a line of ancestors who had occupied and defended their land. In the case of conquered land, the mana over the people descended from the conquering chiefs.

Rights of occupation or access to resources could be granted by the rangatira who had mana over the land. These gifts were known as *tuku whenua* and required a public announcement so that the changes to arrangements in land occupation or use were clearly understood by all involved. However, the history and the status of the land were never forgotten and land rights that had been granted could also be retracted even when permanent occupation had taken place.<sup>86</sup>

The significance of Tareha's position is further reflected in the record by Pakeha which records the high degree of *tapu* associated with him, his family and his belongings. The rules and rituals associated with *tapu* were an integral part of the lives of Tareha and his people and were observed by Europeans on several occasions. In 1815, John Nicholas, a member of Marsden's party, recorded evidence of the *tapu* associated with Tareha when he described what happened in the village when they were in the location of Tareha's house: "Besides the rules against eating within its walls, any contact with it on the outside was deemed a most heinous violation of its mysterious attributes [i.e. its *tapu*]; and while I happened to put a bundle, containing some necessaries we had brought with us upon the roof of it, they all cried out *taboo, taboo* [sic] with indignant vehemence, and desired me to take it off immediately."<sup>87</sup>

The influence of *tapu* on the daily lives of Tareha and his people was demonstrated in a further record of early contact between Marsden's party and Ngati Rehia. After having journeyed onto Okuratope, Marsden's party passed back through Whakataha on 11 January 1815 which they reached around 7 am in the morning. Tareha had still not returned but once again Marsden and his party were "kindly received" and soon put on breakfast. When Marsden made tea and offered it to the wives of Tareha and Hongi they refused to have any. Hongi then explained that the wives at the time were under *tapu* and could have nothing but water.<sup>88</sup>

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<sup>86</sup> Ibid, pp.348-349

<sup>87</sup> Nicholas, as quoted in *Sissons & Hohepa*, op cit, p20

<sup>88</sup> Elder, op cit, p.28

Williams also gave an example of an incident that occurred during the expedition against Tauranga that went ahead in January 1832, where only Tareha and his wives were allowed in a canoe because of its tapu status. At Maha, Williams recorded the following:

The natives very apprehensive that Tarea [sic] would return to the Bay of Islands, as he had not yet joined the main body, and was in a large canoe, with no other persons except three of his wives to pull her along. The canoe was *Tapu'd*, having conveyed the body of Hengi, the principal chief killed at Kororarika, to his former place, and was now being taken to the place where his sons were killed, for the purpose of being broken up and burnt, and was consequently termed a *Waka mamai*. There are very many things, such as garments, war instruments, paddles, &c., &c., amongst the different tribes now going up, which are on their way for the purpose of being, I think I may say, offered up to the *manes* of the dead. They are therefore all sacred, and thus the whole of the natives are detained, because no one can enter this said canoe but old Tarea and his three wives. This was now the second time of his being left behind.<sup>89</sup>

The deference in which Tareha was held by his people and the often spiritual component to his position is also highlighted by an additional incident that was described by Williams during this expedition. On 28 January 1832 while near Te Wakatuwhenua, Williams records that a son of Tareha's who had died a long time ago and had turned into a *taniwha*, had appeared to Tareha "and upbraided him and his party with great wickedness, and that he would not be quiet until he had some men as a satisfaction for the sacrilege done, that the present strong winds were on that account, that he would upset their canoes, and the sea should be rough for a considerable time." For this reason, those on the expedition intended to remain where they were for a number of days until the sea became very calm.<sup>90</sup>

Early reports of Tareha suggest that Europeans quickly recognised Tareha's position as a powerful Ngati Rehia leader. This view was probably endorsed by visual impressions of Tareha. Although Samuel Marsden merely described Tareha as being "a very fine, handsome man"<sup>91</sup>, he makes no mention of Tareha's stature. The missionary John Butler, who knew Tareha in the early 1820s, noted that he was a man "of extraordinary size, as his name imports".<sup>92</sup> Major Richard Cruise, who met Tareha, described him as follows: "In size and strength he seemed to surpass all his countrymen; though far from being corpulent, there was

<sup>89</sup> Lawrence M. Rogers (ed.), The Early Journals of Henry Williams, Christchurch: Pegasus Press, 1961, pp.219-220

<sup>90</sup> *Ibid*, p.223

<sup>91</sup> *Ibid*

<sup>92</sup> 9 Nov 1823, Journal of John Butler, as noted in Elder, *op cit*, fnt \* p.381

not an arm-chair in the [ship's] cabin in which he could sit, and in Shungie's [Hongi's] tribe he was much looked up to for his bravery and skill in leading warriors to battle."<sup>93</sup> Richard Taylor, who met Tareha in the 1830s, recorded that he was one of the largest men the missionary had ever seen. Said to be almost 7ft tall, Tareha was described as having an "extremely gruff" voice and that he seldom wore any clothing above his loins<sup>94</sup> John Barstow, who never met Tareha but knew his son Hakiro, had heard that Tareha eventually came to weigh more than 600 lbs.<sup>95</sup>

Tales of Tareha's past actions and first hand observations of him contributed to the deference and probably to some extent trepidation that appears to have been held towards him by Europeans. Tareha also could be a terrifying spectacle to observe when his anger was raised. William Yate described Tareha as "the most dreadful savage. No person can form any idea of his ferocity until they have seen and heard him in a passion".<sup>96</sup> Other missionaries such as Butler, came very much to like Tareha and describe him as a friend. Even Taylor, who on the one hand noted of Tareha "in his younger days he was celebrated for his courage, cruelty and cannibal propensities", had to acknowledge also that "he was always a friend and protector of the Missionaries, although he paid no attention to them as teachers"<sup>97</sup> It is clear, however, that Tareha played on his reputation as a 'ferocious cannibal' to keep an edge over the missionaries as reflected by Taylor's account of the first time he met Tareha: "His first salutation to the writer on his arrival was feeling his arm and saying, in a gruff voice, you will not do yet"

Honour aside, Tareha, as with other Ngapuhi chiefs, realised that he could not deal with Pakeha completely in the same way he might his own people. A good example of Tareha tempering his actions in his relationships with Europeans, even when Pakeha tried his patience, is written of by Taylor who told of a time when Tareha was telling off a female slave at a mission station and threatening to kill her for some unidentified act she had committed. The missionary John King remonstrated with Tareha and sought to prevent violence. As Tareha "...could not silence his determined adversary, neither did he wish to injure him, but at last, losing all patience, he seized the poor Missionary, who was not a very large person, and putting him under his arm, walked off with him to the Mission-house, where he safely deposited him, shutting the door, and bidding Mrs. King take care and not let him go out again lest he should eat him also"<sup>98</sup>

<sup>93</sup> Cruise as quoted in Sissons & Hohepa, op cit, p17

<sup>94</sup> Richard Taylor, Ika a Maui: New Zealand and its inhabitants, Wanganui, H. Ireson Jones, 1870, pp.517-9

<sup>95</sup> Transactions, p.431

<sup>96</sup> Rogers, op cit, pp.112, 119

<sup>97</sup> Transactions, p.431

<sup>98</sup> Richard Taylor, Ika a Maui: New Zealand and its inhabitants, Wanganui, H. Ireson Jones, 1870, pp.517-9

## **B. NGATI REHIA & PAKEHA**

After 1800, the various chiefs of the Bay of Islands had a new matter to address with the increasing numbers of Europeans visiting the area and the beginning of missionary visits and settlement after 1815. As the evidence in this report will show, Ngati Rehia leadership, in concert with their fellow ‘alliance’ partners, sought to make an important connection with the newcomers and were largely successful in doing so.

Commentators have noted that Ngapuhi saw themselves as a united group prior to the arrival of Pakeha explorers, traders and missionaries.<sup>99</sup> This unity was maintained in various ways, one of which was through the modes of production and exchange that were employed. These allowed Maori communities to produce and exchange goods with each other through small-scale markets, and this in turn created a system of reciprocity which ensured the continuity of social and material structures.<sup>100</sup> The introduction of new technologies that began with the arrival of the first Europeans in the late eighteenth century had a dramatic impact on the Ngapuhi economy and, consequently, on social organisation. This is not to say, however, that the fundamental beliefs, attitudes and values of Ngapuhi were altered to any significant degree by these early encounters. The evidence suggests, instead, that Ngapuhi selectively adopted those technologies and cultural traits which they deemed to be of use to themselves, while at the same time maintaining their essential identity, based firmly in the concept of whakapapa.<sup>101</sup>

### **i. First contacts with Europeans**

The Europeans who were visiting the Bay of Islands and surrounding areas by the very early 1800s primarily were whalers. These earliest visitors, who had little or no understanding of Maori society, were usually able to find a way to conduct commerce with tangata whenua. On occasion, however, matters would go seriously wrong due to cross-cultural misunderstandings. A number of accounts exist of conflicts between northern Maori and whaler crews as actions of either side were often interpreted by the other as hostile or law or custom breaking. As a result, both sides would respond with force and violence to perceived slights. One of the best known

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<sup>99</sup> Henare et al, op cit, p.43.

<sup>100</sup> Ibid, p.45.

<sup>101</sup> Ibid, p.46.

examples is the 1809 sinking of the whaler the *Boyd* in Whangaroa harbour and the killing of most of the crew after the captain had poorly treated a young local chief who had signed on to work on the ship. The events that followed this action came to involve the Ngati Rehia chief Tareha.

In retribution to the sinking of the *Boyd*, in 1810 a whaling crew attacked Te Pahi's settlement near Te Puna under the mistaken impression that he was the chief responsible for the *Boyd* incident.<sup>102</sup> Te Pahi was killed and his village sacked. It appears that this action resulted in Tareha of Ngati Rehia, who apparently was kin of Te Pahi,<sup>103</sup> seeking utu from a further crew, this time of the whaler the *New Zealander*. When the missionary Samuel Marsden visited New Zealand for the first time in January 1815, Tareha came onto the missionary's schooner the *Active*. During the discussions that followed, Tareha provided information about his recent altercation with the crew of the *New Zealander*. This was recorded by Marsden as follows although at first there was no mention of the link to the *Boyd* incident:

...a boat's crew belonging to a whaler had entered his potato grounds in the Bay of Islands to steal his potatoes, and that he had set his father and some more of his people to watch them, when the Europeans shot his father dead, likewise one man and one woman. He afterwards watched them himself and killed three Europeans.<sup>104</sup>

At a later date, Marsden learnt more about the *New Zealander* incident and the way in which it was linked to the sinking of the *Boyd*. When Marsden spoke with chiefs such as Ruatara, Hongi and Korokoro, they presented their view of what had occurred during the *New Zealander* incident:

...with respect to the ship *New Zealander*, they said a chief – a near relation to Tippahee [Te Pahi], named Tarria [Tareha] – stole a musket from the people who were wooding upon his land, as a satisfaction for the Europeans storming Tippahee's Island and killing his people. When the men returned to the vessel and informed the captain, he sent two armed boats, which fell in with a party belonging to the chiefs who were giving us this account. They informed the sailors that they were not the people who had stolen the musket: but the sailors, either through ignorance of the language, or from wantonness, fired upon the innocent party twice, when the Natives attacked them and two of the white people

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<sup>102</sup> Ibid, p.184

<sup>103</sup> Ibid, p.776.

<sup>104</sup> Elder, op cit, p.97

were killed. Afterwards the sailors shot Tarria's uncle, in which fray one European was killed. The chiefs on the south side of the harbour, as three white men had been killed and only one New Zealander, demanded satisfaction according to the law of retaliation for the death of two Europeans; when two New Zealanders were killed by themselves, belonging to the tribe who had killed the two Europeans, and afterwards their dead bodies were taken in a canoe alongside the ship to show the master that they had done further justice to his crew by punishing with death their own countrymen for the murder of his men.<sup>105</sup>

On 19 October 1819, when Samuel Marsden was at Okura with various Taiamai chiefs to discuss placing a mission station there for trade purposes, he told them that Europeans were fearful of further incidents like the destruction of the *Boyd* and the killing of crew members of the whaler *New Zealander*.

There are a number of features that differ between the recorded stories of Tareha and Rewa and others. In addition, the accounts are being recorded and transmitted by Pakeha who, at this time, were unfamiliar with Maori custom and therefore did not understand all the nuances of Maori motivations. The details are not important in themselves. What is important is that there is no doubt that stories such as these cemented in the minds of Europeans a reputation that Tareha was a fierce man who took his own actions and was a person to be reckoned with. Ultimately, Tareha and his people were to find new ways of dealing with the presence of Europeans which did not focus on conflict, but instead sought a mutually beneficial relationship.

## ii. The Arrival of Missionaries

The first recorded group of Pakeha with whom Ngati Rehia had an initially positive relationship was the brethren of the Church Missionary Society. Tareha, especially, was to become known as a friend and protector of the missionaries but he was reticent about them having too much contact with his people as it potentially "the natural hierachy of his authority". Ngati Rehia have explained this further:

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<sup>105</sup> Ibid

Figure 5: Arrival of Missionaries



In many ways, it allowed "taurekareka" to behave as if they were chiefs themselves by being encouraged to "put aside and ignore the natural laws and progression of what already existed" like their tikanga tuku iho, tapu, tuku whenua, whangai and mana, "...e kore e tukua e matou te whakarite ture ki tetahi hunga ke atu."<sup>106</sup>

Early records provide many examples of Ngati Rehia welcoming the presence of missionaries in their area. As noted above, in January 1815, Marsden and his party arrived in the area to undertake a reconnaissance of the district and to discuss with local chiefs the position of a suitable site for a mission. This led eventually to a station being established at Rangihoua. During Marsden's touring through much of the Bay of Islands, he encountered Tareha's people at Whakataha. On 9 January 1815, as Marsden's party headed towards Okuratope from Kaingaroa, they encountered a woman "who was overjoyed to see us". This woman turned out to be one of the wives of Tareha although her identity was not recorded.<sup>107</sup> As they travelled on, the missionary party came to Tareha's settlement at Whakataha.

We enquired how many wives he had and were told ten. Tarria [Tareha] was from home, but his wives pressed us much to have some refreshment with them. There were a number of servants, both men and women. We consented to their wishes, and Shunghee [Hongi] having shot us a wild duck we had it dressed immediately, while Tarria's [Tareha's] servants prepared abundance of potatoes for the whole party. We stopped in this village about two hours. They had a number of fine hogs, but no other animals excepting dogs. The New Zealanders are a very cheerful race; we were here entertained with a dance and song, and they were very merry all the time we were with them.<sup>108</sup>

The party resumed their journey. John Nicholas, who accompanied Marsden, noted that the area between Whakataha and Okuratope possessed several gardens.<sup>109</sup> After having journeyed onto Okuratope, Marsden's party again passed back through Whakataha on 11 January which they reached around 7 am in the morning. Tareha had still not returned but once again Marsden and his party were "kindly received" and a breakfast was soon put together for them. Marsden recorded that Tareha's kainga was "situated on the banks of a fine run of fresh water and much rich land about it."<sup>110</sup>

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<sup>106</sup> 27 Sep 2010, The evidence of Wiremu Heihei, WAI1040 D9, p.25

<sup>107</sup> Elder, op cit, p.97

<sup>108</sup> Ibid

<sup>109</sup> Kawharu, op cit, p.30

<sup>110</sup> Elder, op cit, p.97

Marsden's first visit to the Bay of Islands led to the establishment of a mission at Rangihoua which was a major pa on the eastern coast of the Purerua peninsula occupied by Te Hikutu. The pa had been seasonally occupied for a number of generations, and was still in use upon missionary arrival.<sup>111</sup> Marsden, Thomas Kendall, and others were welcomed there by Ruatara, Hongi Hika, and other rangitira, possibly including Te Uri o Kana, who gave land at Rangihoua to Marsden the following February.<sup>112</sup>

An examination of the early journals from brethren at the Rangihoua mission do not specifically reveal contact with nearby coastal Ngati Rehia settlements. This is not surprising as the mission initially was particularly focused on its own establishment. Nevertheless, Tareha travelled to Rangihoua in 1817. On 16 February of that year the chief and his people attended the church service at Rangihoua, where according to William Hall they 'behaved themselves in a very rude and disorderly manner'.<sup>113</sup>

### iii. The Kerikeri Mission

The second Church Missionary Society station was established at Kerikeri in 1819. The journals of John Butler, the superintendent of the Kerikeri mission, often record visits to the mission by Tareha and Titore and a subsequent extension of mission visits to Te Tii, Takou and Tapuwaetahi all of which are described as being kainga of Tareha's people.<sup>114</sup> Kerikeri had become an important area of occupation for the chiefs and people of the Northern alliance since their conquest of Ngati Miru and Wahineiti. As Kawharu has noted:

The Kerikeri and Kororipo areas are likely to have been places of particularly popular resort as there is evidence that major fishing spots in that district were shared and that the Kerikeri River was a generally open access to other areas, especially for vessels travelling to the southward. Kororipo pā was also the beginning of an important overland track providing access to various inland areas right across to the Hokianga.<sup>115</sup>

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<sup>111</sup> Kawharu, op cit, p.32.

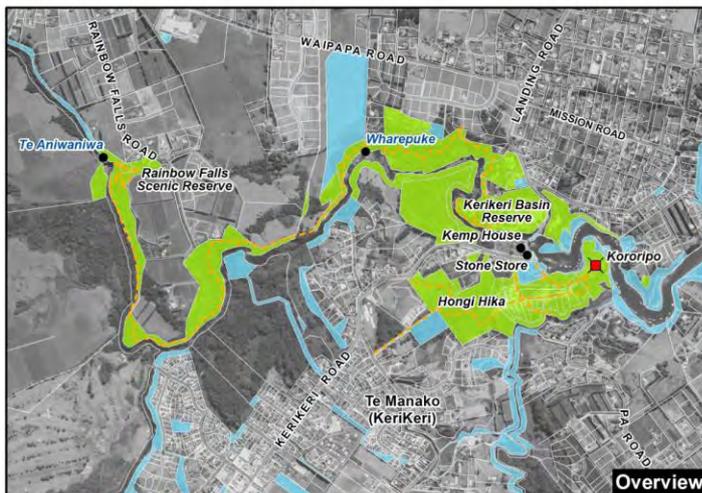
<sup>112</sup> Ibid, p.33.

<sup>113</sup> William Hall, Diary; 1816-1838, Micro-MS-0853, ATL Manuscripts Collection, no page number

<sup>114</sup> Tapuwaetahi, the oceanside kainga, bay and district just northwest of Te Tii Mangonui, is often recorded in official sources as 'Tapuaetahi'. As the request of Ngati Rehia, the spelling 'Tapuwaetahi' will be adopted through this report, even replacing official recordings.

<sup>115</sup> Henare and Pertie, op cit, p.181

Figure 6: Kerikeri Basin



### Kerikeri Basin

**Legend**

<ul style="list-style-type: none"> <li><span style="border: 1px solid red; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Kerikeri Basin areas (St James Church located within parcel)</li> <li><span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Private Land (Wharerahi's Reserve located within parcel)</li> <li><span style="background-color: #90EE90; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Conservation Lands</li> <li><span style="background-color: #ADD8E6; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Council Land</li> </ul>	<p><b>Inset Map</b></p> <p><b>Feature</b></p> <ul style="list-style-type: none"> <li><span style="color: red; font-size: 1.2em;">✦</span> Pā</li> <li><span style="color: black; font-size: 1.2em;">●</span> Locations</li> <li><span style="border-bottom: 1px dashed yellow; width: 20px; display: inline-block; margin-right: 5px;"></span> Tracks</li> </ul>
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Main Map: 1:6,500 0 100 200 Metres

Overview: 1:25,000 0 300 600 Metres

Data Sources: Northland Regional Council Imagery  
NZTM Grid Projection  
Inset Map recreation and extension of Te Waimate -  
Taimai Oral and Traditional History Report, Page 424  
Mapping completed by Sinclair Knight Merz, 2012

An important strategic pa at the head of the Kerikeri inlet was Kororipo. In the early nineteenth century it had been occupied by Hongi, his father Te Hotete, and Ruatara. Kororipo was one of Hongi's key bases, although he did not reside there permanently. It was bordered by water on three sides and a mangrove swamp on the fourth, making it hard to attack.<sup>116</sup>

In 1819, Hongi told Marsden to choose a site on either side of the Kerikeri River as it was all his to a great distance. However, the tribal rights in the area were obviously more complicated than that. The deed signed on 4 November 1819 noted that the mission's land was bounded to the southeast by the land of Te Morenga and Waitara of the southern alliance.<sup>117</sup> It has been noted that the south side of Kerikeri River was occupied by people closely allied to the chiefs of Taiamai and the southern alliance.<sup>118</sup> On the other hand, those signing the November 1819 deed, including Titore, were from the Northern Alliance.<sup>119</sup> Another important chief was Rewa (aka Manu) who in 1819 was described by the missionaries as being a chief of Kerikeri although said to be not as powerful as Hongi and Tareha. As noted in previously presented whakapapa, Rewa was married to Toko's grandchild Koki. Rewa would succeed Hongi after his death in 1828.<sup>120</sup>

On 29 July 1819, the CMS ship to establish the new mission at Kerikeri left Port Jackson and arrived at the Bay of Islands on 12 August. As the missionaries were unloading their goods, on 14 August Hongi Hika visited the settlement with "his chief captain" Tareha.<sup>121</sup>

Although at this time, the missionaries often recorded Hongi's 'district' as being Waimate, it is clear that Hongi with Tareha and Rewa were responsible for ensuring the mission was protected. One example of this comes from November 1819, when Hongi and his allies came into conflict with Te Morenga and his people of Ngare Hauata of the Southern alliance. When Hongi's workers had collected cockles from an area under rahui, Te Morenga responded with a muru against Hongi's plantations. The two sides met in battle, and although initially efforts were made to minimise casualties by fighting in "New Zealand fashion" the discharging of muskets eventuated and lives were lost; three on Hongi's side and eight of Te Morenga's.

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<sup>116</sup> Kawharu, op cit, p.33.

<sup>117</sup> Sissons & Hohepa, op cit, p23

<sup>118</sup> Ibid, p25

<sup>119</sup> See 11 Aug 1815, Marsden reference in Elder, op cit, p.346

<sup>120</sup> Sissons & Hohepa, op cit, p33

<sup>121</sup> Barton, op cit, p.19

Hongi was slightly wounded and subsequently all Hongi's war waka at Kerikeri were destroyed. In addition, the Kerikeri mission was stripped by a muru party.<sup>122</sup> In response, on 1 December 1819, Hongi, Tareha, Rewa and "all their fighting men" rushed to the mission at Kerikeri. The warriors stayed the night and remained in the area until 5 December when a formal peace was made between the warring parties.<sup>123</sup> As part of the peace settlement, Te Morenga presented Hongi with a war canoe,<sup>124</sup> Despite this, over the next few weeks, Hongi and Tareha frequented the area around the Kerikeri mission with several visits. On 27 December, when the Kerikeri missionaries travelled to the Rangihoua mission, Tareha provided an escort of a war canoe.<sup>125</sup>

The chiefs of Hongi's alliance were also closely involved in watching over the behaviour of their own people who, it appears, were the workers at the mission. When Rewa learnt that one of the mission workers had stolen a pig he meted out a beating. As he and Tareha further investigated it became apparent that there had been several incidents of 'theft' involving a number of mission workers. Although the workers claimed that the removal of goods from the mission was to hide them in the bush for safekeeping during the recent troubles with Te Morenga, Butler noted that the missionaries did not believe this excuse. Nor did Tareha:

Tarriar, [sic] therefore, flew into a great rage, and jumped, and ran about and threatened them very severely, saying he would not spare them if they were found out a second time; all our men seemed very frightened, and several of them wept very much. Tarrear [sic] said they should be banished from the settlement, but after my interceding for them, he permitted them to stop and go on with their work as usual; we hope this will have a general good effect.<sup>126</sup>

Subsequently, all goods were returned.

The Kerikeri station, as with all missions, was a source of new goods, new ideas and new treatments for illness. For example, Butler recorded in his diary on 11 January 1820 that Tareha's brother, possibly Pakira, had been at the Kerikeri mission for a fortnight receiving

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<sup>122</sup> Ballara, op cit, p.193

<sup>123</sup> Barton, op cit, pp.52-4

<sup>124</sup> Sissons & Hohepa, op cit, p45

<sup>125</sup> Barton, op cit, p.62

<sup>126</sup> Ibid, p.53

treatment for an unidentified illness. The treatment had been successful. Tareha's brother was reported as being on the mend and expected to leave in a day or two.<sup>127</sup>

Tareha's position as rangatira in respect of the mission is shown in his expectation of being presented with gifts by the Kerikeri mission. On 17 February 1820, Butler recorded that Tareha and his people came to visit the Kerikeri mission: "He wanted an axe, but we have not one in the settlement; I therefore made him a present of two chisels."<sup>128</sup> Another example of gift giving is on the occasion of the return of the taua led by Tareha that had attacked Kaipara. The Kerikeri missionaries, having learnt that prisoners had been spared, presented the leading chiefs of the taua (Tareha, Rewa, Moka, Wharenui, Hihi and Hare Hongi) with axes and hoes.<sup>129</sup> A further recorded example of gift giving occurred on 25 May 1821, when Tareha, having dined and breakfasted at the mission, expected gifts:

He was very importunate for an adze, some fish-hooks, a file, a knife, and a blanket. I made him a present of a file, an adze, and some fish-hooks, and informed him I had neither a knife or blanket to spare at present. He was quite pleased and said he would not fight the white people any more.<sup>130</sup>

Possibly this last remark by Tareha is a reference to his actions over the crew of the *New Zealander*.

Increasingly, Tareha was forming a good relationship with the Kerikeri missionaries. For example, when Tareha and his family visited the Kerikeri settlement on 30 June 1821 and stayed for a couple of days, the chief Tareha professed "great friendship" to the missionaries. In turn, Butler gave Tareha some flannel for children's clothes, several combs, two knives and a few fish-hooks. Butler recorded that Tareha went away "rejoicing".<sup>131</sup> The missionaries at Kerikeri often gave Tareha appellations such as "our friend"<sup>132</sup>, "our great chief".<sup>133</sup> On 25 May 1821, Butler said of Tareha:

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<sup>127</sup> Ibid, p.64

<sup>128</sup> Ibid, p.72

<sup>129</sup> Ibid, p.9

<sup>130</sup> Ibid, p.130

<sup>131</sup> Ibid, p.135

<sup>132</sup> 17 Feb 1820, Barton, op cit, p.72

<sup>133</sup> 25 May 1821, Barton, op cit, p.130. See also 17 June 1821, p.135

Tarrier [sic] was once accounted the greatest savage in New Zealand. He is still a savage, but nothing like what he was when I first came to New Zealand.<sup>134</sup>

Nevertheless Tareha still had a fearsome reputation with Butler recording at the same time a rumour that the previous week Tareha had killed and eaten three of his slaves for stealing kumara.

Tareha and Ngati Rehia maintained their connections with their Kerikeri lands well into the late 1820s. In February 1828 Tareha is recorded by William Yate as being at Kerikeri and involved again in mission affairs. On 16 February 1828 Tareha expressed anger over a new road the Church Missionary Society had constructed to allow Maori to pass around the Kerikeri mission settlement. According to Yate, ‘After prancing about for half an hour in a very angry mood he suddenly became peaceable and said “it was only his mouth that made a noise his heart was not at all angry”’.<sup>135</sup> The point of Tareha's position, nevertheless, is still evident.

Ngati Rehia connections with Kerikeri continued. On 22 May 1829, a large number of Maori from Matauri, Tapuwaetahi and Takou are recorded as visiting the Kerikeri settlement.<sup>136</sup> Large groups of Maori from Te Tii Mangonui visited the Kerikeri mission settlement in August and November 1829. On the second occasion, on 19 November, the visitors sold fish they had caught at Mangonui to Maori living at the mission.<sup>137</sup> On 2 December 1830 Yate spoke to some Maori from Te Tii Mangonui who were staying at Kororipo pa.<sup>138</sup>

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<sup>134</sup> Ibid, p.130

<sup>135</sup> Ibid

<sup>136</sup> Ibid

<sup>137</sup> Ibid

<sup>138</sup> Ibid

*Figure 7: Kerikeri Mission*



*Establissement des missionnaires anglais a Kidikidi, 1824, Jule Louis Lejeune,  
(National Library C-082-094)*

#### iv. Coastal Ngati Rehia and the Missionaries: 1820s

Once the CMS missionaries had established their station at Kerikeri, they began to consider visiting nearby places and this was encouraged by Tareha. As a result, the first missionary records of visits to Takou, Tapuwaetahi and Te Tii Mangonui are recorded during the early 1820s.

On 15 January 1823, Butler undertook a journey to Tapuwaetahi, described as being “a settlement belonging to Tarrier [sic]”. He noted that the the purpose of the visit was to purchase potatoes and “to carry on [the] general work for the Society.” After supper, a service was held. The following day, Butler purchased 50 buckets of potatoes from the people of Tapuaetai. He then recorded that Tareha and his people had behaved with ‘exceeding’ kindness.<sup>139</sup>

It was then suggested that the missionary go overland to Takou. Butler set off with Tareha’s son, (possibly Hakiro), and others. It was noted that between Tapuwaetahi and Takou there were several villages. Of Takou, Butler recorded: “This is a large village, and a good deal of cultivation carried on.”<sup>140</sup>

Butler and his party returned to Mangonui where they learnt that Tareha was eager to have, in addition to Waimate and Kerikeri, another missionary outpost established within Ngati Rehia territories. He therefore approached Butler over the establishment of a mission outpost at a site that later evidence would revealed was Te Tii Mangonui.

Tarrier [sic] had been a long time begging, and doing all in his power to induce (?) Europeans to live with him, and this being the subject of my morning’s discourse with him, after breakfast I asked him to show me the place where he would ask them to dwell, that I might determine as far as I could as to the eligibility of the spot, together with conveniences of wood and water...

The situation is exceedingly well adapted for a small settlement; the soil good, and water good, and fish in abundance would swim, as it were, to the very doors of the houses. It has also one peculiar advantage, viz Tarrier [sic] is the only chief in this place, and he has the people entirely under his subjection.... here we are so situated that he would protect the

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<sup>139</sup> Barton, op cit, pp.252-3

<sup>140</sup> Ibid, p.253

white people and their property. After some further conversation, I made a present of two hoes to his head wives, and one to his son's wife, and then departed.

Tarrier is peculiarly attached to my son Samuel and begs earnestly to have him for one, and with two others he says he should be satisfied.<sup>141</sup>

A number of months later, specific steps were taken to establish a mission posting at Te Tii. On 8 October 1823, Butler went with his son "to examine the extent of land suitable for that settlement" and to ascertain what payment in trade should be given.<sup>142</sup> When on the site during the following day Butler recorded the attributes of the site:

Went round the adjoining land to examine the quality, etc. etc. Found some parts of the soil to be strong loam, and some parts of a light and gravely nature; pretty well watered, and some small woods in the valleys.<sup>143</sup>

The following day, William Hall visited Te Tii to assist in fixing the boundaries of the site. Samuel Marsden too was at the proposed settlement and ordered certain alterations in the house that was planned to be built on site.

Whilst at Te Tii, Butler journeyed the three miles to Tapuwaetahi to visit the local Maori..

I found them busy in working their ground for koomeras [sic]. I told them I was glad to see them so usefully employed etc. etc. I then told them that the morrow would be Sunday, a sacred day, and that they must not work, but go to Ta Tee [Te Tii], the missionary station, to hear prayer, singing and preaching in New Zealand language. They replied that the seed time was almost over, and they wanted to finish planting their potatoes. I told them that Jehovah, the Atua Newee [Nui] has commanded one day in seven to be kept holy, and on that day we were to attend to religion only, and learn God's will, and pray for strength to enable us to do that which He commands for our good.

After some further conversation, I assured them that I should expect to see them over at Ta Tee [sic] in the morning after they had got their breakfast.<sup>144</sup>

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<sup>141</sup> Ibid, p.254

<sup>142</sup> Ibid, p.299

<sup>143</sup> Ibid

<sup>144</sup> Ibid, pp.299-300

Butler further discussed this issue with those at Tapuwaetahi and concluded by noting his expectation that he would see them at Te Tii for the service. The following day, as Butler was setting up for a service, and Maori from Te Tii gathered, those from Tapuwaetahi joined the congregation. Butler later recorded:

They all behaved exceeding well, and repeated the prayers in their own language, after me, distinctly, and sang very well, being assisted by some who had some previous instruction. As they had obeyed my voice and behaved well, I gave them two fish hooks each after service, and a missionary paper each and endeavoured to explain something of their meaning from the figures and representations. I spake to them from the Fourth Commandment, and endeavoured to point out the benefits and blessings they might expect, as well as the necessity of keeping holy the Sabbath Day. They begged of me to come again to preach to them which I promised to do... every other Sunday and offered to build immediately a good rush-house for church. Is not this a token for good?<sup>145</sup>

Later in October, with preparations at Te Tii proceeding, Butler travelled from Kerikeri to pay for the mission site. On 28 October 1823, he paid Tareha 5 hatchets, 12 axes, 8 planes, 8 hoes, 6 chisles and 150 fishhooks.<sup>146</sup> Subsequent evidence reveals that Samuel Butler and his family moved to Te Tii. By November 1823, as Samuel Butler and his wife were trying to establish a missionary settlement at Te Tii, he and his father John encountered some degree of opposition from Marsden as to the arrangements that had been made leading John Butler to form a belief that Marsden did not support the settlement. Marsden's opposition was grounded in a long running series of disagreements which had existed between Butler and himself which had culminated in early 1822 with Butler accusing Marsden of malfeasance in certain business affairs of the mission.<sup>147</sup> By 1823, therefore, this general antagonism between the two men was being played out in a debate over whether the Te Tii station should proceed. This John Butler thought was a pity, as he believed a missionary settlement at Te Tii was supported by local Maori and that progress was being made. Butler's journal entries demonstrate the aroha that had developed between Tareha's people and Samuel Butler and his wife. This is further illustrated by the presence of Hakairo's wife and the daughter of another chief within the Butler household.

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<sup>145</sup> Ibid, p.301

<sup>146</sup> Ibid, p.303

<sup>147</sup> [www.teara.govt.nz/1966/B/ButlerJohnGare/ButlerJohnGare/en](http://www.teara.govt.nz/1966/B/ButlerJohnGare/ButlerJohnGare/en)

Tarayha, [Tareha] the chief and his son, Okeeda, [Hakairo] and indeed all the natives were particularly fond of Samuel and his wife. The young chief's wife lived in the house along with Samuel's wife and a young girl, the daughter of another chief. They acted as servants, and were learning to sew and other household work and their prayers in the native language, and came on very fast. Indeed, the married woman is one of the finest, quietest, and best behaved women I ever met with in New Zealand.<sup>148</sup>

Samuel's rush house, which he had built to live in while his other was erecting, would have made a good school house for the natives, which was intended, it being fenced in with a garden around it. He also had two sawpits, and two pair of native sawyers at work, besides four others employed in general work. In short, everyone was going on in the most encouraging manner, and there was every prospect of success...<sup>149</sup>

Plans were in place for the establishment of a school in the settlement as it was noted that: "Samuel's rush house, which he had built to live in while his other was erecting, would have made a good school house for the natives, which was intended, it being fenced in with a garden around it."<sup>150</sup> A number of Ngati Rehia had also been employed in relation to the Mission Station:

He [Samuel Butler] also had two sawpits, and two pair of native sawyers at work, besides four others employed in general work.<sup>151</sup>

Butler further commented that: "In short, everyone was going on in the most encouraging manner, and there was every prospect of success..."<sup>152</sup> However, despite the efforts and support of Tareha and his people, and the relationship that had built up between them and Samuel Butler, the plans for an ongoing mission outpost in the Te Tii area were eventually abandoned. As the dispute between the Butlers and Marsden continued, it was decided to withdraw Samuel and his wife from Te Tii for the time being. The task befell John Butler to inform local Maori of the decision.

When I informed them that Samuel Butler was about to leave them, they seemed quite in a haze; sent for their friends immediately, and began to enquire what was the reason, and wherein they had offended?

I replied, "You have not offended in anything; you have been very kind to me and to Mr. Samuel and his wife. But he must go away for a little

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<sup>148</sup> 9 Nov 1823, Journal of John Butler, as noted in Elder, op cit, fnt \* pp.381-2. See also Barton, op cit, p.311

<sup>149</sup> Ibid

<sup>150</sup> Ibid

<sup>151</sup> Ibid

<sup>152</sup> Ibid

while, and then he will return.” They replied: “No more tiki tiki; we shall not see him again, nor you Nomadia; remain quiet, or where you are.”

They then sat down and wept aloud for a long time; and after they had given vent to their feelings, I endeavoured to console them as well as I could. This tribe had been trying to get my son amongst them for two years past; and to part with him, almost as soon as having received him, seemed a great trial to them. However, Tayrayha [Tareha] said, “If it must be so, now I desire that you render Mr. Samuel every assistance and not steal anything belonging to him.” This desire was strictly fulfilled, for they rendered all the assistance in their power and did not steal anything from him.<sup>153</sup>

As the Ngati Rehia of Te Tii has suspected, the departure of Samuel Butler meant the end of the Te Tii mission. No further evidence has been located by research conducted to date that the plans to run a mission from the site were proceeded with. Furthermore, the enmity between John Butler and Samuel Marsden resulted in Butler having to leave the New Zealand mission and return to England.

Nevertheless, the CMS missionaries from Kerikeri station maintained their contact with Ngati Rehia’s coastal settlements. Between August and December 1827 George Clarke made five visits to the Mangonui River district. On his first visit of 5 August the people he met ‘were busy preparing their land to cultivate potatoes’.<sup>154</sup> On 20 July 1828 James Hamlin and Charles Baker visited Mangonui, where they found many Maori who had recently returned from fishing occupied in unloading a canoe full of fish onto the beach.<sup>155</sup> Early in the following year, on 10 January 1829, around 200 Maori from Mangonui visited the Kerikeri mission settlement. Five days later, William Yate went to Mangonui and spoke to five large groups of Maori, from whom he purchased a boatload of potatoes. He observed that potatoes were being sold to several ships anchored in the bay, mainly in return for muskets and gunpowder.<sup>156</sup>

Missionary visits to the Takou area were recorded well into the late 1820s. On 18 December 1828 George Clarke and James Kemp visited Taupuaetahi which at that time was occupied by 200 to 300 people.<sup>157</sup> On 27 February 1829, William Yate visited Takou - ‘a large settlement’ - travelling by horse over very bad road. It was Yate’s first visit to Takou, and he noted that very

<sup>153</sup> Barton, op cit, p.312

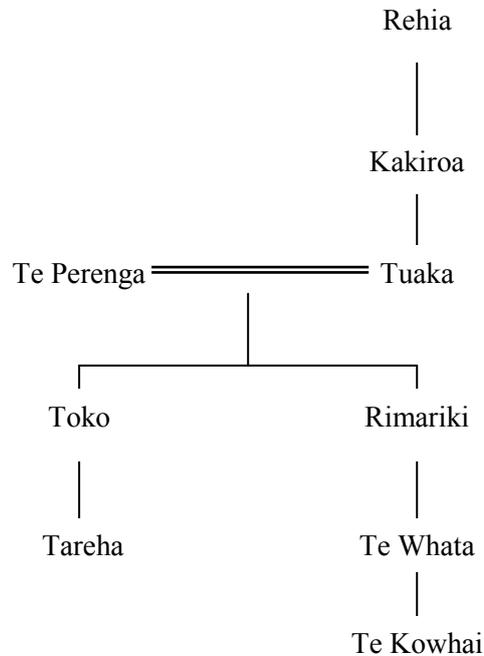
<sup>154</sup> George Clarke, Journals; 1822-1834, qMS-0465, ATL Manuscripts Collection, pp.550, 556 & 559

<sup>155</sup> James Hamlin, Journal; 1826-1837. qMS-0909, ATL Manuscripts Collection, p.16

<sup>156</sup> William Yate, Journal; 1828-1834, Micro-MS-Coll-04-64, ATL Manuscripts Collection, no page number

<sup>157</sup> George Clarke, Journals; 1822-1834, qMS-0465, ATL Manuscripts Collection, p.579; William Yate, Journal; 1828-1834, Micro-MS-Coll-04-64, ATL Manuscripts Collection, no page number

few Europeans had previously been to the settlement. At the time, the local chief Te Whata had gone to Whangaroa to see Ururoa, who was very unwell and close to death. Yate was instead welcomed by Te Whata's elderly wife, who "scolded her slaves at a furious rate because they were so long in cooking food for myself and boys."<sup>158</sup>



Yate went to Takou again on 8 May and 9 May 1829, and saw some Maori there from Whangaroa in addition to the Takou locals.<sup>159</sup> On this visit, Yate arranged to purchase twenty-four baskets of Indian corn 'of very excellent quality' from Te Whata in return for two blankets. Te Whata delivered the corn to Kerikeri three days later, using twenty-four slaves each carrying one basket.<sup>160</sup> Yate made another visit to Takou and other places further up the coast between 23 November and 25 November 1830.<sup>161</sup>

<sup>158</sup> William Yate, Journal; 1828-1834, Micro-MS-Coll-04-64, ATL Manuscripts Collection, no page number

<sup>159</sup> Ibid

<sup>160</sup> Ibid

<sup>161</sup> Ibid

## C. CONFLICTS & RELATIONSHIPS 1825-1839

In the fifty years before 1825, Ngati Rehia had experienced a series of significant changes moving from Orauta, becoming a key force within the Northern Alliance and acquiring lands extending from Waimate through to the eastern Bay of Islands. In addition, they had formed key relationships with the first Pakeha who visited and were beginning to settle in the area. The next few decades were to be equally important. Continuing changes would occur within the Bay of Islands resulting, by 1830, in Ngati Rehia becoming a major force at the very centre of European commerce in the Bay of Islands. In addition, Ngati Rehia rangatira would form key relationships with yet a new entity - the British Crown.

### i. Internal and External Conflicts during the 1820s

Despite the arrival and settlement of the first Europeans, the 1820s was a decade when many Bay of Islands hapu took action to address past *take*. As Hohepa and Sissons have noted, the 1820s were a period of radical socio-political change: “New leaders rose to prominence at this time, new alliances were formed, and major economic changes were taking place with the widespread introduction of iron tools and increased trade with Europeans.”<sup>162</sup> Ballara has added that during this period wars were ongoing and the shifts of alliances were complex. She has also added that the aims of a war leader such as Hongi were encompassed by the cultural imperatives of his time as he sought to carry out instructions of his elders in seeking utu for their kin.<sup>163</sup> In 1825, it was Hongi who formed another taua to travel south. According to a later report by Pakira of Ngati Rehia the expedition left Kerikeri on 20 February 1825. Over a month later, it reached Te Ika-a-ranga-nui at the confluence of the Kaiwaka River and the Waimoko Stream, and contact was made with Ngati Whatua. In the ensuing battle, Ngati Whatua and their allies suffered a severe reversal of fortune which led to the Kaipara and Tamaki areas being abandoned for many years.<sup>164</sup>

These external campaigns occurred against a backdrop of continuing internal wars at the Bay of Islands which Ballara has described as being “a story of utu sought and taken for slights to

<sup>162</sup> Sissons & Hohepa, op cit, p12

<sup>163</sup> Ballara, op cit, pp 188 & 191

<sup>164</sup> George Clarke, Journals; 1822-1834, qMS-0465, ATL MSS Collection, pp.460, 467, 477

chiefly mana, abduction and murder.” Although these conflicts often resulted in land acquisition, Ballara explains that this was the result rather than the aim of the conflict.<sup>165</sup> Instead, the conflicts were responses to traditional *take* although Ballara acknowledges that an existing situation could be worsened by rivalry over access to the ever-increasing trade with Pakeha that was growing in the area.<sup>166</sup>

Trade certainly was a key feature associated with the conflict between the Northern Alliance and Ngare Raumati. Despite the previous attack by the Northern Alliance on Ngare Raumati around 1800, there were still outstanding *take* to be answered. These were being considered at a time when agricultural production in the Bay of Islands had increased tenfold between 1815 and 1819. The Northern alliance tribal axis of Waimate-Kerikeri and Rangihoua-Te Puna had controlled one anchorage – Te Puna. This site had been popular after 1814 because of the presence of missionaries. However, over time, it was Paroa Bay that became the most frequented anchorage in the Bay of Islands. This was held by Te Ngare Raumati who were supported by Ngati Wai and Parawhau allies.<sup>167</sup> Commentators also have noted that the timing of the attack that was launched by the Northern alliance was related to a loss of strong leadership among Ngare Raumati as a result of the death of Korokoro in 1823 and Tuhi in 1824.

Immediately prior to 1826, several specific *take* developed. These culminated in an attack on Moturahuru in April 1826 led by Titore, Rewa and Mohi Tawhai.<sup>168</sup> The next site of attack was Motuoi pa at Te Rawhiti. After this engagement, peace was made the terms being that Te Ngare Raumati were to leave the district. Some went as prisoners to Kerikeri. Others migrated south to Whangaruru, Whananaki, and Ngunguru. When another taua was sent against the remnants of population at Paroa Bay, Ngati Rahiri intervened by placing the people there under their protection. Despite, the remaining Te Ngare Raumati soon afterwards abandoned the area.<sup>169</sup> It has been said that the attacks allowed the northern alliance to extend their mana over the eastern Bay of Islands up to Cape Brett and Taupiri Bay.<sup>170</sup> Paroa Bay, was never again a popular anchorage.

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<sup>165</sup> Ballara, op cit, p.193

<sup>166</sup> Ibid, p.189

<sup>167</sup> Ibid

<sup>168</sup> Ibid, pp.131 & 148

<sup>169</sup> Ibid, pp.136-7

<sup>170</sup> Kawharu, op cit, p.36

This was not the end of conflict. By the late 1820s, relationships were also changing between the Northern and Southern alliances. Following the fall of Paroa, it was Kororareka that grew in popularity as an anchorage. This occurred during a time of the fastest growth in shipping trade. Kororareka was dominated at this time by chiefs of Ngati Manu, who were kin to Ngati Hine and Ngati Rangi. Their closest kin and allies were Te Kapotai at Waikare and Te Uri o Ngongo at Kawakawa. Ngati Manu was also often allied to Ngati Rahiri.<sup>171</sup> By the late 1820s, a series of minor conflicts would culminate in an event in 1830 that would see significant changes in the Bay of Islands as the Northern alliance came to control most of the European trade at the Bay. By this time, Tareha was one of the main leaders of the alliance. This development, therefore, would shape the experience of Ngati Rehia during the 1830s.

By the late 1820s, there is some evidence of the developments that were to come. On one occasion, the missionaries at the Paihia station, which had been established in 1823, bore the brunt of conflict. On the morning of 15 December 1827 Tareha and Kira arrived at Waitangi with several war canoes on a ‘stripping expedition’.<sup>172</sup> The following day the group went to Waitangi where they attempted to take potatoes from the Paihia mission settlement cultivations. According to Henry Williams, the group contained over 100 people, “and never have I seen persons better disposed for mischief since I have been in the island ... They had a number of empty baskets with them for the purpose of taking away the potatoes”. After more than an hour, Williams and his brother were eventually able to persuade the group to leave without taking anything. They later sent a message to Tareha and Kira asking the reason for the attempted raid. The chiefs replied that their people had gone to Paihia without their authority. The group departed Paihia for Kororareka on 17 December.<sup>173</sup>

Another example of the rising enmity with members of the Southern Alliance was recorded by missionaries towards the end of February 1828, just over a week prior to Hongi’s death. On 26 February 1828, a large number of Maori, including Tareha, camped at Kerikeri on route to Whangaroa to visit Hongi. Tareha was still at Kerikeri two days later. It was rumoured that Hongi was planning an expedition up the Kawakawa River to attack Te Koki and his people. Apparently Te Koki had said something disrespectful about Tareha. (On 19 February, Henry

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<sup>171</sup> Ballara, op cit, p.189

<sup>172</sup> In an annotation to this diary entry, [fnt 89] the editor of William's journals, Lawrence Rogers, assumes that Kira was the chief of that name from Matauri Bay. [Rogers, op cit, pp.90-91, fnt 89] While this may well be the case, it is also possibly Tareha's son Te Hakiro who, as noted earlier in the report, has numerous transliterations ascribed to his name.

<sup>173</sup> Rogers, op cit, pp.90-91

Williams noted recent rumours that that some of Te Koki's people had said they would cut off the heads of Tareha and Tohitapu 'and stick them up in triumph'). However, because Tareha remained at Kerikeri rather than proceeding to Whangaroa Yate felt it unlikely that an expedition would go to Kawakawa on the chief's behalf.<sup>174</sup>

Despite these minor incidences, the conflict that would have the most significant impact occurred in 1830 and involved Ngati Manu, the rangatira Pomare II and Kiwikiwi and others from the eastern side of the Bay of Islands who became engaged in conflict against Uruora (or Rewharewha) (Hongi Hika's brother-in-law) and his allies (including Ngati Rehia) from Kerikeri, Whangaroa and other places.

The 1830 event, which has often been referred to as the "Girls' War", resulted in a change in the control over the key port and lands of Kororareka. The war escalated from an incident that occurred when two women - Pehi and Moewaka - were bathing. One girl was the daughter of Hongi and one was the daughter of Rewa. (Moewaka's mother was Koki of Ngati Rehia, the grand-daughter of Toko). While doing so, they were ducked in the water by women from Ngati Manu. The incident may have been a harmless prank, or have arisen from anger on the part of the Ngati Manu women. What appears to have begun as a fun fight turned nasty. Pehi and Moewaka got the best of fight. Te Urumihia, wife of the leading Ngati Manu rangatira Kiwikiwi, took up the cause of the Ngati Manu women and cursed Pehi and Moewaka. Uruora heard of the insult to Pehi and Moewaka. As apparently there had been another insult on a previous occasion made by Te Urumihia, a war party came from Whangaroa to raid Ngati Manu cultivations. Titore and Rewa supported Uruora. As the taua came onward, many chiefs tried to intervene to prevent bloodshed between kin.<sup>175</sup>

Henry Williams provides a detailed account of the conflict beginning on the morning of 5 March.<sup>176</sup> Uruora and Maori from Whangaroa, Matauri and other places, met at Rangihoua on their way to attack Kororareka. They travelled to Paroa Bay on 5 March and were met by the missionaries. According to Williams, at this time "There appeared a general understanding that peace would be made" the following morning.<sup>177</sup> However on the morning of 6 March fighting started at Kororareka. It is said that it had been agreed that there would be a firing of guns but

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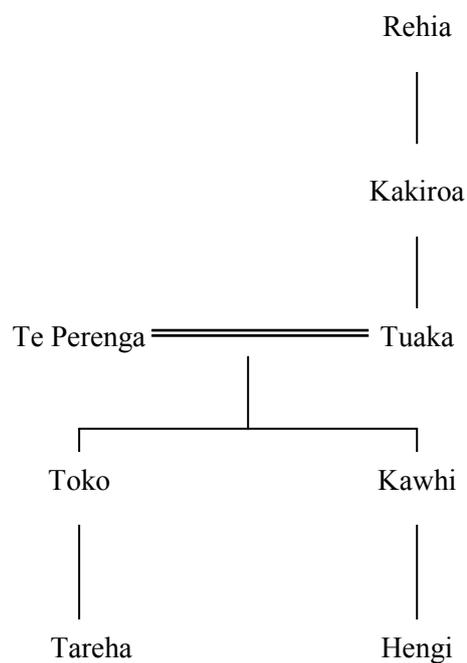
<sup>174</sup> William Yate, *Journal*, op cit, pp.10-11; Rogers, op cit, p.104

<sup>175</sup> Ballara, op cit, p.201

<sup>176</sup> Rogers, op cit., pp.155-160

<sup>177</sup> *Ibid*, pp.155-156

one of Kiwikipi's people shot and killed a woman from Uruora's party.<sup>178</sup> The two groups were around twenty yards apart and firing at each other from behind screens and fences. Others were leaving the beach for the safety of ships in the bay.<sup>179</sup> Fighting continued the following day until the evening, when it largely ceased.<sup>180</sup> By this time, over 100 people from both sides were killed, "including the important chief Hengi of Ngati Rehia" who lived at Te Ngaere, Takou. Some said he was a mere bystander, others that he was attempting to make peace.<sup>181</sup> Hengi was a close ally of Uruora. Erima Henare stated that Hengi's daughter also was killed in the conflict.<sup>182</sup>



<sup>178</sup> Ballara, op cit, p.201

<sup>179</sup> Rogers, op cit., pp.156-157

<sup>180</sup> Ibid, p.157

<sup>181</sup> Ballara, op cit, p.201

<sup>182</sup> Henare et al, op cit, pp.178-179; Kawharu, op cit, pp.37-38

Ururoa and Titore withdrew. Over the next few days, however, both sides received several hundred reinforcements.<sup>183</sup> On 8 March Tareha, Moka and others who were aligned with Ururoa met Williams at Kororareka and asked him to make contact with their enemies at Kororareka.<sup>184</sup> On 9 March, Williams and Samuel Marsden met with those Maori from Kawakawa, and according to Williams: “It was agreed that Kororareka should be given up to the opposite party, as a payment for Hengi and the numbers slain.” Williams and Marsden then met Tareha and Titore at Kororareka and accompanied them to visit Ururoa, who was at Moturoa.<sup>185</sup>

On 11 March Williams and Marsden went to Kororareka and met Ururoa again along with the other chiefs, who according to Williams wanted peace but were awaiting the arrival of Hengi’s sons Mango and Kakaha, “as the duty of seeking revenge now devolves upon them for the death of the father.” Ururoa said that if Mango and Kakaha arrived during the night, a canoe would be sent to the Paihia mission station and peace would be reached in the morning.<sup>186</sup> Further moves were made towards peace on 16 March, when Williams and Davis went to Moturoa to see Kakaha and Mango, and the following day Williams accompanied those Maori who were at Moturoa to the pa at Kawakawa to reach a peace agreement.<sup>187</sup> At the peace meeting at Kawakawa: “A chief belonging to the pa intimated that the peace would not hold good because a chief of his people had not been killed as an equivalent for Hengi.” However an agreement was reached.<sup>188</sup> The peace between the parties was ratified at Kororareka on 18 March.<sup>189</sup> Later that month Tareha, Ururoa and other chiefs went from Kororareka to visit the Paihia mission station.<sup>190</sup>

Some commentators have suggested that Ngati Manu gave up the site of Kororareka to Te Ururoa and vacated it. Ngati Manu, under their chiefs Pomare and Kiwikiwi, went first to Paihia, and then to the new pa at Otuihu.<sup>191</sup> However, Ballara has said that Kororareka was given to Titore as utu for his relation Hengi. Titore then subsequently divided up the land with Tareha Ururoa, Rewa, Moka and others.<sup>192</sup>

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<sup>183</sup> Ballara, op cit, p.201

<sup>184</sup> Rogers, op cit., p.157

<sup>185</sup> Ibid, pp.157-158

<sup>186</sup> Ibid, p.158

<sup>187</sup> Ibid, p.159

<sup>188</sup> William Williams, Journal; Vol 1, 1825-1831, qMS-2248, ATL Manuscripts Collection, p.214

<sup>189</sup> Rogers, op cit., p.160

<sup>190</sup> Ibid

<sup>191</sup> Henare et al, op cit, pp.179; Kawharu, op cit, pp.37-38

<sup>192</sup> Ballara, op cit, p.201

## ii. The Tauranga Campaigns

Although a settlement based on land transfer was reached for the deaths of those at Kororareka, this did not give utu to the immediate whanau of Hengi. Due to the close kinship ties between the two combatant groups of the northern and southern alliances, the Bay of Island chiefs as a group decreed against taking utu locally. As a result, the sons of Hengi – Mango and Kakaha – decided that as they could not get proper utu from those kin who had caused the death of their father, they would set out to the south and obtain satisfaction from the first people they encountered. As William Williams recorded of the events he witnessed:

A party [is] ...about to proceed to the southward to fight with any party they may meet although they are at hostility with none in that quarter. It is said they are going to obtain satisfaction for one of their chiefs who fell in the action at Kororarika [sic]. They cannot conveniently obtain it from the people who killed him.<sup>193</sup>

The sons of Hengi led a taua south in July 1830. By mid-August, the taua returned having killed 10 people at Ahuahu (Great Mercury Is.)<sup>194</sup> The small number of deaths and the fact that no one of note were among the dead required a further taua to be undertaken.

Another party from Takou left in January 1831. The taua travelled in seven waka, armed with two canon, and was said to include 20 chiefs and 40 others. Returning to Ahuahu, it was said they killed possibly 100 persons. On Tuhua (Mayor Is), a further 200 people were killed. However, word of the taua spread quickly through the area and Ngai Te Rangi and Ngati Haua forces were mustered in response. As a result, the whole of the Takou party was killed on Motiti Island in the Bay of Plenty. This included Hengi's sons Mango and Kakaha and an old tohunga named Te Haramiti.<sup>195</sup>

This reversal of fortune, in turn required a response. Available missionary sources record in detail the steps that were taken towards the forming of a succession of taua to obtain utu for the

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<sup>193</sup> Rogers, op cit, pp.98-99

<sup>194</sup> Ballara, pp.204 and 260

<sup>195</sup> Ballara, p.147

deaths of Hengi's sons and the others from Takou. Those in which Tareha and Titore were involved are noted below.

In March 1831, William Yate saw Rewa's upcoming feast at Waimate as a chance for the missionaries to prevent further conflict: "We must make the most of this opportunity of their being together to prevent their going to the Southward on account of several chiefs who were lately killed there." Indicating Tareha's role in the decision making processes, Yate remarked that "If we can hold back Titore & Tareha we shall most certainly accomplish our purpose."<sup>196</sup> In the event, however, those who attended Rewa's hakari (which concluded on 20 March) passed a 'unanimous resolution' that all fighting men from the Bay of Islands should go on an expedition to the south. According to Yate, it was proposed that the expedition would take place in the spring.<sup>197</sup>

On 19 April 1831, "Old Tarea [sic] and some of his wives" visited Henry Williams at Paihia and were 'very civil'.<sup>198</sup> During the visit, however, the topic of conversation often turned to the prospect of inter-tribal warfare.

On 12 May 1831, Tareha went from Kororareka to the Waimate mission and again discussed with William Yate the preparations for a war expedition to the south planned for that summer. Tareha expected preparations for the taua would take all winter.<sup>199</sup> William Williams provides further information on the preparations for the 1832 expedition and the role of Tareha, Titore and Rewa in organising it. On 22 April 1831 the Williams brothers saw a party of Maori from Takou and Matauri who had recently arrived at Kororareka on their way to the south:

This is the party most aggrieved by the late slaughter at Tauranga; therefore, the worst to deal with. ... Titore, Tareha and Rewa, the chiefs of Kororareka, told the other party that they were glad to see them but that they would do better to return. ... "Who goes to fight in the winter to be killed by the cold? Wait till the summer and we will go together." The other party urged the necessity of the expedition being undertaken immediately; that they could not relish their food through sorrow for their relations who have been killed. The latter, however, were overruled and it was agreed to wait till summer.<sup>200</sup>

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<sup>196</sup> William Yate, Journal; 1828-1834, Micro-MS-Coll-04-64, ATL Manuscripts Collection, no page number

<sup>197</sup> Ibid

<sup>198</sup> Rogers, op cit, pp.171-176

<sup>199</sup> William Yate, Journal; 1828-1834, Micro-MS-Coll-04-64, ATL Manuscripts Collection, no page number

<sup>200</sup> William Williams, Journal; op cit, pp.243-244

Two days later, David Taiwanga told William Williams that Tareha had prayed in order to get the parties from Takou and Matauri to return. Apparently Tareha had stated “I prayed to Him to send them back”.<sup>201</sup>

Another incident took place in relation to the planned taua. On 10 December 1831, missionaries recorded that Tareha and Titore had had a disagreement at Kororareka during which muskets were fired. According to William Williams, Titore stated that he intended to set his own houses on fire and then leave Kororareka, something that would probably have resulted in ‘a general battle’ between the chiefs’ parties.<sup>202</sup> The Williams brothers talked to both chiefs and eventually persuaded Titore to abandon his plan.<sup>203</sup> The following day, the brothers attempted to get the chiefs to make peace, “but each was too proud to make any concession.” Titore left Kororareka beach to go inland, but without any reconciliation having taken place.<sup>204</sup>

The missionaries spoke to the Kororareka chiefs about the proposed expedition numerous times during late November and December 1831.<sup>205</sup> On 7 December Titore visited the Paihia mission station and said that he did not want to fight and approved of some of the missionaries going to Tauranga with him to try and bring about reconciliation with Ngati Awa.<sup>206</sup> On 13 December Tareha, Rewa, Moka and others went from Kororareka to the mission station at Paihia. They also agreed that the missionaries’ two boats should accompany their fleet of canoes on the expedition. According to Henry Williams, on this occasion “Not a word was mentioned about killing and eating their enemies but all for peace should the opposite party be disposed.”<sup>207</sup> On 17 December he and William Williams again talked with Warerahi and Tareha at Kororareka about the planned expedition.<sup>208</sup>

The expedition went ahead in January 1832. James Kemp and Henry Williams accompanied Tareha, Titore and others on this taua to Tauranga. According to Kemp, while travelling with the taua, the missionaries aimed to bring about peace between the disputing parties.<sup>209</sup> Henry

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<sup>201</sup> Ibid, p.244

<sup>202</sup> Rogers, op cit, p.207

<sup>203</sup> William Williams, Journal; op cit, pp.260-261

<sup>204</sup> Ibid, p.261

<sup>205</sup> Rogers, op cit, pp.205-206

<sup>206</sup> William Williams, Journal; Vol 1, 1825-1831, qMS-2248, ATL Manuscripts Collection, p.260

<sup>207</sup> Rogers, op cit, p.208

<sup>208</sup> Ibid

<sup>209</sup> James Kemp, Journal; 1832, 1848-1852, MS-1104, pp.1, 4, 6. See also pp.17-25 for a detailed account of the taua.

Williams travelled with the taua onboard the *Active* and gave an account of its progress down the coast. Titore and Rewa participated in the taua, along with Tareha, (who is mentioned several times in Williams' account). On 9 January 1832 Williams learnt that Tareha, Warerahi, Moka and others, along with a group of Hokianga Maori, had proceeded as far south as Whangarei.<sup>210</sup> Further south on the coast, at Maha, Williams recorded the following: "The natives very apprehensive that Tarea [sic] would return to the Bay of Islands, as he had not yet joined the main body."<sup>211</sup>

The following day, however, Tareha reached the main group (including Rewa and Titore), and it was proposed that he go across the Firth of Thames to Barrier Island in the *Karere* (belonging to the missionaries), and that his canoe would be towed.<sup>212</sup>

Williams describes in detail the confrontations that took place with Ngati Awa during March and April 1832.<sup>213</sup> In mid-June 1832 Williams received information that fighting had ceased and that the Ngapuhi were arguing amongst themselves and were talking of returning from Tauranga.<sup>214</sup> The taua began to return during the following month, apparently without having reached peace.<sup>215</sup> Tareha had returned to the Bay of Islands by 30 July 1832, when he and Rewa met William Yate at Waimate and accompanied him to a Ngai Tawake hahunga (at which two hundred pigs were killed for the feast).<sup>216</sup> The missionaries declared 8 August 1832 "a day of general thanksgiving on account of the return of our natives from their late Expedition, without being able to accomplish their wicked purposes", although Titore did not return from the south until late November.<sup>217</sup>

Titore's return may have been the catalyst for plans for another expedition to Tauranga. Ballara has explained that after the first expedition to Tauranga no peace could be made as the losses on both sides had been similar but no Tauranga leader of significance had fallen to account for the loss of Hengi's sons or the tohunga Haramiti.<sup>218</sup>

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<sup>210</sup> Rogers, op cit, p.215

<sup>211</sup> Ibid, pp.219-220

<sup>212</sup> Ibid, p.220

<sup>213</sup> Ibid, p.231

<sup>214</sup> Ibid, p.248

<sup>215</sup> Ibid, pp.250-251

<sup>216</sup> William Yate, Journal; 1828-1834, Micro-MS-Coll-04-64, ATL Manuscripts Collection, no page number

<sup>217</sup> Rogers, op cit, pp.252, 264

<sup>218</sup> Ballara, op cit, p.152

On 11 December 1832, Williams met Kawiti at Otuihu in order to establish a good understanding with the chief before Titore could persuade him to join another expedition against Tauranga. Kawiti told Williams that he expected a visit from Titore and Tareha, but that did not want to go and fight. The following day, Titore expressed his intention for some of the missionaries to accompany him on the expedition again so that peace could be established.<sup>219</sup>

Titore landed at Kororareka on 13 January 1833 and began discussions for a new expedition to Tauranga.<sup>220</sup> Tareha was involved in these discussions, although subsequently he did not go on the expedition. On 14 January Henry Williams met Titore, Tareha, and Rewa at Kororareka, with Rewa stating that Ngapuhi would not go on the expedition.<sup>221</sup> One week later a large group of Rarawa arrived at Kororareka to undertake the expedition to the south. (According to William Williams, the Rarawa had “no great inclination to go on this expedition, but are come entirely at the solicitation of Titore who is their relative”).<sup>222</sup> Henry Williams met Tareha and Titore at Kororareka on 27 January to find out what their intentions were, and on 2 February he learned of confirmation that many Ngapuhi would not join the expedition.<sup>223</sup> Williams met Tareha and Titore again at Kororareka on 4 February, and on the following day Titore left the Bay of Islands for Tauranga to accompany the group of Rarawa under the leadership of Te Panakareao.<sup>224</sup> Williams and Chapman met Tareha at Kororareka on 6 February, as some objections had been raised to the missionaries going with the expedition. It had been felt that the missionaries’ presence ‘would frustrate their plans’. Tareha however made no objection to the missionaries following the expedition against Ngati Awa, and Williams left the Bay of Islands the next morning.<sup>225</sup> In late October 1833 Titore returned from Tauranga after having made peace with his enemies there.<sup>226</sup>

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<sup>219</sup> Rogers, op cit, p.267

<sup>220</sup> Ibid, p.274

<sup>221</sup> Ibid

<sup>222</sup> William Williams, Journal; Vol 2, 1832-1840, qMS-2249, ATL Manuscripts Collection, p.306

<sup>223</sup> Rogers, op cit, pp.275, 277-278; Charles Baker, Journals; 1829-1850, Micro-MS-Coll-04-47, ATL Manuscripts Collection, no page number

<sup>224</sup> Rogers, op cit, pp.278-279

<sup>225</sup> Ibid, p.279

<sup>226</sup> William Williams, Journal; Vol 2, 1832-1840, qMS-2249, ATL Manuscripts Collection, p.335

### iii. Ngati Rehia during the 1830s

Further changes in occupation took place following the events that occurred in relation to Kororareka in 1830. In the aftermath of the Tauranga taua, several of the chiefs from the Northern alliance who had been involved soon moved to take advantage of the new land that had been acquired and more importantly the European presence that was located there. These chiefs maintained their occupation of the area, despite, according to Ballara, Pomare's attempt to regain control of Kororareka.<sup>227</sup> Henare and Petrie outline the importance of Kororareka:

Kororāreka was not a good location for agriculture as the soil was poor but it was a reasonably good source of spars, which were much in demand and, most importantly, it was the Bay of Islands' principal anchorage and trading centre. Consequently, Ngāpuhi's northern alliance had long hoped to gain control of it and the women's quarrel provided the opportunity. However, their determination to retain it and Pomare's equal determination to regain it, dominated local politics for several years after.<sup>228</sup>

Titore, who had lived at Rawhiti after the attack on Ngare Raumati, moved to Kororareka and soon became involved seeking commercial opportunities during the 1830s. He came to have influence not only among his own people but with settlers, missionaries and traders, and the British resident James Busby.<sup>229</sup> Titore had also gained control of the port at Whangaroa where he tried to restrict trading possibly to maintain the primacy of his homeport Kororareka. He may have done this by limiting the number of vessels allowed to trade there: in one instance in 1834 he reportedly tried to stop timber being loaded onto the HMS *Buffalo* 'until he was given a part in proceedings'. It was improbable that any vessels owned by Pakeha had free access to the port at Whangaroa while Titore was in control.<sup>230</sup>

Tareha also changed his primary residence at this time as Hare Te Heihei of Ngati Rehia later noted when discussing the nature of occupation on Whakataha after the conquest of Kororareka.

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<sup>227</sup> Kawharu, op cit, pp.37-38

<sup>228</sup> Henare et al, op cit, pp.179-180

<sup>229</sup> Kawharu, op cit, p.37

<sup>230</sup> Henare and Pertie, op cit, p.493

At that time one of my ancestors ceased living on Whakataha. Te Pakira and some others stayed on the land in order to maintain their authority and rights. Tareha went, and when any trouble arose over the land Te Pakira came to him and submitted the matter to him.<sup>231</sup>

Whilst Tareha primarily occupied Kororareka, Pakira maintained his residence at Whakataha.<sup>232</sup>

Other than Whakataha and Kororareka, Ngati Rehia occupation at the coastal settlements continued. John King was stationed at the Rangihoua and Te Puna missions by the 1830s. His visits to the Tapuwaetahi and Takou areas between 1832 and 1834 provide information on where people were living and their attitudes towards Christianity. On 27 November 1832 King visited Tapuwaetahi where he spoke with some of Tareha's people, "who did not care to listen to eternal things." King therefore carried on to Takou, where he met Te Whata and around eighty of his people, who "behaved with attention" while King preached. The following day King travelled further up the coast to Waiaua, where the unnamed chief offered him a pig, "however I declined receiving it reminding him that the welfare of their souls was my object."<sup>233</sup> King made six further tours of these places in 1833: to Takou, Waiaua and Matauri in January; to Tapuwaetahi, Takou, Waiaua and Matauri in March; to Tapuwaetahi, Takou and Waiaua in August; to Tapuwaetahi and Takou in early October and again later in the month, also visiting Waiaua; and finally to Tapuwaetahi, Tohoranui, Takou, Waiaua and Matauri in December, when he observed a general interest in the services and in obtaining religious knowledge.<sup>234</sup> On 11 January 1834 a group of Maori from Takou arrived at the Te Puna mission station to attend a service the following day. King remarked "formerly these people came to steal and to annoy us with their rudeness and wickedness, may the word prove powerful to the pulling down the strong holds of sin & satan."<sup>235</sup>

When Charles Baker, from the Kerikeri mission, visited the Takou area during this period, he felt a far greater number of Maori would have gathered to hear him preach at Tapuwaetahi and Toharanui on 6 October 1833 but did not "through fear of old Tareha who continues to be very angry with his people for paying any regard to the Truth."<sup>236</sup> Baker visited Takou on his way to Matauri on 11 March 1834 and again on his return on 13 March, when he protested

<sup>231</sup> 5 Oct 1900, Evidence of Hare Te Heihei, Whakataha Investigation case, MLC Northern MBk 28, p.231

<sup>232</sup> 1 Oct 1900, Evidence of Akuhata Haki, Whakataha Investigation case, MLC Northern MBk 28, p.180

<sup>233</sup> John King, Journals; 1819-1834, qMS-1111, ATL Manuscripts Collection, p.2

<sup>234</sup> Ibid, pp.2-3, 7-8

<sup>235</sup> Ibid, p.8

<sup>236</sup> Charles Baker, Journals; 1829-1850, Micro-MS-Coll-04-47, ATL Manuscripts Collection, pp.2-3

about Takou Maori having stolen two spades from James Kemp and having killed some cattle at the Kerikeri mission settlement. The Maori admitted their responsibility for the acts and returned one of the spades to Baker.<sup>237</sup> Later that month, on 20 March, Baker visited Tapuwaetahi again, remarking 'they are rather an interesting party living there & seem desirous to be regularly attended to'.<sup>238</sup>

Baker's reference to Tareha's attitude to missionaries and Christianity is reflected in other sources during the early 1830s. Henry Williams gives an account of meeting Tareha on 16 August 1832 shortly after the chief's return to the Bay of Islands from a southern expedition when he reminded them of his expectations to be presented with some items to acknowledge his role as a chief:

At dinner time Tarea [sic] came and knocked at the door. He presented as gracious a countenance as he could command and complained of cold which intimated his want of a blanket. As I considered myself in his debt, I provided him with one. He was very importunate also for an axe or hoe or anything else even to a fish hook. As we had experienced much civility when to the Southd. Mr. Fairburn gave him an old adze.<sup>239</sup>

Tareha also demonstrated his power in respect of the missionaries:

...He enquired after two slave girls who were living in the settlement and from his subsequent conduct toward them it appeared he was prepared to use violent measures had there been any hesitation or opposition on our part to their leaving us, as they did not properly belong to him. We however told him, that as they were not our slaves, of course they must depart with him if he thought proper. When the poor creatures were brought before him, He eyed them as a hawk would his prey, and spoke to them with great brutality. He however departed in peace....<sup>240</sup>

It appears that despite their fears for the eventual fate of the two girls the missionaries were not prepared to cross Tareha.

As he left, he communicated his disappointment by informing the missionaries " that he had not in any wise profited from the residence of the Missionaries in the land. "<sup>241</sup>

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<sup>237</sup> Ibid, p.10

<sup>238</sup> Ibid, p.10

<sup>239</sup> Rogers, op cit, pp.253-254

<sup>240</sup> Ibid

<sup>241</sup> Ibid

Several events in early 1833 indicate Tareha's attitude towards Christianity and the missionary presence at the time. On 18 January 1833, William Williams, of the Paihia station, reported that Tareha had beaten a Maori person for repeating a catechism that effectively stated that the chiefs at Kororareka would probably "go to the fire and brimstone."<sup>242</sup> Two days later Williams learned that the mission's school at Kororareka had been closed due to Tareha's anger. Williams went to Kororareka that afternoon and learned that Tareha's anger had apparently been sparked by the ringing of the bell for prayers. Williams then approached three Maori from the south who were working on a canoe belonging to Tareha "and reproving them for working on the Sabbath, they said that Tareha had struck one of them for being idle and threatened to cut them to pieces with their adzes if they did not go on with their work."<sup>243</sup>

By this time Kororareka was becoming a centre of trade and commerce and it may be that Tareha did not want the missionaries to interfere with the potential business opportunities that were on offer. This is suggested in the following record of a gathering held on 28 January 1833 when William Williams and Alfred Nesbitt Brown met Titore and Tareha at Kororareka, where they discussed religion:

They said that they had ordered away all the natives who have any disposition to attend to our Karakia and that they will not allow anything of the kind at the place; that those who wished to believe might go to Paihia or Waimate but that Kororareka should be left as a place for the devil. I told them they might do as they liked, but they would not prevent us from coming to speak to all who are disposed to hear. They said that it is very good for the missionaries to speak, but that they will not be spoken to by the believing natives.<sup>244</sup>

Despite Tareha's views of the presence of missionaries at Kororareka, there is evidence from late 1832 and also 1833 of the attitudes of one of Tareha's sons, Hakiro. Missionaries often recorded the presence of Hakiro at Kororareka. On 5 August 1832 Henry Williams went to Kororareka and saw 'Many drunken sailors, and some few natives, among whom was Hakiro, Tareha's son'.<sup>245</sup> Later in the year, Hakiro was among the three canoes of people who came over to the Paihia church service from Kororareka on 23 December 1832. Five days later, Williams visited Kororareka and saw Moka on the beach with several others preparing flax for

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<sup>242</sup> William Williams, Journal; op cit, p.304

<sup>243</sup> Ibid, p.305

<sup>244</sup> Ibid, p.307

<sup>245</sup> Rogers, op cit, p.252

a fishing net and spoke to them about religion. He records that Hakiro “son of Tarea, that overgrown butcher”, arrived and listened to the conversation. Hakiro said “that 30 persons at his place had regular prayer” to which Williams observed “This may or may not be perfectly true, but they certainly keep regular school at this place, and the Catechisms are generally known.”<sup>246</sup>

It also appears that a rift developed between Tareha and his fellow Northern alliance rangatira chief Rewa over Christianity. On 3 February 1833, Williams and Brown went to Kororareka and spoke to a group of Maori assembled at Rewa’s residence. While Williams was conducting the service, Tareha entered the residence ‘quite furious with rage’, causing some slaves to flee for fear of being attacked while other Maori entered after Tareha to see what he would do. According to Williams, “He stormed most furiously for a few seconds and then withdrew leaving many of the chiefs in astonishment at the singularity of his conduct.” Rewa felt the disturbance had been due to the group of Maori assembling at his residence to hear Williams talk. Williams later spoke to Tareha and Titore and ‘quietly settled’ the situation.<sup>247</sup> On the same day, Henry Williams recorded that Tareha had been ‘in a great rage today’ at Rawiri from the Pahia mission station. Tareha had apparently confronted Rawiri at Kororareka,

...roaring like an infuriated bull, in consequence of some of the answers in one of the Catechisms being opposed to his views of strict propriety, in as much as all men, without distinction of rank are brought under condemnation, who believe not in the name of the Son of God. This doctrine as observed may do for Slaves and Europeans but not for a free and noble people like the Ngapuhi, therefore they will not receive it.<sup>248</sup>

On 21 April 1833 between seventy and eighty Maori attended a service held by Henry Williams at Kororareka. After the service, Williams met Tareha, Rewa, and others. The chiefs had been told by Tami and Captain Boulger that the missionaries received money for every *tangata wakapono* (believer), and a certain amount of money for every person they instructed based on the rank of the individual..<sup>249</sup> Brown later recorded that Titore and Tareha at Kororareka would not have any preaching at their place and that they saw the missionaries as bad men who paid people to believe.<sup>250</sup>

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<sup>246</sup> Ibid, p.270

<sup>247</sup> William Williams, Journal; op cit, pp.308-309

<sup>248</sup> Rogers, op cit, p.278

<sup>249</sup> William Williams, Journal; op cit, p.308

<sup>250</sup> Ballara, op cit, p.430

Not surprisingly, then, Tareha resisted efforts by the missionaries to establish a church at Kororareka. On 1 August 1834 Henry Williams and Charles Baker went to Kororareka to see the chiefs about building a chapel there. Williams met chiefs including Titore, Wai, and Tareha, who, according to Williams, was “as great a child as usual”, although the other chiefs were willing to listen to the proposal.<sup>251</sup> Williams spoke to Tareha again on 5 October, describing the chief as “an insensible mass of mortality, he rejected every word.”<sup>252</sup> On 19 October Williams met Titore and Tareha at Kororareka, where the two chiefs “brought forward their arguments of Papaurihia”, an indigenous religious movement being promoted in the Bay of Islands.<sup>253</sup> In late November, Williams went to Kororareka to view and measure the land for the proposed church. Williams met Tareha on his visit of 25 November and this time appeared to encounter no opposition to the proposal. The following day, Rewa, Warerahi and Moka met Williams about payment for the land for the church site.<sup>254</sup> Tareha and Hakiro met Williams again at Kororareka on 10 December 1834.<sup>255</sup> Williams held a service at Kororareka on 8 February 1835, “as usual at Moka’s place.” While there, he saw Tareha and Titore, remarking that the two chiefs were still “quite insensible to the Gospel’s joyful soun”<sup>256</sup>.

While Tareha and Titore may not have adopted Christianity, they and the other Kororareka chiefs accepted the missionaries’ proposal regarding drunkenness on the Sabbath. As William Williams records, on 17 March 1835 the missionaries went to Kororareka to see Titore and the other chiefs:

The object of our visit was to speak about the drunkenness of European sailors which now on the Sabbath day is proceeding to an awful extent. We proposed that for the credit of their country the chiefs should exact a price from every person found at large in a state of intoxication. They approve of the idea and agree to hold themselves in readiness on Sunday next.<sup>257</sup>

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<sup>251</sup> Rogers, op cit, p.382

<sup>252</sup> Ibid, p.395

<sup>253</sup> Ibid, p.397

<sup>254</sup> Ibid, pp.401-402

<sup>255</sup> Ibid, p.403

<sup>256</sup> Ibid, p.410

<sup>257</sup> William Williams, Journal; op cit, p.412

Despite the occupation of Titore and Tareha at Kororareka from 1830 onwards, the rivalry with those chiefs of the Southern Alliance who had been vanquished from the settlement had not ended. Although the rangatira Pomare II had been forced to give up Kororareka in 1830, he had subsequently fortified a purpose-built trading pa at Otuihu and again tried to regain wealth and military security through trade. Pomare was commercially successful, and this may have heightened his rivalry with Titore. In March 1837, Titore attacked Otuihu and a tribal war started between Titore and his allies on one side and Pomare and his allies on the other. Pomare received military support from over 130 Pakeha who were residing at the chief's pa under his patronage.<sup>258</sup> Towards the end of the first month of the war, Titore was fatally wounded. On 27 March, William Williams saw Titore at Kororareka 'fast drawing towards his end'.<sup>259</sup> In his journal, Henry Williams twice referred to efforts that were made to end the conflict. On 10 May 1838 Williams records that Kawiti went to Tareha "to *whakatika* (make straight) his *pukapuka*; but no notice appears to have been taken."<sup>260</sup> Two days later, Williams and Baker took Kawiti's patu to Kororareka, but the people there were not prepared to receive it.<sup>261</sup>

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<sup>258</sup> Henare et al, op cit, p.495

<sup>259</sup> William Williams, Journal; op cit, p.464

<sup>260</sup> Rogers, op cit, p.444

<sup>261</sup> Ibid

#### D. NGATI REHIA & PRE-1840 LAND TRANSACTIONS

Between the time the missionaries first established a settlement in the Bay of Islands (1815) and 1839, there were approximately 244 separate land transactions between Maori and Pakeha. In 1840, Governor Hobson declared that all such transactions would require confirmation by way of a Crown title, and the investigation of the validity of these purchases became commonplace during the 1840s. It has been estimated that some 25% of the Bay of Islands district was alienated from Maori as a result of these pre-Treaty transactions. The fundamental question arising from this is whether or not Maori could be said to have sold the land, in the European sense, or had instead transferred it according to customary laws of resource allocation (ie. *tuku whenua*). If the answer to this question comes down on the side of the latter possibility, then the granting of freehold titles to the lands, along with the keeping of the surplus, amounts to a Crown confiscation of 25% of the Bay of Islands.<sup>262</sup>

From a Maori perspective, the early land transactions with Pakeha represented “the commencement of an ongoing and mutually beneficial relationship”.<sup>263</sup> The context in which these relationships existed was one in which Maori utterly dominated, and so any Pakeha desire for absolute alienation of the land, as it was understood in the European world, could not be enforced. The land transactions were but one part of a complex relationship which included trade in goods, exchanges of gifts, marriage alliances and further benefits such as education, access to technological advances and employment.<sup>264</sup> There was an understanding, at least on the part of Maori, that the land and its resources were to be shared by Maori and Pakeha for their mutual benefit. This placed these exchanges of land firmly within the wider relationship which was premised on that same understanding, that is, on the idea of mutual benefit.

As some of those to engage in the earliest transactions for land with Maori, the missionaries were not long in establishing that Maori held quite different views regarding the transfer of land from those held by themselves. Marsden noted that Maori took the view that the missionaries would occupy the land only so long as they required it, hardly the traditional

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<sup>262</sup> Philipson, Grant. "Bay of Islands Maori and the Crown, 1793-1853", Aug 2005, WAI-1040 A1, pp.99-100.

<sup>263</sup> Stirling, Bruce & Towers, Richard, “Not with the sword but with the pen: the Taking of the Northland Old Land Claims”, CFRT, Jul 2007, WAI-1040 A9, p.31.

<sup>264</sup> Ibid

English view of property rights.<sup>265</sup> When the missionaries acted collectively in their transactions with Maori, it was relatively straightforward for them to assure Maori that the exchange was indeed one of mutual benefit. It could become more difficult to maintain this when the missionaries sought to purchase land for their individual use, but by still presenting the transactions as being part of their ongoing relationships, they could make them acceptable to Maori.<sup>266</sup>

The arrival of Pakeha – whether traders, missionaries, whalers or government agents – did nothing to overturn Maori custom; instead, the new arrivals and the technology and goods they brought with them were absorbed into the customary mode of transacting, and “became another avenue through which traditional competition and rivalries between Maori groups were played out”.<sup>267</sup> The land transactions with Pakeha were conducted, from the Maori point of view, “within the existing Maori systems for exchange of goods and the allocation of use-rights to resources”, with the fundamental concept being that of *tuku*, or gift-giving.<sup>268</sup> A chief enhanced his *mana*, not through accumulation, but by giving, as part of an ongoing relationship which depended on reciprocity for success. The custom of *tukuwhenua*, the transfer of land, was used “as part of peace-making, marriage alliances, or to incorporate newcomers to the host community”.<sup>269</sup> The giving of the land was conditional – it was anything but absolute – and the person receiving the land was expected to reciprocate with ongoing gifts in return.<sup>270</sup>

This was the cultural context within which land transactions with Pakeha occurred. Rather than being absolute exchanges after which no further relationship or obligation would exist, the exchanges instead cemented the relationship as an ongoing partnership for mutual gain, with both responsibilities and benefits accruing to each side of the deal. Pakeha would be expected to share the land and its resources with the host Maori community, and it was the community that retained ultimate control of the land (which would be wholly reclaimed if the Pakeha failed to uphold their side of the transaction). It was for this reason that there were numerous instances of Maori occupying and using land which Pakeha claimed to have purchased.<sup>271</sup>

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<sup>265</sup> Ibid, p.49.

<sup>266</sup> Ibid, pp.49-51.

<sup>267</sup> Ibid, p.36.

<sup>268</sup> Ibid

<sup>269</sup> Ibid.

<sup>270</sup> Ibid, p.37.

<sup>271</sup> Ibid, pp.37-38.

The transactions were for conditional use-rights, and while they may also have involved Pakeha innovations such as written deeds and payments of money, this in no way altered the fundamental customary nature of the transactions. They were a means by which Maori incorporated the Pakeha into their communities, and any initial payment could only be understood as a marker of the commencement of the ongoing relationship.<sup>272</sup> The incorporation of the claimants by the hosts into their communities constituted a significant and vital part of the transaction. While this often occurred with missionaries as a result of their children being viewed as members of the local hapu, with lay Pakeha it was rather through marriage that the relationship might be established.<sup>273</sup> With respect to the missionaries, children thus became a vital part of their ongoing relationship with Maori. By way of example, one of Kemp's children, named for the chief Titore, was granted some land by his namesake, but on the child's death, the land reverted to the chief.<sup>274</sup>

The transactions were conditional and were entered into in the context of a much wider and more complex relationship between Maori and Pakeha, throughout which Maori retained considerable, if not ultimate, authority over the land.<sup>275</sup>

Ngati Rehia have already presented their views to the Tribunal that Tareha and other chiefs lived under tikanga and natural laws which included tuku whenua. Furthermore, Tareha expected that Pakeha would live alongside Maori subject to Mana Motuhake, As Pakeha brought new technology and ideas, Tareha was willing to support Pakeha by providing them land to live on " so long as they didn't undermine their authority and that it benefited his people and Pakeha as well." <sup>276</sup>

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<sup>272</sup> Ibid, pp.42-43.

<sup>273</sup> Ibid, pp.52-53.

<sup>274</sup> Ibid, p.53.

<sup>275</sup> Ibid, p.61.

<sup>276</sup> 27 Sep 2010, The evidence of Wiremu Heihei, WAI1040 D9, pp.24 & 27

**i. Tuku Whenua of Ngati Rehia**

With Ngati Rehia chiefs Tareha, Te Pakera, Titore and Te Hakiro so prominent in the events occurring in the Bay of Islands and interacting so closely with missionaries at Kerikeri, Waimate and Paihia and Pakeha traders and captains at Kororareka and elsewhere, it would be expected that they also would be prominent in their involvement with the land transactions with various Pakeha that began to occur from the time of the first mission stations and which increased with greater frequency during the 1830s and through until the signing of the Te Tiriti in 1840.

The following is a chronologically-arranged table recording all the transactions identified to date in which Ngati Rehia chiefs were involved. In most cases the chiefs were recorded in the deed. In a few cases, whilst the chiefs' names were not on the deed, they either gave evidence on the purchase after 1840 or their names were mentioned during that evidence. Great care has been taken in assessing whether those signing, whose names were often written as transliterations by non-Maori speaking Pakeha, were in fact Ngati Rehia. The result is the identification of almost 70 land transactions occurring before the the signing of Te Tiriti in February 1840. It has taken a comparatively long time to sift through recorded deeds as well as Old Land Claims files to identify the land transactions listed below. Even then, it is felt likely that there may be even more examples as searching was done within time restraints and often relied on searching digital records. The table below, therefore, significant a record as it is, is possibly an under-estimate of pre-Treaty land transactions in which Ngati Rehia were involved.

The columns in the table are largely self-explanatory. As a key source was Old Land Claims files, in some cases the deed date is merely recorded as a year only (and in three cases not even that). This information has come from claims that were lodged but not proceeded with. There were often a number of reasons claims did not go ahead. The initial indication of a transaction having taken place is still likely to be correct, however. The recorded size noted in the table, is that estimated either at the time of deed signing or when a claim was first lodged. (The surveyed size of these claims is revealed later in this report under the subsection dealing with Old Land Claims). The use of the phrase 'part of' in the table reflects where the deed indicated is one of several signed with all deeds accounting for the estimated area. In these situations, the area covered by any specific deed was not recorded.

Most pre-1840 deeds, of course, record payment as a list of goods as well as payments in cash, including currencies such as dollars. The estimated value of payment listed in the following table is drawn from a later published return provided by the second (Bell) Old Land Claims Commission. The use of the phrase 'part of' in this column of the table, again refers to a situation where several deeds were signed. The value of the payments made is a total for all of the deeds signed and it is not easy to discern the value of payment for each deed.

The names of that Ngati Rehia chiefs who signed are recorded and the exact word used in the deed or other evidence is recorded. As noted previously, these transliterated names have been closely checked to gain a level of confidence that they do in fact refer to Ngati Rehia chiefs. The final column in the table records the number of other interest holders, who do not appear to be Ngati Rehia, who have signed the same deeds as Ngati Rehia. An 'x' is used where, because of incomplete information, the exact numbers who signed a deed are not known, where the record often lists a few names 'and others'. Where the column entry records a '-', this indicates no other signatories other than those Ngati Rehia chiefs listed.

**Pre-Treaty Land Transactions in which Ngati Rehia chiefs participated (Chronologically arranged)**

Deed Date	OLC No.	Name of Purchaser (Name of Old Land Claimant where this is different than purchaser)	Location	Land Block Name	Recorded Size	Payment Amount	Tareha	Pakira	Hakiro	Titore	Other Ngati Rehia	Others
1819, 4 Nov	672/673	Church Missionary Society	Kerikeri	Waitotorongo	640 acres	Goods valued at £6				Titore		8
1826	764	Robert Duke (Alexander Gray)	Kororareka		1¼ acres	Goods valued at £2 6s	Tareah					x
1830, 7 Oct	676	Church Missionary Society	Waimate		300 acres	Goods	Tareha			Titore		6
1831, 8 Oct	734	Church Mission Families	Kerikeri		3,000 acres	Goods with £740				Titore		20
1831, 18 Oct	739-743	Thomas May Battersby (William Moores)	Kororareka		79 ft x 100 ft	£50 cash	Tareah					x
1833, 11 Mar	739-743	Thomas Birch (William Moores)	Kororareka		138 sq feet	-	Tareah					-
1833, 20 Aug	638	Joel Samuel Polack	Kororareka	Paramata No.1	9 acres	£36 5				Titore		6
1833, 14 Oct	773	Richard Davis	Waimate	Mohao	100 acres	Goods & cash				Titore		4
1834, 7 Mar	773	Richard Davis	Waimate	Angaiho	20 acres	Goods & cash				Titore		5
1834, 19 Sept	898	James Hamlin	Waimate	Takapuotehara	30 acres	Goods & cash £32 12 6		Pakira				7
1834, 30 Dec	738	Thomas Florance	Whangaroa	Ngatara/Tepua	200 acres	Goods valued at £1046 (pt of)	Tareha		Hakiro			3
1835	799	Charles Baker (Francis Hodgkinson)	Kororareka		60 ft by 90 ft	-			Akero			1
1835, 3 Mar	933	Patrick Fitzmorris/Thomas Butterworth	Kororareka		¼ acre	Goods valued at £25			Hakiro			-
1835, 21 Jul	110	Thomas Spicer (George Thomas Clayton)	Kororareka		70 ft frontage	Goods valued at £3	Tarea					-
1835, 21 Jul	795	Thomas Spicer (Edward Eugene Cafiers)	Kororareka		Section	-	Tareah					-
1835, 10 Sept	642	Joel Samuel Polack	Kororareka	Paramata No.2	3 quarters of acre					Titore		3
1835, 6 Oct	738	Thomas Florance	Whangaroa	Horua Makaka	-	Goods valued at £1046 (pt of)				Titore		3
1835, 6 Nov	546 pt	Charles Baker	Kororareka	Onekura	30 acres	Goods		Pakira	Hakiro			2
1836	994	William Moore (George Russell)	Kororareka		25 x 70 ft	-	Tareha		Akedi			-
1836, 4 Apr	676	Church Missionary Society	Waimate		30 acres	Goods & cash				Titore		2
1836, 8 Sept	604	John King	Takou	Tenana	1,500 acres	Goods valued at £168					Whata	6
1836, 8 Sept	605	John King	Takou	Taupuati	500 acres	Goods valued at £167	Tareha <sup>277</sup>					6
1836, 21 May	547	Charles Baker	(BoI)	Mangakahi	30 acres	Goods		Pakira				21
1836, 31 Aug	600	James Kemp	Whangaroa	Kaeo	4,000 acres pt of	Goods valued at £571 (pt of)	Tareha	Pakira	Hikiro	Titore	Parangi	13
1836, 22 Sep	599	James Kemp	Whangaroa	Mangaiti	4,000 acres pt of	Goods valued at £571 (pt of)				Titore		15
1836, 23 Sep	341	William Benjamin Moores	Kororareka		¼ acre	Goods valued at £4 12s		Pakera	Akero			-
1836, 17 Oct	601	James Kemp	Whangaroa	Paetu	4,000 acres pt of	Goods valued at £571 (pt of)	Tareha		Hakiro	Titore	Mene	4
1837	896	Thomas Shearing	Kerikeri	Mangonui River	60 acres	Goods & cash valued at £14 3s	Tareah		Akero			-
1837, 15 Mar	228	W.G.C. Hingston	Kerikeri	Paitaia	500 acres	Goods & cash valued at £135				Titore		6
1837, 21 Apr	805	James Shephard	Kerikeri	Waitete	400 acres	Goods & cash valued at £40			Hakiro			8
1837, 22 June	738	Thomas Florance	Whangaroa	Papamawhiti	-	Goods valued at £1046 (pt of)	Tareha		Hakiro			2
1837, 6 Sept	111	Thomas Spicer (George Thomas Clayton)	Kororareka		8 acres	Goods valued at £4 14s			Akeda			-
1837, 7 Sept	109	Thomas Spicer (George Thomas Clayton)	Kororareka		9 acres	Goods valued at £18			Akeda			1

<sup>277</sup> Tareha did not sign deed, but King later acknowledged that he paid Tareha £2 12s

1837, Sep/Oct	63	Thomas Bateman	Kororareka		18 acres	Goods valued at £17 17			Akida			3
1838	795	John Johnson (Edward Eugene Cifers)	Kororareka		-		Tareah					-
1838	868	John Johnson and Thomas Spicer	Kororareka		80 x 160 ft (pt of)			Parkera				3
1838	869	John Johnson and Thomas Spicer	Kororareka		80 x 160 ft (pt of)			Parkera				3
1838, 2 Apr	1003	Donald McKay	Mangonui		40 acres	Goods & cash valued at £22 8s			Akeda			-
1838, 22 Apr	676	Church Missionary Society	Waimate	Waihirore	30 acres	£15 cash					Parangi	1
1838, 5 Sept	1307 pt	R. Holtom	Kororareka	Tapeka	49 acres	Goods			Hakiro			-
1838, 21 Oct	867	John Johnson and Thomas Spicer	Kororareka		80 x 160 ft (pt of)			Parkera				3
1838, 21 Oct	867	John Johnson	Kororareka		80 x 160 ft	Goods valued at £60			Pakera			X
1838, 10 Nov	792	John Johnson (Edward Eugene Cifers)	Kororareka		8 & 16 perches	-	Tariha		Akero			X
1838, 10 Nov	793	John Johnson (Edward Eugene Cifers)	Kororareka		7 perches	-	Tariha		Akero			X
1838, 10 Nov	870	John Johnson	Kororareka	Te Repo	3 acres	Goods & cash valued at £15	Tariha		Akero			2
1839, 10 Feb	354	Joseph Norman and Charles John Cook	Kororareka		97 x 54 feet	Goods & cash valued at £23.3s	Taria		Akeiro		Parangi <sup>278</sup>	1
1839, 13 Feb	535	Thomas Wing	(BoI)	“Kauwau”	120 acres	Goods & cash valued at £58 13s		Paketo	Akedo			X
1839, Jun	993	Kororareka Land Company (George Russell)	Kororareka		4899 sq yds	-			Akede			1
1839, 1 Jul	574	Manheim Brown	Kororareka		60 by 70 feet	Goods & cash valued at £12 18s	Tariah		Akero			X
1839, Jul/Nov	472	Joseph H. Barsden & Benjamin E. Turner	Paroa Bay (BoI)	Uruti	30 acres	£45			Pakira			X
1839, 1 Sept	471	Joseph H. Barsden (Benjamin E. Turner)	Paroa Bay (BoI)	Uruti	25 acres	Goods & cash valued at £25			Pakira			1
1839, Oct	575	Manheim Brown	Bay of Islands		7 acres	Goods valued at £70			Akero			X
1839, Oct/Nov	577-8	Manheim Brown	(BoI)	“Wytata”	30 acres	Goods & cash valued at £90			Pakeda	Akero		X
1839, 4 Oct	305	Benjamin Turner (Hugh McLiver)	Kororareka		102 feet by 67	Goods & cash valued at £40			Arkero			1
1839, 4 Oct	788	Kororareka Land Company (Didier Joubert)	Kororareka		54 square feet	-	Tareah		Akere			-
1839, 4 Oct	824	Alexander McGregor (Kororareka Land Co.)	Kororareka		3 roods	£50 cash			Okeda			1
1839, 4 Oct	992	Kororareka Land Company (George Russell)	Kororareka		6 allotments	-	Tareha		Akedo			-
1839, 4 Oct	825	Thomas Spicer (Kororareka Land Company)	Kororareka		1 acre	Goods & cash valued at £200	Tariha		Akedo			2
1839, 7 Oct	858	James Jones (Joseph Aberline)	Paroa Bay (BoI)	Uruti	50 acres	Goods valued at £98			Akero			X
1839, 11 Oct	59	Thomas Bateman	Kerikeri	Mangonui River	1,500 acres	Goods valued at £3	Tarrah		Kiro			3
1839, 14 Oct	821	Thomas Spicer (Kororareka Land Company)	Kororareka		2 acres	Goods valued at £2 19s			Akida			2
1839, 21 Oct	576	Manheim Brown	Paroa Bay (BoI)		8 acres	Goods valued at £6			Akero			-
1839, 7 Nov	738	Thomas Florance	Whangaroa	Toterairi	150 acres	Goods valued at £1046 (pt of)	Tareha		Takiri			-
1839, 13 Nov	738	Thomas Florance	Whangaroa	Hangarahu	600 acres	Goods valued at £1046 (pt of)	Tareha				Mene	8
1839, 20 Nov	270	Thomas Joyce	Whangaroa	Awarua	3,000 acres	£83 12 cash and goods	Tareha		Hakiro			11
1839, 30 Dec	380	John Kelly (Thomas Potter)	(BoI)	“Parehau”	80 acres	£20 cash	Tareha		Hakiro			-
1840, 13 Jan	738	Thomas Florance	Whangaroa	Te Huhu	700 acres	Goods valued at £1046 (pt of)	Tareha		Takiri			2
1840	573	Alexander McGuire (Manheim Brown)	(BoI)	“Toa Toa”	10 acres	£12.12s cash	Tariah	Pakereado	Akero			-
Unknown	779	J.A. Duvaunchelle	Kororareka		2 allotments	-	Tareha		Akero			-
Unknown	787	J.A. Duvaunchelle	Whangaroa	Okura	-	-	Tareha		Akero			-
Unknown	861	Kororareka Land Co. (Charles Robertson)	Kororareka		2 allotments		Tarea		Akero			-

<sup>278</sup> Identified in deed as Tareha's son

For almost all of these transactions, the only record available is the deed itself. It is a rare example to have the signing of deeds recorded in journals and letters. Where this occurs, what often is recorded is barely a note that a signing had occurred. Of course, evidence is later given before the Old Land Claims Commission in relation to all of these transactions. As will be noted later in this report, however, the evidence recorded in Old Land Claims files primarily is a repetitious formulaic account to show that the correct processes surrounding a land transaction (ie deed signed, money paid, transactions still supported) have been followed. With few exceptions, neither details on the negotiations nor context in which the land transaction occurred is provided.

Therefore, the primary commentary to be made is based on the information in the above table. A number of features can be observed, other than the location and size of the transactions which will be commented on below after presenting another form of the above table:

- That with the exception of the transactions for the Kerikeri and Waimate mission stations, and one single 1826 transaction, that almost all land transactions are post-1830 with the vast majority occurring in the five years after 1835. A third of the transactions occurred in 1839.
- That in less than a third of the transactions, Ngati Rehia acted alone. In most cases, and typical of pre-Treaty land transactions in the Bay of Islands, a collection of chiefs and persons from various hapu signed reflecting the complex and dense nature of rightholding and/or the interests held in land. Furthermore, although not recorded in the table, analysis conducted did not indicate any patterns in the chiefs with whom Ngati Rehia joined. On the other hand, there are not many names signed to a deed. Only on five occasions are there more than ten signatories to a deed. In most cases the deeds are signed by 2-6 others in addition to Ngati Rehia signatories. Without intensive analysis - which is beyond the scope of this report - the low number of signatories can not be accounted for. As a matter of speculation the low numbers may represent signing only by chiefs, instead of all who held interests; it may reflect the often

small pieces of land being transacted; in some cases, it may actually reflect all of the rights held.

- Within Ngati Rehia, the person most involved in deed signing is Te Hakiro who participates in 60% of the land transactions. Up until his death in 1837, Titore is an almost constant participant as well. Tareha participates in almost 45% of the total transactions. Titore often acts alone within Ngati Rehia, as does Tareha in many of the earlier deeds. Later, Tareha almost always acts with his son Te Hakiro. In a number of later deeds, it is Te Hakiro who acts alone within Ngati Rehia. In addition, he is often the sole signature on a deed. Pakira is less prolific a participant, but when he acts it is often alone within Ngati Rehia although almost always with other chiefs.

Without further information to inform us of motivations or to provide any context, these observances on the above table remain exactly that.

The information in the above table is presented again, with the land transaction being grouped together geographically:

## Pre-Treaty Land Transactions in which Ngati Rehia chiefs participated (Geographically grouped)

Deed Date	OLC No.	Name of Purchaser (Name of Old Land Claimant where different than purchaser)	Location	Land Block Name	Recorded Size	Payment Amount	Tareha	Pakira	Hakiro	Titore	Other Ngati Rehia	Others
1834, 30 Dec	738	Thomas Florance	Whangaroa	Ngatara/Tepua	200 acres	Goods valued at £1046 (pt of)	Tareha		Hakiro			3
1835, 6 Oct	738	Thomas Florance	Whangaroa	Horua Makaka	-	Goods valued at £1046 (pt of)				Titore		3
1836, 31 Aug	600	James Kemp	Whangaroa	Kaeo	4,000 acres pt of	Goods valued at £571 (pt of)	Tareha	Pakira	Hikiro	Titore	Parangi	13
1836, 22 Sep	599	James Kemp	Whangaroa	Mangaiti	4,000 acres pt of	Goods valued at £571 (pt of)				Titore		15
1836, 17 Oct	601	James Kemp	Whangaroa	Paetu	4,000 acres pt of	Goods valued at £571 (pt of)	Tareha		Hakiro	Titore	Mene	4
1837, 22 June	738	Thomas Florance	Whangaroa	Papamawhiti	-	Goods valued at £1046 (pt of)	Tareha		Hakiro			2
1839, 7 Nov	738	Thomas Florance	Whangaroa	Toterairi	150 acres	Goods valued at £1046 (pt of)	Tareha		Takiri			-
1839, 13 Nov	738	Thomas Florance	Whangaroa	Hangarahu	600 acres	Goods valued at £1046 (pt of)	Tareha				Mene	8
1839, 20 Nov	270	Thomas Joyce	Whangaroa	Awarua	3,000 acres	£83 12 cash and goods	Tareha		Hakiro			11
1840, 13 Jan	738	Thomas Florance	Whangaroa	Te Huhu	700 acres	Goods valued at £1046 (pt of)	Tareha		Takiri			2
Unknown	787	J.A. Duvaunchelle	Whangaroa	Okura	-	-	Tareha		Akero			-
1836, 8 Sept	604	John King	Takou	Tenana	1,500 acres	Goods valued at £168					Whata	6
1836, 8 Sept	605	John King	Takou	Taupuati	500 acres	Goods valued at £167	Tareha <sup>279</sup>					6
1819/31	672/673	Church Missionary Society	Kerikeri	Waitotorongo	640 acres	Goods valued at £6				Titore		8
1831, 8 Oct	734	Church Mission Families	Kerikeri		3,000 acres	Goods with £740				Titore		20
1837	896	Thomas Shearing	Kerikeri	Mangonui River	60 acres	Goods & cash valued at £14 3s	Tareah		Akero			-
1837, 15 Mar	228	W.G.C. Hingston	Kerikeri	Paitaia	500 acres	Goods & cash valued at £135				Titare		6
1837, 21 Apr	805	James Shephard	Kerikeri	Waitete	400 acres	Goods & cash valued at £40			Hakiro			8
1838, 2 Apr	1003	Donald McKay	Kerikeri	Mangonui River	40 acres	Goods & cash valued at £22 8s			Akeda			-
1839, 11 Oct	59	Thomas Bateman	Kerikeri	Mangonui River	1,500 acres	Goods valued at £3	Tareah		Kiro			3
1830, 7 Oct	676	Church Missionary Society	Waimate		300 acres	Goods	Tareha			Titore		6
1833, 14 Oct	773	Richard Davis	Waimate	Mohao	100 acres	Goods & cash				Titore		4
1834, 7 Mar	773	Richard Davis	Waimate	Angaiho	20 acres	Goods & cash				Titore		5
1834, 19 Sept	898	James Hamlin	Waimate	Takapuotehara	30 acres	Goods & cash £32 12 6		Pakira				7
1836, 4 Apr	676	Church Missionary Society	Waimate		30 acres	Goods & cash				Titore		2
1838, 22 Apr	676	Church Missionary Society	Waimate	Waihiore	30 acres	£15 cash					Parangi	1
1826	764	Robert Duke (Alexander Gray)	Kororareka		1¼ acres	Goods valued at £2 6s	Tareah					x
1831, 18 Oct	739-743	Thomas May Battersby (William Moores)	Kororareka		79 ft x 100 ft	£50 cash	Tareah					x
1833, 11 Mar	739-743	Thomas Birch (William Moores)	Kororareka		138 sq feet	-	Tareah					-
1833, 20 Aug	638	Joel Samuel Polack	Kororareka	Paramata No.1	9 acres	£36 5				Titore		6
1835	799	Charles Baker (Francis Hodgkinson)	Kororareka		60 ft by 90 ft	-			Akero			1
1835, 3 Mar	933	Patrick Fitzmorris/Thomas Butterworth	Kororareka		¼ acre	Goods valued at £25			Hakiro			-
1835, 21 Jul	110	Thomas Spicer (George Thomas Clayton)	Kororareka		70 ft frontage	Goods valued at £3	Tarea					-

<sup>279</sup> Tareha did not sign deed, but King later acknowledged that he paid Tareha £2 12s

1835, 21 Jul	795	Thomas Spicer (Edward Eugene Cifers)	Kororareka		Section	-	Tareah					-
1835, 10 Sept	642	Joel Samuel Polack	Kororareka	Paramata No.2	3 quarters of acre					Titore		3
1835, 6 Nov	546 pt	Charles Baker	Kororareka	Onekura	30 acres	Goods		Pakira	Hakiro			2
1836	994	William Moore (George Russell)	Kororareka		25 x 70 ft	-	Tareha		Akedi			-
1836, 23 Sep	341	William Benjamin Moores	Kororareka		¼ acre	Goods valued at £4 12s		Pakera	Akero			-
1837, 6 Sept	111	Thomas Spicer (George Thomas Clayton)	Kororareka		8 acres	Goods valued at £4 14s			Akeda			-
1837, 7 Sept	109	Thomas Spicer (George Thomas Clayton)	Kororareka		9 acres	Goods valued at £18			Akeda			1
1837, Sep/Oct	63	Thomas Bateman	Kororareka		18 acres	Goods valued at £17 17			Akida			3
1838	795	John Johnson (Edward Eugene Cifers)	Kororareka		-		Tareah					-
1838	868	John Johnson and Thomas Spicer	Kororareka		80 x 160 ft (pt of)			Pakera				3
1838	869	John Johnson and Thomas Spicer	Kororareka		80 x 160 ft (pt of)			Pakera				3
1838, 5 Sept	1307 pt	R. Holtom	Kororareka	Tapeka	49 acres	Goods			Hakiro			-
1838, 21 Oct	867	John Johnson and Thomas Spicer	Kororareka		80 x 160 ft (pt of)			Pakera				3
1838, 21 Oct	867	John Johnson	Kororareka		80 x 160 ft	Goods valued at £60		Pakera				x
1838, 10 Nov	792	John Johnson (Edward Eugene Cifers)	Kororareka		8 & 16 perches	-	Tariha		Akero			x
1838, 10 Nov	793	John Johnson (Edward Eugene Cifers)	Kororareka		7 perches	-	Tariha		Akero			x
1838, 10 Nov	870	John Johnson	Kororareka	Te Repo	3 acres	Goods & cash valued at £15	Tariha		Akero			2
1839, 10 Feb	354	Joseph Norman and Charles John Cook	Kororareka		97 x 54 feet	Goods & cash valued at £23.3s	Taria		Akeiro		Parangi <sup>280</sup>	1
1839, Jun	993	Kororareka Land Company (George Russell)	Kororareka		4899 sq yds	-			Akede			1
1839, 1 Jul	574	Manheim Brown	Kororareka		60 by 70 feet	Goods & cash valued at £12 18s	Tariah		Akero			x
1839, 4 Oct	305	Benjamin Turner (Hugh McLiver)	Kororareka		102 feet by 67	Goods & cash valued at £40			Arkero			1
1839, 4 Oct	788	Kororareka Land Company (Didier Joubert)	Kororareka		54 square feet	-	Tareah		Akere			-
1839, 4 Oct	824	Alexander McGregor (Kororareka Land Co.)	Kororareka		3 roods	£50 cash			Okeda			1
1839, 4 Oct	992	Kororareka Land Company (George Russell)	Kororareka		6 allotments	-	Tareha		Akedo			-
1839, 4 Oct	825	Thomas Spicer (Kororareka Land Company)	Kororareka		1 acre	Goods & cash valued at £200	Tariha		Akedo			2
1839, 14 Oct	821	Thomas Spicer (Kororareka Land Company)	Kororareka		2 acres	Goods valued at £2 19s			Akida			2
Unknown	779	J.A. Duvaunchelle	Kororareka		2 allotments	-	Tareha		Akero			-
Unknown	861	Kororareka Land Co. (Charles Robertson)	Kororareka		2 allotments		Tarea		Akero			-
1839, Jul/Nov	472	Joseph H. Barsden & Benjamin E. Turner	Paroa Bay (BoI)	Uruti	30 acres	£45		Pakira				x
1839, 1 Sept	471	Joseph H. Barsden (Benjamin E. Turner)	Paroa Bay (BoI)	Uruti	25 acres	Goods & cash valued at £25		Pakira				1
1839, 7 Oct	858	James Jones (Joseph Aberline)	Paroa Bay (BoI)	Uruti	50 acres	Goods valued at £98			Akero			x
1839, 21 Oct	576	Manheim Brown	Paroa Bay (BoI)		8 acres	Goods valued at £6			Akero			-
1836, 21 May	547	Charles Baker	Bay of Islands	Mangakahi	30 acres	Goods		Pakira				21
1839, 13 Feb	535	Thomas Wing	Bay of Islands	“Kauwau”	120 acres	Goods & cash valued at £58 13s		Paketo	Akedo			x
1839, Oct	575	Manheim Brown	Bay of Islands		7 acres	Goods valued at £70			Akero			x
1839, Oct/Nov	577-8	Manheim Brown	Bay of Islands	“Wytata”	30 acres	Goods & cash valued at £90		Pakeda	Akero			x
1839, 30 Dec	380	John Kelly (Thomas Potter)	Bay of Islands	“Parehau”	80 acres	£20 cash	Tareha		Hakiro			-
1840	573	Alexander McGuire (Manheim Brown)	Bay of Islands	“Toa Toa”	10 acres	£12.12s cash	Tariah	Pakereado	Akero			-

<sup>280</sup> Identified in deed as Tareha's son

Once again, some basic observations can be made in relation to the above table:

- **Whangaroa:** Although there are 11 land transactions occurring in relation to this district, only three different Pakeha purchasers are represented. In particular, James Kemp, (a missionary with whom Ngati Rehia would have formed a relationship in Kerikeri), and Thomas Florence predominate. The estimated areas are comparatively large: around 4,000 acres with Kemp, 3,000 acres with Joyce and 1,650 acres with Florance. Ngati Rehia chiefs are almost always involved with other signatories.
- **Takou:** Three deeds were signed by the missionary John King for the area between Takou and Te Tii. It appears for one that Te Whata signed one and for another, Tareha, although not a signatory, was later given a payment by King. These land transactions need to be considered in detail as this is done in a following section of the report.
- **Kerikeri** (including the area of the Mangonui River): Although the first two purchases are to establish the Kerikeri mission and to later support the missionary families, the following five land transactions through to 1839 are each with a different person. Two transactions are for less than 100 acres, three involve 300-600 acres while the remaining two involve 1,500 acres and 3,000 acres. On two occasions only Ngati Rehia are involved. Also, Pakira does not join in any of the transactions. Otherwise Ngati Rehia sign with other chiefs as usual. For the large CMS Families purchase, around 20 persons participate.
- **Waimate:** In this district, all of the purchases reflect Ngati Rehia's associations with the CMS mission or local missionaries Richard Davies and James Hamlin. Three of the six purchases are to establish and extend the Waimate mission. Several of hte land transactions involve 30 acres or less, with all of them totalling just over 500 acres. In this district, only Hakiro did not get involved. Otherwise, Titore features in all one of the transactions. In addition, Tareha, Pakira and Tareha's son Parangi<sup>281</sup> are each

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<sup>281</sup> Compared with Te Hakiro, Tareha's other two sons Mene and Parangi are involved only in two and three transactions respectively. Mene is involved only in Whangaroa, but Parangi has interests in Whangaroa, Waimate and Kororareka lands. He is identifiable in the deeds noted from his participation with other family members in the same or similar purchases. In the Kororareka deed, he is specially noted as being Tareha's son. It is also possible that Parangi was involved in other land transactions. Several further deeds of lands immediately adjoining Waimate are signed by a

involved with one of the transactions. In all cases, Ngati Rehia participate with small groups of other chiefs.

- Kororareka:** The commercial significance of Ngati Rehia being part of the Northern Alliance grouping that acquired Ngati Manu lands is reflected in the number of land transactions completed here. Half of the all the pre-1840 land transactions in which Ngati Rehia participated related to Kororareka. In addition, four additional land transactions are completed for nearby Paroa Bay. Titore is involved in only two land transactions before his death in 1835. On the other hand, Te Hakiro is involved in 23 at Kororareka and 2 at Paroa Bay. Tareha is involved in 17 Kororareka transactions. Even Pakira, often associated with the inland and northern districts, joins in six land Kororareka transactions and two at Paroa Bay. Out of the 35 Kororareka land transactions in which Ngati Rehia are involved, 22 of them involve a single Ngati Rehia person. All of the Paroa Bay transactions are completed by a single person among Ngati Rehia. Otherwise, where there are more than one Ngati Rehia chiefs involved, it is usually always Te Hakiro in tandem with his father or his uncle Te Pakira. When looking at other people involved in these land transactions, in a third of the transactions (12) the only signatory is a Ngati Rehia chief. Where others are involved, and the numbers known, they are usually much smaller numbers - 1 to 3 others - than in other districts. All of the observed features - large numbers of transactions, frequency of only one Ngati Rehia chief being involved, number of land transactions where the Ngati Rehia chief is the only signatory, or the few other chiefs involved - are probably all accounted for by the small size of the land transactions. All but three of the transactions are less than 10 acres in size. Of the remainder, only four are larger than two acres. Almost all the remaining two dozen land transactions are under an acre in size with many being measured in square yards or square feet. When considering how many different Pakeha are involved in these transactions, the various partnerships, onselling and successive claimants makes it difficult to arrive at a definite number, but at first glance it appears that at least 17 different persons might be involved.

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'Parangi'. These include several of the many deeds signed for lands on the western (Waimate) side of Busby's Waitangi claims (OLD 14-22) and several deeds, again on the western side of Henry Williams Waitangi purchases. When signing these deeds, other signatories include Waitangi chiefs Te Kemara and Marupo. As there were no other Ngati Rehia signatories, we did not have the confidence of categorically asserting that this Parangi was Tareha's son although it may well be. Ngati Rehia are not aware of another name Parangi in the Bay of Islands at this time.

## ii. Ngati Rehia and the Crown

In the beginning of the 1830s, chiefs and hapu of the Bay of Islands became involved with the government of those traders, captains and missionaries with whom they were closely interacting. In 1831, thirteen rangitira signed a petition to King William of Great Britain. In the petition, rangatira from the Bay of Islands and Hokianga asked for protection from “supposed threats to land, social disorder and conflicts from other groups.” The petition asked for protection from the French who, it was rumoured, were seeking to acquire sovereignty over New Zealand.<sup>282</sup> Titore was among the signatories, but not Tareha. Henry William’s journal notes that over August 1831 there was a proposal being discussed among several chiefs to write to the King to request him to become “protector of this island”.<sup>283</sup> In the beginning of October 1831 Titore was involved in these discussions as was recorded by Williams: “Titore came over to speak upon the projected letter to the King. Engaged two hours and a half with him and his friends, talking upon the state of affairs.”<sup>284</sup>

The appointment of James Busby as British Resident in 1833 was viewed as an action towards fulfilment of the petition in terms of building a relationship between the Crown and a broad grouping of Ngapuhi hapu.<sup>285</sup> He arrived at Paihia on 17 May 1833 and met with rangatira from the area.<sup>286</sup> At this time, the possibility of French adventurer Baron de Thierry coming to New Zealand arose, with rumours suggesting, incorrectly, that he planned to take over the country. In response, Tareha is reputed to have said that if De Thierry landed in New Zealand he would kill and eat him.<sup>287</sup>

Phillipson has written about the attack that occurred on Busby’s store in the beginning of January 1834. The following information records the role of Ngati Rehia in the response. On 3 January 1834, Henry Williams recorded a meeting he had with Titore in relation to the incident.

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<sup>282</sup> Kawharu, op cit, pp.73-74

<sup>283</sup> 28 Aug 1831, Journal Entry in Rogers, op cit, p.192,.

<sup>284</sup> 1 Oct 1831, Journal Entry in Rogers, op cit, p.192,.

<sup>285</sup> Kawharu, op cit, p.82-83

<sup>286</sup> Ibid, p.84

<sup>287</sup> Evidence of John Flatt, Minutes of Evidence to House of Lords Committee, 1838, GBPP vol 1, p 53 as cited in Phillipson, op cit, p.245

...Titore arrived in the morning; much conversation with him respecting this unhappy affair. He expressed himself well, but as yet the parties are not known. He crossed over to Kororarika to return on Monday.<sup>288</sup>

Titore maintained a major role in trying to identify the culprit.<sup>289</sup> Tareha, with many of the local chiefs, was also involved in the hui subsequently held around the theft although his presence was rather disrespectfully recorded by eyewitness Edward Markham.

You would have laughed to see an Old Brute of the name of Tarrihah [Tareha] weighing 25 stone running backwards and forward flourishing his Marre [mere] and having his Corrirow [korero] or say in the primitive Parliament.<sup>290</sup>

At one point, Titore offered his personal protection by erecting a makeshift hut next to Busby's store. Kawharu has argued that due to the close connection between Busby and Titore, that the chief would have seen the attack as a direct challenge to his own mana.<sup>291</sup> Rete was eventually identified as the guilty party, Titore stated that if Rete did not accept punishment, then Titore himself would go to Sydney as a slave.<sup>292</sup>

Later in the year, Titore was involved in another encounter with the British Crown. On 25 June 1834, Hamlin recorded in his journal that Titore dictated a letter to be passed on to the King of England:

Titore asked me to write down what he said to me and be fingers for him to the King of England. I according at his dictation wrote the following letter which with the translation was given to Captain Sadler to convey to His Majesty.<sup>293</sup>

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<sup>288</sup> 3 Jan 1834, Journal Entry in Rogers, op cit, p.371

<sup>289</sup> 7 Jan 1834, Journal Entry in Rogers, op cit, p.372

<sup>290</sup> Edward Markham, New Zealand or recollections of it, edited by E H McCormick, Wellington, 1963.

<sup>291</sup> Kawharu, op cit, p.41

<sup>292</sup> Phillipson, op cit, p.245

<sup>293</sup> 25 Jun 1834, Journal Entry, James Hamlin Journal 1826-1837, QMS-0909

The English translation of this letter was as follows:

To William the King of England

King William

Here am I the friend of Captain Sadler. The ship is full and is now about to sail. I have heard that you [before] time were the Captain of a ship. Do you therefore examine the spars whether they are good or whether they are bad. Should you and the French quarrel here are some trees for your battle ships.

I am now beginning to think about a ship for myself. A native canoe is my vessel and I have nothing else. The native canoes upset when they are filled with potatoes and other matters for your people.

I have put on board the "Buffalo" a Meri Pounamu and two garments. These are all the things which New Zealanders possess. If I had anything better I would give it to Captain Sadler for you.

This is all mine to you – mine. Titore to William the King of England.<sup>294</sup>

Titore's letter reached the King and was treated with all due seriousness. A return letter was sent from the King through the Colonial Secretary who wrote:

In consequence of a letter addressed to the King by Titore, a Chief of New Zealand and of the friendly feeling which it is stated that that Chief has always shown to the English, His Majesty has been pleased to direct a suit of armour to be prepared as a mark of his consideration for that Chief.<sup>295</sup>

These types of actions have meant that Titore's reputation was high amongst Europeans. After attending a hui held on 30 October 1834 at the British Resident's house, William Barrett Marshall recorded the following of Titore:

At the meeting, out of which the foregoing reflections have arisen, the chief Tetori was conspicuous. He has gained the honourable appellation of peace-maker, from natives and Europeans, both on account of the frequency and success with which he has repeatedly mediated between contending bodies of his own countrymen. His ambition appears to be to excel in riches, and he lately sent his merai

<sup>294</sup> 25 Jun 1834, Titore to William the King of England, James Hamlin Journal 1826-1837, QMS-0909

<sup>295</sup> Kawharu, op cit, p.46

[sic] to the King of England, with an expression of his desire that a schooner might be sent to him from His Majesty. In lieu of which, the dangerous gift of arms and armour has been vouchsafed him....<sup>296</sup>

One year later, He Whakaputanga was signed on 28 October 1835. Tareha of Ngati Rehia is listed as one of the rangatira who signed the Declaration. Titore is also listed as another rangatira who signed.<sup>297</sup>

Ngati Rehia have already presented to the Tribunal their understanding of what their tupuna intended when he signed He Whakaputunga. This included an understanding that internationally, Maori would be able to participate in trade to a greater extent through the gaining of a flag. He Whakaputanga did not give independence as Tareha and other Ngapuhi chiefs were already part of an independent nation: " the basis of their laws and rights was a natural progression of the natural laws Io Matua for example Tapu, Rahui, Tuku whenua, Whangai".<sup>298</sup>

Te ngii o tana moko i runga i He Whakaputanga, hei whakaatu ki te ao tona mana mai rano, i heke mai i a Io Matua ki nga mana atua (Tumatauenga), ki ona tiipuna, ka taka mai ki runga i a ia, ka tukua e ia ki ona whakatupuranga katoa

In putting his moko to He Whakaputanga, he was essentially affirming that his mana from time immemorial, came from Io Matua Kore down through the Maori gods (Tumatauenga), to his ancestors, which fell on him, and he released it down to all his descendants.<sup>299</sup>

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<sup>296</sup> William Barret Marshall, Personal narrative of two visits to New Zealand, in his Majesty's ship Alligator, pp293-6

<sup>297</sup> Kawharu, op cit, p.100

<sup>298</sup> 27 Sep 2010, The evidence of Wiremu Heihei, WAI1040 D9, pp.24-5

<sup>299</sup> 27 Sep 2010, The evidence of Wiremu Heihei, WAI1040 D9, pp.12 & 30

*Figure 8: Te Hakiro*



*Detail from a drawing of Te Hakiro, Waka Nene, and Rewa. W Bambridge, in W C Cotton Journal, vol IX, Dixson Library, State Library of New South Wales (ML Ref: MS 41)*

Titore died in 1837. It has been identified that Tareha's son Hakiro succeeded to Titore's mana. In this role, he appears to have been spokesperson for an idea where local Maori choose their own king.<sup>300</sup> This idea was first recorded at a hui held in June 1839. Ostensibly the hui was about Christianity and making peace with the southern alliance. Also discussed, however, was the possibility of local rangatira choosing a king for themselves.<sup>301</sup> On 29 June, Richard Davis wrote to Busby informing him of this development:

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<sup>300</sup> Phillipson, op cit, p.255

<sup>301</sup> Ibid, pp.253-4

I believe that there are strong desires in the minds of many of the chiefs to change their Political economy – They are convinced while every one is his own Master, and at liberty to do as his mind which is in too many areas under no moral control may dictate that there is but little prospect of their being able to preserve the Sovereignty of their country or to live in peace – they have therefore some of them serious thoughts of having a meeting to arrange matters for the election of a King.<sup>302</sup>

Hakiro brought Davis's letter to Busby to discuss matters further as Busby recorded:

...[he] apprised me at his request as well as that of others – that they had it in contemplation to elect a King – The former part of the letter [dealing with peace negotiations] to this point I endeavoured to confine the conversation – It was however evident that his mind dwelt chiefly on the other part of the letter – and he at last came out with it direct was not I to be their King – I replied who was I that I should be a King – He said “true but if it were sanctioned by the Queen” – I told him that the “ritenga” of this land was not to have a King, that the authority must be in the confederation of chiefs<sup>303</sup>

Ngati Rehia have already presented to the Tribunal their view of the involvement of their tupuna in the discussion over Te Tiriti. For the purposes of this report, and to ensure a complete record, the specific involvement of Ngati Rehia at the signing will be noted. Hakiro was one of the speakers at the Treaty debate. Although he was the son of Tareha, it is recorded that he spoke on behalf of Titore.<sup>304</sup> Hakiro wanted room and all those gathered around moved back to give more space. As he spoke he brandished a taiaha and ran backwards and forwards.

To thee O Governor! This. Who says remain? Who? Hear me, O Governor! I say, no, no.

Stay indeed! Who says stay? Go back, go back. Do not thou sit here. What wilt thou stay here for? We are not thy people. We are not thy people. We are free. We will not have a Governor. Return, return, leave us. The missionaries and Busby are our fathers. We do not want thee, so go back, return, depart.<sup>305</sup>

Tareha spoke along the same lines as his son.

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<sup>302</sup> 29 Jun 1839, R Davis to J Busby, cited in Phillipson, op cit, pp.253-4

<sup>303</sup> Ibid

<sup>304</sup> Kawharu, op cit, p.158

<sup>305</sup> T. Lindsay Buick, Treaty of Waitangi: how New Zealand became a British colony; Christchurch; Capper Press, 1976 p.135

No Governor for me – for us native men.

We, we only are the chiefs – the rulers. We will not be ruled over. What! thou a foreigner, up, and I down. Thou high, and I, Tareha, the great chief of the Nga-Puhi tribes, low! No, no, never, never. I am jealous of thee; I am, and shall be until thou and thy ship go away. Go back, go back, thou shall not stay here. No, no, I will never say ‘Yes’ Stay! Alas! What for? Why? What is there here for thee? Our lands are already all gone. Yes, it is so, but our names remain. Never mind; what of that – the lands of our fathers alienated? Dost thou think we are poor, indigent, poverty-stricken – that we really need thy foreign garments, thy food? Look at this!

[Here Tareha held up a bundle of fern roots he carried in his hand]

See, this is my food, the food of my ancestors, the food of the native people. Pshaw! Governor, to think of tempting men – us natives – with habits of clothing and food! Yes, I say, we are the chiefs. If all were to be alike, all equal in rank with thee – but thou the Governor up high – up, up, up, as this tall hiraui [waka paddle] and I, Tareha, down, under, beneath! No, no, no. I will never say ‘Yes’ I will never say ‘Stay’. Go back, return! Make haste away. Let me see you (all) go; thee and thy ship. Go, go, return, return.

Tareha wore a simple mat (compared by Colenso to those used by Maori as a floor mat placed under their bedding) to indicate that Maori did not need Pakeha goods. The Waitangi Tribunal has interpreted his speech as meaning that Europeans should offer more than they had done previously. Colenso noted that Tareha – through his appeal to mana as well as his appearance, commanding presence, stature, and deep voice – had a profound effect on the Maori audience.<sup>306</sup> However, apart from the speeches of Tareha, Hakiro, and Te Kemara, the remaining speeches were in support of the Treaty.<sup>307</sup>

Tareha did not sign the Treaty. On the document, however, is recorded the name of Mene, Tareha's son, and the words ‘te tamaiti o Tareha, mo tona matua’, or ‘the son of Tareha, for his father’. Ngati Rehia have stated before the Waitangi Tribunal that they do not accept that Tareha's son Mene signed Te Tiriti on behalf of his father especially when he had not spoken and yet his father had spoken so clearly against signing.<sup>308</sup> Hakiro signed, it was apparently not for himself, but representing his cousin, Titore who had died in 1837.<sup>309</sup>

<sup>306</sup> Stirling & Towers, op cit, pp.192-193.

<sup>307</sup> Kawharu, op cit, p.159

<sup>308</sup> 27 Sep 2010, The evidence of Wiremu Heihei, WAI1040 D9, p.32

<sup>309</sup> Kawharu, op cit, p.164

There has often been speculation as to whether Tareha's words were literal or whether he was seeking to make a point. It has been suggested that Tareha would have learnt about the official intent of the Treaty from his son-in-law Captain John Baldwin, an American whaler.<sup>310</sup> Further insight is given R.G. Jameson, who was in the Bay of Islands in March 1840 and who subsequently recorded what he learnt of Kororareka.

The native population resident at Kororadika, at this period, consisted of the chiefs Taria [Tareha], Rivas [Rewa] and Aywarre, with their subordinate freedmen and their slaves in all about 250 individuals. Between these and the white people there existed a very peaceful and amicable intercourse. Taria, who was an old man of gigantic stature, with a dull and somewhat forbidding aspect, regarded with much jealousy the encroachments which the foreigners and their innovations were daily making upon the good old habits which he and his countrymen had inherited from their ancestors. In his eyes, it was contrary to every dictate of reason and custom that a New Zealander should assume the white man's cloak or cap, or cease to make war upon his neighbours....<sup>311</sup>

Jameson commented on the land transactions which these chiefs had been involved with in Kororareka.

The above mentioned chiefs had recently sold a great part of their hereditary lands to the white people at much higher prices than they had obtained previously. Building allotments in Kororadika and its neighbourhood had now acquired a high value, and offers were daily made to the natives for the cession of the whole or part of their village, which, however, they would on no account consent to, although tempted with a hat half full of sovereigns, besides blankets, tobacco, muskets, and ammunition, to the value of several hundred pounds. It was expected, however, that when they had exhausted the large stock of tobacco which, with other goods, they had recently received in barter for land, they would be less tenacious respecting the pa-a. However, the large payments made to them for land, and in some instances they amounted to several hundred pounds sterling, the chiefs individually were seldom enriched, since they divided the articles received among their relatives and dependents in a spirit of open-handed liberality which in England would have probably obtained from them the protection of a lunatic asylum.<sup>312</sup>

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<sup>310</sup> 27 Sep 2010, The evidence of Wiremu Heihei, WAI1040 D9, p.30

<sup>311</sup> R.G. Jameson, New Zealand, South Australia, and New South Wales: A Record of Recent Travels in these Colonies, with Especial Reference to Emigration and the Advantageous Employment of Labour and Capital, London, 1842, pp232-3

<sup>312</sup> *Ibid*, p233

According to Jameson, since the arrival of the Governor the “tranquillity” of Kororareka had changed. In addition to rumours that Pomare had been exerting his influence throughout the northern part of the island to induce the tribes to assemble on a fixed day and attack the town, “Taria [sic] was bent upon nothing less than the extermination of the Pakeha.”<sup>313</sup>

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<sup>313</sup> Ibid, p239

## **E. COMMENTARY**

Ngati Rehia have presented to the Tribunal evidence on their origins. This Section of the report also has briefly presented evidence on Ngati Rehia origins with a particular focus on the two or three generations prior to the signing of He Whakaputanga. Several developments took place over the years immediately prior to 1840 that afterwards would bring impacts to Ngati Rehia through their relationship with the Crown.

Three generations prior to the arrival of the Crown, the tupuna Toko seized a number of opportunities presented to him by his maternal uncles. Completing a sensitive task with which he was assigned Toko was rewarded with a gift of land around Whakataha. Ngati Rehia moved there from Orauta. Joining with the Northern Alliance in a conquest of land to the east, Toko and his people received as a reward lands stretching from Whakataha to Kerikeri, through Te Tii and over the Purerua Peninsula. Remaining in the favour of his uncles, he was further gifted lands extending from Tapuwaetahi to Takou. Toko's whanau settled all these places. Toko's sons Tareha and Te Pakira, and his grandsons Titore and Te Hakiro, maintained mana whenua over the rohe of their tupuna. In addition, in 1830, their actions in settling a breach of tikanga extended their rohe to the southeast from Waimate and out to the Kororaeka Peninsula.

Ngati Rehia's early relationship with the Crown would be shaped by their initial interaction with the first Pakeha who arrived in the Bay of Islands and surrounding districts. Evidence in the form of several overview reports has already been presented to the Tribunal on the nature of this early interaction between tangata whenua and the first Pakeha and does not need to be presented again in this report in detail. Broadly speaking, however, these reports show a world in the Bay of Islands and elsewhere that essentially remained Maori in all aspects despite the arrival of an increasingly large number of Pakeha. There is no doubt that these decades brought a number of significant challenges: communicable disease, new weaponry and other new technologies, new foods, new religious and societal ideas. All of these innovations had positive and negative aspects. Taken together, an intensive period of change resulted and could not be avoided especially in the Bay of Islands. Nevertheless, all authors considering this period, who have presented technical evidence to the Tribunal, have demonstrated that in

matters of tikanga, custom and laws, there was an overall continuity with any changes representing adaptations of pre-European societal features rather than a replacement of them.

The rangatira for which we have the most information is Tareha who is shown by European accounts to be, literally and figuratively, a larger than life personage. Tareha's traditional leadership of his people is often recorded. For Tareha, the persistence of tapu as a key attribute of how he lived is evident even in the recording of European observers who, over the decades, wrote of Tareha's buildings, his wives, his waka and the rangatira himself being under tapu at various times. The actions Tareha took in respect of Europeans was carefully weighed up by the chief to fit the circumstances he was facing. Therefore, in a situation where his relative Te Pahi had been killed by Europeans, Tareha was required to exact utu and did so with the killing of several crew members of the *New Zealander*. Tareha was sufficiently foreboding with Europeans to ensure that they paid him the respect due to him. Such was the mana of Tareha, that even the missionaries, so willfully ignorant to the customs and tikanga of Maori, grumpily handed over required gifts to acknowledged his status when he visited. On the other hand, Tareha was prepared to adapt and temper his behaviour towards Pakeha. When Butler would not desist in passionately remonstrating with the chief over a cause that he would not back away from, instead of harming him physically, Tareha picked up the small missionary and deposited him indoors in the care of Mrs. Butler.

The missionaries understood that they owed their continued existence at their stations to the protection of chiefs such as Tareha. He was named by them as a friend and protector. Early in their history at Kerikeri, only months after they had settled, their dependance of supportive rangatira was demonstrated to them following a muru on the mission, when Tareha was among those chiefs who rushed to protect the settlement. He subsequently provided a war canoe as an escort when the missionaries travelled away.

Ngati Rehia chiefs were the rangatira of several missions. Tareha was the protector of Kerikeri and Titore was involved in the tuku whenua for the mission site and adjoining land (on which Kerikeri township sits) to provide for the families of the missionaries. Several rangatira of Ngati Rehia were involved in providing land on which the Waimate station was established and they thereafter supported the Waimate missionaries Richard Davis and James Hamlin through land grants.

The significance of Kororareka to those chiefs to whom it was transferred is demonstrated by their relocation to live there. Tareha moved there from Whakataha leaving Pakira to maintain ahi kaa at Waimate. Titore moved from Te Rawhiti and Rewa moved from Kerikeri leaving his interests there in the care of Ngati Rehia. Kororareka was viewed differently by the chiefs as it clearly was a centre of commerce. As Titore and Tareha informed Brown and Williams in January 1833, Paihia and Waimate were centres for Christianity, but "Kororareka should be left as a place for the devil." Tareha, and several of his fellow chiefs, sought to keep Kororareka as a district where secular mores only would predominate. Recognising the difference in the modus operandi of the missionaries from the traders, and realising that missionaries had the potential through moral suasion and guilt to influence even the most recalcitrant of trader or seaman, Tareha adopted a different policy towards Kororareka and sought to keep religious influence out of the town.

When considering pre-Treaty land transactions, this report simply has presented them as *tuku whenua* - an exchange where land occupation rights were given in return for immediate and expected benefits for both parties that would occur within the context of an ongoing relationship. There has been a great deal written in this inquiry and others, by a number of historians including the author, on the nature of early land transactions between Maori and Pakeha. Again, this historiography does not need to be discussed at length in this commentary. Suffice to say, that there are few historians working in the Treaty sector who would suggest that by 1840 there was a uniform understanding held by Bay of Islands Maori that their land had been sold in accordance with a Pakeha meaning of sale whereby all of their rights had been extinguished and their relationship with that land ended. Ngati Rehia pre-1840 land transactions, therefore, would have proceeded as *tuku whenua*.

Within this context, the situation in Kororareka can be considered. There is no doubt that Ngati Rehia and other chiefs who were involved in Kororareka viewed the situation there as being different from their interactions with Pakeha elsewhere and land was granted there much differently. Although beginning with transactions involving small acreages, Ngati Rehia chiefs eventually provided rights over small sections, some being mere allotments. It might be argued that this evident differentiation of the need to keep Kororareka secular in order for commerce and consumerism to flourish, and the creation of a different approach to the size of the areas over which land rights were granted might indicate a significant change and departure from custom. This, however, would be more in the nature of assumption arising

from different observable features. The changes in themselves do not prove that a marked transition from Maori custom to an adoption of Pakeha property rights had occurred. In fact, any available evidence demonstrates the opposite. If the selling of land in Kororareka was done as a Pakeha development, the sections would be sold for a profit with the expectation of no relationship thereafter, the property developer having made his money and the sale having freed him from any obligations to those to whom land had been sold - a particularly desirable situation to be in if any economic downturn or trade reversal might provide a claim for money to be returned. It is clear, however, from the words of Tareha at the signing of Te Tiriti and the evidence of Jameson, Ngati Rehia wished to remain in Kororareka and share the benefits arising from those who had settled amongst them. at the Waitangi debate over Te Tiriti, Tareha noted that although he had transferred much land, his name remained over it and he, and others, were still the rangatira.

Given the significance of Ngati Rehia chiefs in the Bay of Islands, it is not surprising that they became involved in dealing with the Crown representative when he arrived in 1833. Tareha sided with the British against the possibility of French influence and Titore was centrally involved in tracking down the culprit of the attack on Busby's residence in January 1834. In June, Titore wrote King William a letter to accompany a shipment of spars being sent to England. Titore asked to be sent a ship. He gifted the King with a pounamu mere and presumably feather cloaks. His letter was acknowledged and he was sent a return gift of armour. Of course, there also is the participation of Tareha and Titore in signing He Whakaputanga evidence on which Ngati Rehia has already presented to the Tribunal. After Titore's death in 1837, Te Hakiro is said to have taken up the chief's mana. He soon was recorded as being the leading spokesperson behind a proposal that Ngapuhi choose their own king. The use of the word king was probably more in the vein of a kaikorero as at one point Te Hakiro suggested to Busby that he take the role.

Ngati Rehia have already presented their views on their tupuna and Te Tiriti. The speeches of Tareha and Te Hakiro reflect their satisfaction with the status quo.

## **Section II: LAND LOSS AND ISOLATION**

The confident and assertive statements made by Tareha and Hakiro at the hui to consider the signing of Te Tiriti seemed to set out their agenda for the way in which they in which they would proceed in future. They had chosen status quo and therefore would have expected their commercial relationships with private Pakeha to continue as before. As for the relationship with the Crown, that was yet to be developed.

This Section of the report will show, however, that the intentions of the Ngati Rehia rangatira would soon be undermined. A major component in this was the Crown's introduction of a process to deal with Old Land Claims - ie the pre-Treaty land transactions. This process investigated these transactions and awarded titles. Customary titles were changed to titles derived from the Crown. With the change of underlying title, over time came a change of relationship as settlers and missionaries alike no longer owed the legitimacy of their landholdings to the chiefs from which they were originally derived. To make matters worse, the Crown also withdrew from the Bay of Islands area at an early date moving the capital to Auckland in 1840. The economy of the Bay of Islands was instantly changed.

The dissatisfaction arising in the years after the signing of Te Tiriti grew and culminated in a northern war. Although Ngati Rehia chiefs remained neutral during this conflict, the war left its mark in the district. Over the next decade the Bay of Islands economically was something of a backwater, especially with the Old Land Claims having not been finalised and final titles not awarded. Many claimants had left the district and the land that was to be taken possession of by the Crown, as scrip or surplus to the awards given to claimants, remained undefined and therefore unsettled.

From the mid-1850s the Crown resolved to take action. In the first instance, this primarily took the form of establishing a second Old Land Claims Commission to settle title, thereby defining the location and extent of Crown lands. The second action was to despatch a purchase officer to acquire those lands that lay in between awarded titles and the Crown surplus. The aim was to finalise the extinguishment of 'native' title over a wide area. As this section of the report will note, Bay of Islands chiefs, including those of Ngati Rehia, engaged with the Crown during this round of land purchasing but within the context of seeking to

kickstart the local economy through the establishment of a town. It was within this context that Ngati Rehia give up further of their lands. The sales were completed, but the town did not, at this time, arise.

For the rest of the nineteenth century, Ngapuhi, including Ngati Rehia, searched for political engagement with the Crown. Instead, in the mid-1860s the Crown physically moved even further away from the north with the shift of capital to Wellington. Ngapuhi responded through involvement in pan-iwi meetings, petitions and congresses. Little tangible resulted, however.

Figure 9: Te Ao o Rehia



## A. NGATI REHIA 1840-1860

The previous Section dealing with Ngati Rehia's history through to 1840 reveals that a great deal of information is available from European sources to document the activities and actions of Ngati Rehia chiefs Tareha, Pakira and Hakiro and, to a lesser extent, the developments at Ngati Rehia kainga such as Te Tii, Takou and Tapuwaetahi. Much information is generated that provides insights into the motivations and perspectives of the Ngati Rehia chiefs. Shown are the existence of complex relationships with other Maori and with various Pakeha groups and individuals. The nature of these relationships, the reason for events and what this all meant for Ngati Rehia, will be commented on briefly in the concluding commentary to this report.

Compared with the wealth of material available before 1840 - both in volume and in content - for the period after the signing of the Treaty, there is a dramatic reduction in the amount of evidence specifically relating to Ngati Rehia. In addition, any material that is available is somewhat one dimensional compared with the vibrant pre-1840 material. Instead of the perspectives of Ngati Rehia chiefs being recorded in some comparative detail, after 1840 these same people appear in documentation merely as part of the Crown's land acquisition process - that is, as witnesses before the Old Land Claims Commission, where their words are recorded only as pro forma summary, or as signatories to Crown land deeds in the 1850s without any indication of why they were participating in the land transactions or their view towards these. And yet the 20 years after the signing of the Treaty is the key period where the balance of power and influence in the Bay of Islands shifts from the chiefs to government officials. Although this overall change can be seen, and has been documented by historians, the tangata whenua and their chiefs are merely shadowy figures in the background to the events .

In this Section of the report, therefore, whilst there is some record of Ngati Rehia and their involvement in the Old Land Claims process, the Northern War, Crown purchasing and attempts to encourage Pakeha settlement to Kerikeri, we learn comparatively little about them as a people. We do get a good record, however, idea of what was happening to them and their land.

**i. Old Land Claims and Pre-Emption Waivers: Overview**

A number of issues contributed to the alienation of a large amount of Northland Maori land over the 1840s and 1850s. These include the Crown's treatment of the pre-1840 Pakeha land transactions (which came to be known as Old Land Claims); the introduction during the 1840s of pre-emptive waivers; and issues related to the Crown's acquisition of so-called 'surplus land'.

Maori challenges to the pre-1840s Pakeha land transactions date back to 1840 and were a significant focus of the debate about Te Tiriti at Waitangi and Mangungu.<sup>314</sup> These pre-1840 claims were initially reviewed via the Old Lands Claims Commission that took place from 1840 to 1845 primarily under Commissioners Edward Godfrey and Matthew Richmond. This Commission was established to investigate the hundreds of land claims in Te Paparahi o te Raki and to determine whether a 'bona fide purchase' had taken place or not.<sup>315</sup> Stirling and Towers considered that this Commission had considerable evidence available that suggested very strongly that "Maori did not perceive the pre-Treaty transactions as the full and final, plain and simple, real estate purchases presented by the Pakeha claimants".<sup>316</sup>

In relation to the first Commission's, Stirling and Towers found that its inquiries were inadequate due to a number of factors:

- the nature of the transactions was not investigated even where the evidence indicated they were not simple purchases;
- claims could be held to be valid despite Maori opposition;
- claims could be held to be valid without hearing any evidence from the Maori vendors at all;
- evidence of Maori interests not dealt with by claimants went uninvestigated, whereas evidence of competing Pakeha interests was gone into at great length;

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<sup>314</sup> Stirling, & Towers, Wai 1040, A9(b), Aug 2013, p.2

<sup>315</sup> Ibid, p.6.

<sup>316</sup> Stirling, & Towers, Wai 1040, A9, pp.214-215.

- boundaries were often very poorly defined, and;
- there was no attempt to assess if payments for land before 1840 were fair or adequate.<sup>317</sup>

As a result of this flawed process very few claims were disallowed. In most cases, disallowed claims resulted from claimant failing to pursue claims rather than from the existence of Maori opposition.

Stirling and Towers described the nature of the Commission's inquiries as "relatively brief and somewhat formulaic".<sup>318</sup> They explained that the process included Maori vendors being asked a series of set questions such as did they sign the deed; did they receive the payment written in the deed; and are the boundaries in the deed correct? Maori responses to these questions were briefly recorded and no further evidence was taken in relation to the nature of the transaction and the extent of ongoing Maori interests.<sup>319</sup>

It appears that even at the time of the Commission there was some awareness of limitations in relation their findings. Commissioner Godfrey cautioned Governor Fitzroy against treating its awards as a basis for an exclusive and unfettered title to the claimants. He was aware that some claimants made promises to Maori in return for them not coming forward to oppose a claim. Godfrey noted that in some cases these undertakings by claimants were subsequently not honoured. In 1844 he commented: "I think it hard that a native should be dispossessed from having placed too much confidence in the promise of a white man."<sup>320</sup>

The Commissioners were also aware of numerous cases where Maori continued in their occupation of land within the claims and did not see this as inconsistent with the awards made by the Commission. In most cases the claimant was not awarded all of the land claimed and the Commissioners often made recommendations regarding the general reservation of all kainga, cultivations, fishing grounds and wahi tapu within the land claimed. However, Fitzroy increased the awards to claimants without any valid reason and at times issued Crown grants

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<sup>317</sup> Stirling, & Towers, Wai 1040, A9(b), Aug 2013, p.5.

<sup>318</sup> Ibid, p.6.

<sup>319</sup> Ibid, pp.6-7

<sup>320</sup> Stirling, & Towers, Wai 1040, A9, p.214

on the basis of these extended awards before the land was surveyed. This was a cause of concern to the Commissioners.

Stirling and Towers point out that in their general reports to the Governor, the Commissioners raised a number of issues in relation to their awards including the need to:

- generally provide for unextinguished Maori interests not known to the Commission;
- to honour unfulfilled promises; and
- to make general reserves for Māori.<sup>321</sup>

In regards to the concerns raised by the Commissioners, Fitzroy wrote to them indicating that the unsurveyed Crown grants would only hold good where purchases were valid and all Maori interests had been fully satisfied. He assured them that the Crown could not grant that which it did not possess.<sup>322</sup>

However, these issues were not raised within their reports on specific claims and the Crown ultimately awarded titles to claimants based on the awards recommended by the Commission not what was recorded in the general correspondence between the Commissioners and the Governor. In many cases this resulted in the extended and unsurveyed grants being issued without qualification and as a consequence the claimants treated these as an unfettered freehold title despite the fact that at times Maori continued to assert their ongoing interests in the land.<sup>323</sup>

A further development at that time was what was known as ‘scrip land’. ‘Scrip’ was created when some old land claimants accepted government offers to exchange their valid land claims for selected Crown land which was situated in closer proximity to the centres of settlement which had been established by the Crown particularly Auckland. Those Pakeha claimants who agreed were awarded ‘scrip’ (similar to a voucher) which could be used to acquire Crown land elsewhere at nominated Crown land auctions. The scrip was usually equal in value (in pounds Sterling) to the number of acres the Pakeha claimant had been awarded by the Land

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<sup>321</sup> Stirling, & Towers, Wai 1040, A9(b), p.8.

<sup>322</sup> Ibid, pp.8-9.

<sup>323</sup> Ibid, p.8.

Claims Commissioners (i.e. an award of 100 acres would convert to an award of £100 in scrip). The claims that were exchanged for scrip in this way then became the property of the Crown and were usually referred to as 'scrip land'.<sup>324</sup> These claims were unsurveyed, and in some cases invalid and challenged by Maori. Thus some claimants were very happy to give up their disputed claims for scrip. The identification of scrip land by the Crown often took place decades later. Unsurveyed scrip land along with unsurveyed surplus land was often included in early Crown purchases in the period from 1841 until as late as the 1870s. Stirling and Towers presented the view that some of these purchases were explicitly undertaken by the Crown to extinguish continued Maori claims to these often poorly defined areas.<sup>325</sup>

Pre-emption waiver claims relate to the period 1844 to 1846, when direct dealings between Pakeha and Maori were permitted. A number of conditions were imposed by Governor Fitzroy to ensure that Maori interests were protected; however, Stirling and Towers point out that these conditions were widely and openly flouted and this was known by Fitzroy himself and other government officials at the time. Ultimately, the pre-emption waiver claims process proved very effective at allowing Pakeha claimants to cheaply acquire huge tracts of land and was far less successful in relation to protecting the interests of Maori.<sup>326</sup> Eventually, Governor Grey stopped the issuing of waiver of pre-emption in December 1845 because of a number of concerns he held in relation to the process. These included that the system had failed to open land to competition from multiple prospective purchasers. The Crown officials had failed to ensure that the land was available for purchase by the highest bidder, and effectively those who received pre-emption waiver certificates were given an exclusive right to purchase the land. Furthermore, arms and ammunition were used a payment at a time when there were fears of conflict in Te Raki.<sup>327</sup>

In November 1846, Grey issued the Native Land Purchase Ordinance which reinstated the Crown's right of pre-emption. In addition he issued a Land Compensation ordinance and Major Henry Matson was appointed to investigate pre-emption waiver claims. Although, ultimately, Matson disallowed many of the claims, none of the claims were disallowed on the grounds that the Maori vendors were not the true or sole owners of the land. Only those Maori involved in the transactions were involved in Matson's inquiries and their role was largely

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<sup>324</sup> Ibid, p.7.

<sup>325</sup> Ibid

<sup>326</sup> Stirling, & Towers, Wai 1040, A9, p.22

<sup>327</sup> Stirling, & Towers, Wai 1040, A9(b), pp.16-17.

limited to confirming receipt of the purchase payment. Stirling and Towers refer to the fact that Matson may also have relied on advice from interpreters, David and Meurant, who had also acted as purchase agents for a number of the land claimants. Maori who successfully challenged these claims could not retain their land and were only entitled to monetary compensation.<sup>328</sup> In cases where the claims were disallowed the land reverted to the Crown as a form of surplus land. Matson's investigations resulted in the government issuing £467 17s. in debentures (akin to scrip) to the claimants, and claimed for itself some 7,074 acres of land, equal to a rate of 1s. 4d. per acre. In relation to claims disallowed by Matson, the Crown initially claimed an estimated 21, 289 acres. However, the final figure was much higher. Most of this area was unsurveyed. Any rights of Maori who had not been involved in the waiver transactions were never investigated.<sup>329</sup>

Subsequently, a second Land Claims Commission was established in the late 1850s under Francis Dillon Bell. Governor Grey appointed Bell as Commissioner of Crown Lands in 1850 and Governor Browne appointed him as the sole Old Land Claims Commissioner in 1856.<sup>330</sup> When Fitzroy's enlarged and unsurveyed grants were reviewed by the second Land Claims Commission, Bell paid no attention to the broad qualifications Godfrey had placed on all awards or to former assurances by Governor Fitzroy to Godfrey that the Crown could not grant title to land it did not possess. Opposition from Maori who considered that their interests had not been dealt with was set aside.<sup>331</sup>

The objective of this second Commission was to have the old land claims surveyed and clearly defined to enable final grants to be issued. Any land that remained within the surveyed claim boundaries (as in cases where a claimant was granted only some of the land from his claim) could be taken by the Crown as surplus land. Stirling and Towers considered that surplus lands were a central focus of Bell's work and that large area of surplus land that he ultimately claimed to have secured for the Crown was, for him, a key outcome of the second Commission.<sup>332</sup> The taking of this land by the Crown in this way was opposed by both the Pakeha claimants who sought all the land they claimed and Maori who considered land not allocated to their Pakeha should remain with them. The second Land Claims Commission's

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<sup>328</sup> Ibid, p.17.

<sup>329</sup> Ibid, pp.17-18.

<sup>330</sup> Moore, D., Rigby, B. & Russell, M., *Rangahaua Whanui National Theme A, Old Land Claims*, July, 1997, pp8-9.

<sup>331</sup> Stirling, & Towers, Wai 1040, A9(b), p.10.

<sup>332</sup> Stirling, & Towers, Wai 1040, A9, p.800.

final report indicated that the surplus land ‘reverting’ to the Crown amounted to 204,000 acres<sup>333</sup> and Stirling and Towers point out that about two thirds of this was taken from Te Raki old land claims.<sup>334</sup>

The second Land Claims Commission also considered pre-emption waiver claims, once again with the intention of surveying and finalising these claims to enable the granting of land and the identification of surplus lands to be claimed by the Crown. Maori played little part in Bell’s investigations of the pre-emption waiver claims as he mainly worked on the assumption that they had no remaining interests in the land being claimed. Bell identified more than 40,000 acres of surplus land from his settlement of pre-emption waiver claims.<sup>335</sup>

Sterling and Towers found the Maori claims to land claimed by the Crown as surplus land remained unaddressed following the Bell commission. Some of these claims were subsequently were pursued in the Native Land Court with Maori believing that as they had not alienated to the old land claimant the land remained Maori land. It was only when these claims were dismissed that some Maori became aware of the Crown’s claim to their land. The Court later commented on the confusion caused by the failure to properly survey or clearly identify surplus lands.<sup>336</sup> Maori subsequently pursued their rights to these surplus lands through petitions sent to the government and through the Rees-Carroll Commission when it visited the north to inquire into Maori land laws in 1891.

Overall, Stirling and Towers stated that they found that neither the Land Claims Commission inquiry process nor the Crown grant titling system adequately recognised the customary interests as the focus was on extinguishing customary interests.

The inquiry process and titling system did not provide for other outcomes, such as the partial extinguishment of customary interests, the extinguishment of only particular types or aspects of customary interests, or ongoing customary interests that were shared with and modified by the use rights, resource rights, or other forms of interests allowed by Māori to Pakeha claimants.<sup>337</sup>

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<sup>333</sup> Ibid, p.801.

<sup>334</sup> Stirling, & Towers, Wai 1040, A9(b), p.11..

<sup>335</sup> Ibid, p.18.

<sup>336</sup> Ibid, p.23.

<sup>337</sup> Stirling, B., and Towers, R., Wai 1040, #A9(c).

## ii. Old Land Claims Involving Ngati Rehia Interests

It was not until after the signing of the Treaty of Waitangi that the Crown became involved in assessing the validity of pre-1840 land transactions as a preliminary to awarding a Crown title. This process would ultimately mean that title for the land derived from the Crown rather than from any customary usages under which the land was first transacted.

As noted above previously, Ngati Rehia chiefs participated in around 70 land transactions prior to 1840, primarily in Kororarereka, but also in Mangonui, Waimate, Kerikeri and Whangaroa. To deal with all pre-Treaty transactions, during 1841 the Land Claims Ordinance was passed. This Ordinance sought to do two things: firstly, “to enforce by the highest authority, the rule, that all title to land acquired by settlers in a British colony, must be derived from, or allowed by, the Crown”; and secondly, in the interests of protecting Maori, to only recognise claims to land that had been “obtained on equitable terms from the said claimants or aboriginal inhabitants”. The Ordinance established a Commission to conduct an investigation into “the mode by which such claims have been acquired, the circumstances under which such claims may be and are founded, and also to ascertain the extent and situation of the same”. If the Commissioner was satisfied that all Maori rights had been extinguished and that a valid and equitable agreement had been made then he would make a recommendation to the Governor to award a grant to the claimant and on “the report being confirmed by His Excellency the Governor” a grant would be issued.<sup>338</sup>

Between 1840 and 1844, Ngati Rehia participated in the old land claims process with others as they were needed - that is, called upon by claimants. Available evidence reflects that the motivation was a desire by Ngati Rehia chiefs for the claims to be awarded to the pakeha claimants and for the original objectives of the transaction to be fulfilled. It is important to consider that although at times from 1840 to 1844 Ngati Rehia gave evidence to the Old Land Claims Commission supporting the land transactions that had taken place, there is little confirmation from the process or records of the Commission that such support represented an understanding of sale as perceived by the pakeha claimants.

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<sup>338</sup> Land Claims Ordinance, 1841

*a. Kororareka Claims*

As noted in the subsection dealing with pre-1840 land transactions, Tareha and his son Hakiro engaged in a number of land transactions in Kororareka. In the Old Land Claims process set up after 1840, these chiefs took various positions towards the claims that were made.

There is one example where a claim was a source of contention. As noted above, Hakiro, with Wakiri, transacted two acres of land in Kororareka township to the Kororareka Land Company in October 1839. (OLC 824) They were paid £50 in cash, but within two weeks returned the payment, thinking it not enough, and with the idea of removing the Company's rights to the two acres. At the end of 1841, Chief Protector of Aborigines George Clarke provided the Land Claims Commission with translations of Maori protests against various Northland claims, including some from the Bay of Islands. Amongst these was a letter from Tareha and Hakiro protesting to the Governor regarding the Kororareka Land Company Claims. The pair asked that he settle the issue, as the Europeans were taking away their land. The Company's solicitor Cornthwaithe Hector later said that Hakiro and Wakiri were put off the deal after the Company attempted to demolish Hakiro's raupo house on the land. Hakiro clearly thought he could continue to live on the land despite having transacted it. The Company accommodated this by granting a "lease" of the house to Tareha and Hakiro for the rest of their lives. Tareha and Hakiro still viewed the payment as insufficient, and they further transacted part of the two acres to Russell and Smith, who erected houses and shops on the land the Company thought it had acquired sole rights to. Manheim Brown also acquired the separate interest of rangatira Wiremu Korokoro in the land. Tareha and Hakiro eventually received the payment they sought from the Company in 1842, when it gave them the three horses they had asked for in 1839. These were worth £90, bringing the total payment to £140 for two acres (minus the land occupied by Hakiro and Tareha, Smith, Russell, and Brown). As Stirling notes, the payments made were on a par with other sums being offered and that this all occurred within an environment where property prices was quickly rising: 'The Company was well positioned to make the additional payments sought by Maori; the 2 acres was subdivided into 15 allotments and sold to Pakeha for a total of £1,015'.<sup>339</sup>

Hakiro mentioned his letter when giving evidence before the Commission on this OLC 824 in February 1842. However, he withdrew his opposition to the claim as he had since been

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<sup>339</sup> Stirling, & Towers, Wai 1040, A9, pp.57-58.

assured of another payment (as mentioned above). When questioned, Land Company agent Hector revealed that the additional – and, under existing legislation, invalid – payment had been made to the rangatira after opposition to the sale arose. Despite this, the Crown granted all the land claimed to the Company, including the part Tareha and Hakiro occupied.<sup>340</sup>

Another example of opposition from Tareha is evident in OLC No.110, a claim based on a 21 July 1835 transaction between Thomas Spicer and Tareha for a section at Kororareka described as having a 70-foot beach frontage. Goods to the value of £3 were paid.<sup>341</sup> In 1839, Spicer onsold the land to George Thomas Clayton<sup>342</sup> who sent in the claim for the land.<sup>343</sup> On 19 November 1841, Clayton testified before the Commission noting that he had paid £110 but had since sold it to Edward Eugene Caflers for £250: “Mr Caflers has built a house and store upon this property.”<sup>344</sup> On 18 December 1841, Spicer also appeared and provided testimony on the original transaction from local Maori and also as to his onselling the land to Clayton.<sup>345</sup>

When Tareha came before the Commissioners, however, he testified that he knew nothing of the deed and denied it was his signature on it. He admitted he had entered into a land transaction with Spicer for a piece of land on which Mr Thompson’s store now stood but thought he did not get paid all the goods which had included blankets, tobacco and hatchets. Tareha recollected the deed but he still denied his signature.<sup>346</sup> Benjamin Evans Turner then took the stand on 30 December 1841 as he was the witness to the deed and the payment of goods. Turner testified that he saw a payment made and Tareha making his mark on the deed.<sup>347</sup> As a result, on 26 November 1842, Commissioners Richmond and Godfrey found in favour of the claim and recommended that an award be made to Edward Eugene Caflers for the area claimed.<sup>348</sup> Tareha's opposition was overruled.

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<sup>340</sup> Ibid, pp.221-222.

<sup>341</sup> OLC-110-Box-5, ANZ-W, Berghan BRN Doc.Bnk. Vol.3 pp.1180 & 1182. For deed in English see pp.1188-9

<sup>342</sup> Ibid, p.1182. For deed see Berghan BRN Doc.Bnk.Vol.3 p.1189

<sup>343</sup> Ibid, p.1190

<sup>344</sup> Ibid, pp.1184-5

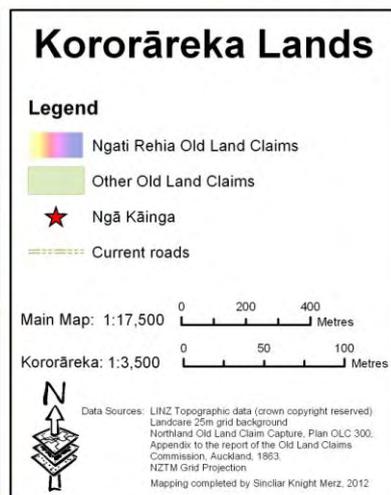
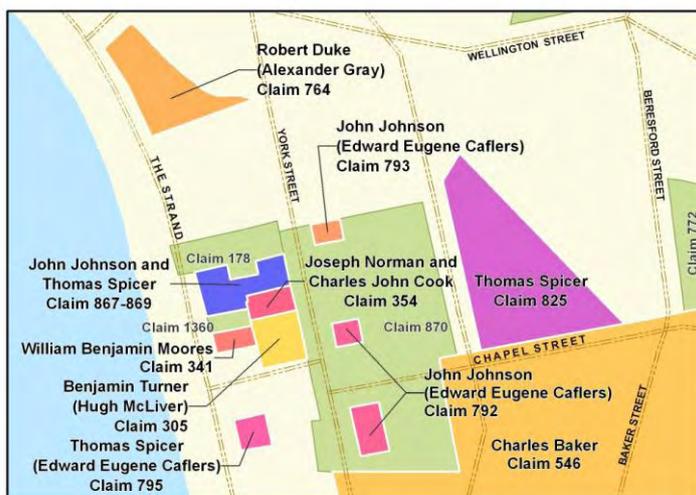
<sup>345</sup> Ibid, pp.1185-6

<sup>346</sup> Ibid, pp.1186-7

<sup>347</sup> Ibid, p.1187

<sup>348</sup> Ibid, p.1183

Figure 10: Kororareka Lands



Sometimes claimants did not do as well especially if they were derivative claimants. For example, with OLC No.109, based on Thomas Spicer's 7 September 1837 land transaction with "Awaddy and Akeda" for approximately 9 acres at Kororareka, the land had been onsold to Thomas Clayton who had further onsold one part to John Kelly and another part to a man named Stephenson.<sup>349</sup> The claim was heard in December 1841, when Spicer provided testimony on the original transaction and local Maori confirmed the transaction to Spicer.<sup>350</sup> Although Commissioners Richmond and Godfrey found in favour of the claim on 26 November 1842 and recommended that an award for the 9 acres be issued, disputes among a number of Kororareka claimants over their different claims led generally to confusion when claims were said to overlap each other. In the case of OLC 109, although the award had been confirmed, no Grant was issued to Clayton.<sup>351</sup> Kelly's grant, 3 acres and 10 perches, which had been onsold to the Roman Catholic Bishop was recognised on 19 October 1855 but there is no evidence of Stephenson's derivative claim being recognised.

Clayton did not have much joy with another of his claims – OLC 111 – when also had been based on a Thomas Spicer land transaction with "Akeda" for approximately 8 acres at Kororareka.<sup>352</sup> Although Spicer had only paid goods valued at £4.14, Clayton had paid between £50 and £100.<sup>353</sup> Since then, he had built a house and made improvements to the amount of £800.<sup>354</sup> During December 1841 Thomas Spicer testified on the original land transaction<sup>355</sup> and Akeda provided supporting testimony his signature to the deed and the receipt of goods.<sup>356</sup> Furthermore, on 31 March 1843, Commissioners Richmond and Godfrey found in favour of the clam and recommended that an award for the 8 acres be issued to Clayton.<sup>357</sup> A Grant was issued on 16 May 1844.<sup>358</sup> However despite this, when the OLCs were being reviewed by Commissioner Bell in the 1850s, (an extensive process which took place for more than ten years through to 1865 to finally settle and map the titles being awarded to Old Land claimants) Clayton seems to have lost out. Despite a Grant having been

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<sup>349</sup> Ibid, p.1173.

<sup>350</sup> Ibid, pp.1174-5

<sup>351</sup> AJHR-1863-D-No.14, Berghan BRN Doc.Bnk.Vol.26 p.15492

<sup>352</sup> OLC-111-Box 5, ANZ-W, Berghan BRN Doc.Bnk. Vol.3 pp.1192-4. For original deed in English see p.1199

<sup>353</sup> Ibid, pp.1194&1196. See deed Berghan BRN Doc.Bnk.Vol.3 p.1200 where the sum is recorded as being £100 compared with Spicer's testimony of £50 (p.1198)

<sup>354</sup> Ibid, pp.1196-7

<sup>355</sup> Ibid, pp.1197-8 & 1200

<sup>356</sup> Ibid, p.1198

<sup>357</sup> Ibid, pp.1192 & 1195

<sup>358</sup> AJHR-1863-D-No.14, Berghan BRN Doc.Bnk. Vol.26 p.15492

issued, on 17 May 1862, Bell reported that the Grant was called in but that it had not been produced before him. He therefore declared the Grant for this claim null and void.<sup>359</sup>

Compared with these experiences, other Kororareka claims based on land transactions in which Ngati Rehia chiefs were involved were successful. Hugh McLiver's claim for a section, based on a 4 October 1839 land transaction between Benjamin Turner and Akero and Wakare, resulted in an award for the land.<sup>360</sup> Other Kororareka claims that succeeded included William Benjamin Moores' (OLC 341),<sup>361</sup> Norman and Cook's OLC 354,<sup>362</sup> Charles Baker's OLC 546 (eventually),<sup>363</sup> Manheim Brown's OLC 574,<sup>364</sup> John Lette's OLC 933,<sup>365</sup> John Johnson's OLC 867-870,<sup>366</sup> Alexander Gray's OLC 764<sup>367</sup>, Edward Eugene Cafler's OLC 792 & 793,<sup>368</sup> Charles Baker's OLC 546,<sup>369</sup> Francis Hodgkinson's OLC 799,<sup>370</sup> Kororareka Land Company's OLC 821<sup>371</sup> & 825<sup>372</sup> All of these were supported by Ngati Rehia chiefs Tareha, Hakiro and Pakira.

Sometimes, because of the Crown's process, it appears that support of vendors was not necessary. For example, another Kororareka claim was successful – Didier Huma Joubert's OLC 788 – despite Tareha and Hakiro, the only vendors of the two sections involved, not appearing to provide testimony of support.<sup>373</sup> Edward Eugene Cafler's claim OLC 795 was successful despite it being based on Thomas Spicer's 21 July 1835 transaction which, as noted above, was disputed by Tareha.<sup>374</sup>

#### ***b. Other Bay of Islands***

<sup>359</sup> OLC-111-Box 5, ANZ-W, Berghan BRN Doc.Bnk. Vol.3 p.1195

<sup>360</sup> AJHR-1863-D-No.14, Berghan BRN Doc.Bnk. Vol.26 p.15507

<sup>361</sup> OLC-341-Box-15, ANZ-W, Berghan BRN Doc.Bnk. Vol.6 pp.3613-35#

<sup>362</sup> OLC-354-Box 16, ANZ-W, Berghan BRN Doc.Bnk.Vol.6 pp.3749-57

<sup>363</sup> OLC-546-Repro-106, ANZ-W, Berghan BRN Doc.Bnk.Vol.11 pp.6428-97

<sup>364</sup> OLC-574-Box 28, ANZ-W, Berghan BRN Doc.Bnk.Vol.12 pp.7180-9

<sup>365</sup> OLC-933-Box 49, ANZ-W, Berghan BRN Doc.Bnk.Vol.20 p.11852-71

<sup>366</sup> OLC-867-870-Box 43, ANZ-W, Berghan BRN Doc.Bnk.Vol.19 pp.11362-4. For deed in English see pp.11362-81

<sup>367</sup> OLC-764-Repro-1619, ANZ-W, Berghan BRN Doc.Bnk.Vol.17 pp.9899-9929

<sup>368</sup> OLC-790-793-Box-39, ANZW, Berghan BRN Doc.Bnk., Vol.17 pp.10273-84

<sup>369</sup> OLC-546-Repro-106, ANZ-W, Berghan BRN Doc.Bnk.Vol.11 pp.6468-97

<sup>370</sup> OLC-798-800-Box 39, ANZ-W, Berghan BRN Doc.Bnk.Vol.17 pp.10350-4

<sup>371</sup> OLC-821-Box 41, ANZ-W, Berghan BRN Doc.Bnk.Vol.18 pp.10913-21

<sup>372</sup> OLC-825-Box 41, Berghan BRN Doc.Bnk.Vol.18 pp.11035-46

<sup>373</sup> OLC-788-Box 43, ANZ-W, Berghan BRN Doc.Bnk.Vol.17 pp.10210-30

<sup>374</sup> OLC-795-797-Box-39, ANZW, Berghan BRN Doc.Bnk., Vol.17 pp.10318-24

The claims to transactions in which Ngati Rehia had been involved in other parts of the Bay of Islands had comparatively straight forward experiences in the Old Land Claims process. Benjamin Evans Turner was successful with his OLC 471 to 25 acres and OLC 472 to 30 acres at Uruti;<sup>375</sup> as was Manheim Brown in relation to 16 acres total for OLC 575 and OLC 576 at Paroa Bay. The CMS claim to their mission at Waimate – a series of transactions in which several Ngati Rehia chiefs were involved – also successfully resulted in a grant.<sup>376</sup>

All of these claims were supported by the Ngati Rehia chiefs involved. Sometimes, this support did not help the claimant if the Crown's process was breached by a claimant. Although Thomas Wing, with support from Hakiro and Pakira, initially received an award for 120 acres at Kawau, in the Bay of Islands (OLC 535) this award was lost under the Bell Commission.<sup>377</sup> Although Manheim Brown's claim for 10 acres at Toatoa was supported before the Commission by both Tareha and Hakiro, the fact that it was based on a transaction with Alexander McGuire that took place after the 1840 Proclamation was passed banning such transactions meant that ultimately the claim was not allowed.<sup>378</sup>

*c. Te Tii Mangonui*

All of the claims made in the vicinity of Te Tii Mangonui encountered difficulty although for different reasons. Thomas Shearing's OLC 896, for a 1837 land transaction with Tareha and Hakiro of 60 acres located somewhere on the Mangonui River, although lodged with the Commission, was disallowed presumably due to the non-appearance of the claimant.<sup>379</sup> As for Donald McKay's claim for 40 acres at Mangonui, (OLC 1003), which was supported by Hakiro, the claimant was initially given a grant by Commissioner Godfrey. However, during the 1850s review of the Bell Commission, the grant for this claim was called in and cancelled as Bell always required a survey before issuing a new grant. It appears however there was no contact at this point from McKay or anyone claiming to be interested in the land. By 1880, OLC 1003 was recorded as being abandoned.<sup>380</sup>

<sup>375</sup> OLC-471-Box 23, ANZ-W, Berghan BRN Doc.Bnk.Vol.9 pp.5587-97

<sup>376</sup> OLC-676-679-Repro-121, ANZ-W, Berghan BRN Doc.Bnk.Vol.15 pp.8688-8711

<sup>377</sup> OLC-535-Box 26, ANZ-W, Berghan BRN Doc.Bnk.Vol.10 pp.6166-76

<sup>378</sup> OLC-573-Box 28, ANZ-W, Berghan BRN Doc.Bnk.Vol.12 pp.7167-79

<sup>379</sup> See OLC-896 ANZ-W Doc Bnk Vol.27, pp.16000-2. Also AJHR-1863-D-No.14, Berghan BRN Doc.Bnk., Vol.26 p.15551

<sup>380</sup> OLC-1003-1004-Box 53, ANZ-W, Berghan BRN Doc.Bnk.Vol.22 pp.12429-48.

Whereas Shearing's and McKay's claims ultimately seem to have failed because of the Commission's process, the two other Mangonui claims struck difficulty due to issues raised by the original Maori landowners including Ngati Rehia.

Thomas Potter lodged a claim (OLC 380) based on a 30 December 1839 land between John Kelly and Tareha and Hakiro. It involved 80 acres called "Parehau" and was situated at Mangonui. in the Bay of Islands.<sup>381</sup> On 1 December 1842, Commissioner Godfrey reported the claim had been advertised for investigation, but as the claimant had failed to appear no grant was recommended.<sup>382</sup> However, Potter wrote to the government in July 1844 for another hearing, and this was granted. He claimed that the deed, which he had acquired from Kelly in December 1840, had been burned in a fire set by Maori in April 1843. However, this was untrue, as his claim had been called in August 1842 and he had failed to have it heard at that time. Accordingly, the claim should have been dismissed for this reason. In any case, the fact that Maori had burned his house, was a clear indication that they did not support Potter's claim. Potter even admitted this himself, stating that Tareha had indicated he would retake possession of two acres of raupo swamp unless Potter paid him something for it. Fitzgerald dismissed Potter's claim, as the latter had failed to prosecute it. However, Fitzroy was more willing to reopen the closed case and told Potter that if evidence could be produced of the Protector's opinion as to whether the land had been fairly purchased from Maori, then he would issue a deed for it. Potter could not do this, and his claim therefore lapsed.<sup>383</sup>

The fourth Mangonui claim reveals a measure of complexity and conflict between vendors. On 11 October 1839, Thomas Bateman entered into a land transaction with several persons, primarily Kaitaka, Hakiro and Tareha for land between the Tareha and Kerikeri Rivers containing approximately 1,500 acres. Bateman paid for the land a small 10-ton schooner that was later calculated to have a value of £140.<sup>384</sup> The deed recorded that a small beach and part of a wood be reserved.<sup>385</sup>

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<sup>381</sup> OLC-380-Box 16 ANZ-W, Berghan BRN Doc.Bnk.Vol.7 pp.3933 & 3938

<sup>382</sup> Ibid, p.3937

<sup>383</sup> Stirling & Towers, Wai 1040, A9, pp.305-306.

<sup>384</sup> OLC-59-Box 3, ANZ-W, Berghan BRN Doc.Bnk. Vol.2 pp.544-6 & 555.For copy of deed in English pp.561-3

<sup>385</sup> Ibid, p.546

On 5 November 1841, when Bateman testified before the Old Land Claims Commission, he noted that he had never resided on the land. He added also that, his claim had never been disputed until the last few months when Wiremu Hau claimed that some of their land had been included within the boundaries of the claim.<sup>386</sup> Although Bateman testified that he had responded by purchasing out the claim, Wiremu Hau subsequently appeared before the Commission and rejected this assertion.<sup>387</sup> In addition, Kaitaka appeared and supported the claim that other land had been included in the boundary.<sup>388</sup> Hakiro similarly testified.<sup>389</sup> Part of the land in the Bateman claim was also challenged by other Pakeha purchasers.<sup>390</sup> Eventually, as was usual during the Old Land Claims process, the Commission made findings upholding Bateman's claims with caveats to protect other Maori land and other purchaser claims as well as the reserve.<sup>391</sup> Although a grant was issued on this basis, during the period of review conducted by the Bell Commission, claimants William Smellie Grahame and William Wright to whom Bateman had onsold the land, chose instead to take a scrip award. This occurred and it appears that the land became included under the Bay of Islands Settlement Act as being land required for settlement. What became of the reserves and the claims of Reid and Hau's people, which had been recognised under the first Grant, is not clear.

*d. Whangaroa*

The Whangaroa claims in which Ngati Rehia chiefs participated always included several other groups and involved comparatively large amounts of land. In addition, they were both conducted over a longer timeframe rather than being a one-off transaction.

The first Whangaroa claim to consider is one situated along the Kaeo River where all transactions were completed by Thomas Florance. Deeds were signed in the years 1834, 1835, 1836, 1837 and 1840 and approximately 2,650 acres was involved. For Ngati Rehia, Tareha and Hakiro were involved. Although when the claim was heard in December 1842 it was supported by Maori, there were several caveats associated with small reserved places or pieces of land transacted with other Europeans.<sup>392</sup> When an award was recommended in April

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<sup>386</sup> Ibid, p.548-51

<sup>387</sup> Ibid, pp.552-3. For Hau's letter of protest see pp.558-9

<sup>388</sup> Ibid, pp.553-5

<sup>389</sup> Ibid, p.555

<sup>390</sup> Ibid, p.556

<sup>391</sup> Ibid, p.547

<sup>392</sup> OLC-738-Repro-32, ANZ-W, Berghan BRN Doc.Bnk.Vol.16 pp9605-9612

1843, these caveats were included.<sup>393</sup> Rather than seeking a Grant for the land, however, Florance sought and was granted scrip. The land was therefore taken possession of by the Crown as surplus lands.<sup>394</sup>

The other Whangaroa claim centred also around Kaeo was based on a series of land transactions completed between 1833 and 1838, William Parrot, William Spickman and James Kemp. Tareha was involved in these transaction with Titore and others and it was estimated that 4,000 acres were involved.<sup>395</sup> On 1 November 1838, Parrot and Spickman transferred the land to James Kemp.<sup>396</sup>

Kemp's claim was heard before the Old Land Claims Commission in December 1842 and, although Tareha did not appear, a number of the Maori vendors did provide supporting testimony.<sup>397</sup> As a result, on 8 April 1843, Commissioner Godfrey recommended an award of 2,284 acres to be issued to James Kemp.<sup>398</sup> This amount was increased in September 1843 to 2,560 acres under new legislation,<sup>399</sup> with an additional 1,507 acres later being granted.

*e. Pre-emption waiver transactions*

By December 1843, soon after his arrival, several groups of Maori complained to the new Governor Robert FitzRoy in relation to the restrictions that the pre-emption doctrine within the Treaty of Waitangi had brought. In the face of the Crown's inability to engage with Maori over their land due to a lack of funding, it was suggested to the Crown that pre-emption should be viewed as applying only as far as a first offer was concerned. As it turned out, the new Governor FitzRoy was under pressure from several interest groups to remove the Crown's pre-emptive right. Therefore, from early in his governancy, FitzRoy began to consider a way to waive the Crown's right of pre-emption to allow direct negotiations to occur.

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<sup>393</sup> Ibid, p9608

<sup>394</sup> AJHR-1863-D-No.14, Berghan BRN Doc.Bnk. Vol.26 p.15541

<sup>395</sup> OLC-599-602-Repro-165, ANZ-W, Berghan BRN Doc.Bnk.Vol.12 pp.7469-71. For deeds see pp.7483-7502

<sup>396</sup> Ibid, pp.7471 & 7473

<sup>397</sup> Ibid, pp.7474-8

<sup>398</sup> Ibid, p.7472

<sup>399</sup> Ibid, p.7472

On 26 March 1844, FitzRoy implemented the so-called Ten-shilling-an-acre Proclamation. This proclamation waived the Crown's right of pre-emption and allowed for the sale of land direct from Maori to settler. However, in addition to the cost of the land the purchaser had to pay four shillings an acre to the Government to secure a pre-emption waiver certificate and six shillings an acre in order to obtain the Crown grant on completion of the purchase.<sup>400</sup>

The first pre-emption waiver application in Northland came from Joseph England from Russell over 9 perches on the beach front at Kororareka. After being issued this, England applied for another waiver for land at Kororareka he had leased from Tareha and Hakiro. According to Stirling, England advised "that he had already paid them in anticipation of gaining a pre-emption waiver and that he already lived upon the land." It appears that this application was dismissed.<sup>401</sup>

Another set of pre-emption waiver applications for the Bay of Islands came from John Stewart. His second application resulted in a pre-emption waiver being issued for a piece of land at Kororareka.<sup>402</sup> Stewart advised the Colonial Secretary he had paid Hakiro and Tareha with two double barrelled guns valued at £12. There is little information on this case and the claims were not later investigated by the commissions of Matson and Bell.<sup>403</sup>

*f. John King's claims*

As noted previously in this report, the CMS missionary John King made a series of land purchases for land between Takou and Te Tii. Also noted previously in this report, this whole area was acquired by Toko and his siblings through a combination of conquest and tuku whenua. Throughout the 1820s and 1830s, CMS missionaries recorded the district as a significant place of occupation for Ngati Rehia. As early as January 1823, Butler had visited Tapuwaetahi and describing it as Tareha's settlement. On the same visits, he went to the "large settlement" of Takou where the chief was Te Whata. Visits continued. By 1828, Tapuwaetahi was occupied by 300 people and Takou was still described as a large settlement. At both settlements, large amounts of kumera, potatoes and corn were being grown for trade. In 1832,

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<sup>400</sup> Proclamation of 26 Mar, 1844, BPP 1845 (131) p.48, sec.4 [IUP/BPP NZ Vol.4

<sup>401</sup> Stirling & Towers, Wai 1040, A9, pp.393-394.

<sup>402</sup> Ibid, p.396.

<sup>403</sup> Ibid, pp.395-396.

80 persons were recorded as living at Takou. Missionary visits continued between Taupaetahi and Takou during the 1830s and included reference to people being gathered at Toharanui. As also noted in this report, people remained living along the coast from Tapuwaetahi through to Takou where they were visited right up to 1850 by CMS Kerikeri missionary James Kemp.

Returning to the King purchases, there is some available evidence which indicates problems with the purchase and, more importantly, problems with subsequent Old Land Claims process. The change of title from customary to Crown grant brought significant impact on Ngati Rehia.

To acquire the lands extending between Takou and Te Tii and inland to Kapiro, King completed a series of land transactions in 1835 and 1836. Using land deeds and information from OLC files, the following details are available

DEED DATE	OLC No.	LAND BLOCK NAME	ESTIMATED SIZE (ACRES)	PAYMENT AMOUNT (VALUED IN £)	SIGNATORIES
1835, 21 AUG	603	TOHORANUI, ETC	3000	£252	MANUWIRI, TAHA, RAWIRI, MAUPARI, TOE
1836, 8 SEPT	604	TENANA	1500	£168	MANUWIRI, TAHA, TENANA, WITIRUA, WATA, ATUAHAERE, HOKAI
1836, 8 SEPT	605	TAUPUATI	500	£67	MANUWIRI, TAHA, TEPARI, WAREPOAKA, HAUMIA, TEMOKO

The three deeds represent three separate blocks which extend from west to east.<sup>404</sup> The largest block, Tohoranui, (estimated to be 3000 acres) and the one first purchased, lay in the centre. With a narrow frontage on the sea coast, it extended through to a similarly narrow frontage on the Mangonui River inlet. From there it extended inland to Kapiro. As indicated at several points in this report, Ngati Rehia has significant interests in this land and yet no person identifiable as Ngati Rehia signed the deed.

The second deed, signed the following year, and purporting to include 1,500 acres, is for a block named Tenana lying to the west of Tohoranui. Despite its size, this block is a rather narrow strip of land lying between the northern boundary of the Tohoranui blocks and, for the most part, the southern bank of the Takou River. Again this deed has Manuwiri and Taha as signatories. As well as others, it appears that Te Whata may have signed. An examination of the deed suggests that King wrote "Wata" on the deed, possibly expecting a mark to be made

<sup>404</sup> For maps of these respective blocks see OLC 1/603-605, OLC Supporting Papers, Vol.13, pp. 7586, 7588 & 7590

next to this, (as had been done by others). Written next to 'Wata' is "Ko te Kawatawata".<sup>405</sup> Ngati Rehia can not confirm that Te Whata went by this name as another example of this usage has not been located. Given that the boundary came to the Takou River, however, it is quite possible that Te Whata did sign this deed.

The third deed, signed on the same day as the second, was for a much smaller block of land of 500 acres. This block lay on the east side of the Tohoranui block, extending from the Tohoranui River, (which was the eastern boundary of the Tohoranui block), to the west bank of the Tapuwaetahi River. Again, Manuwiri and Taha seem to be the instigators as the only two persons who sign all three deeds. Again this land would have predominating Ngati Rehia interests, but again not signatories for the iwi are on the deed. Interestingly, as evidenced by John King at the Old Land Claims commission, it appears that the missionary subsequently made a payment to Tareha of £2 12s despite this chief not having signed a deed. Other than mentioning the payment before the Commissioners, King provides no details of the date or the context for this payment.<sup>406</sup>

The Commission neither heard from Te Whata nor Tareha. Not surprisingly, it was Manuwiri and Taha who were the only tangata whenua witnesses supporting the three King land transactions. As per its usual practice, the Old Land Claims Commission found that King had purchased the three blocks of land. On 12 September 1844, grants were issued for the three blocks for the full amounts claimed.<sup>407</sup>

At the time of the Bell, commission, King's grants were handed in for a full evaluation of his claim. On completion of survey, it was learnt that the three blocks did not merely hold a combined acreage of 5,500 acres as claimed, but covered an area of 21,226 acres. After Bell applied the usual calculations of values and allowances, King was granted for OLC 603-5 a total of 11,788 acres. This grant was taken in the northern half of the three land blocks. This area was subdivided and granted in eight large sections each ranging between 1,300 and 1,600 acres. The grants were made on 16 July 1859. The remaining 9,438 acres was taken by the Crown as surplus land. (This land formed the basis of the Kapiro farm which is still held by Landcorp today).

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<sup>405</sup> For original deed see OLC 1/603-605, OLC Supporting Papers, Vol.13, p.7541

<sup>406</sup> See King testimony OLC 1/603-605, OLC Supporting Papers, Vol.13, p.7547

<sup>407</sup> For grants see OLC 1/603-605, OLC Supporting Papers, Vol.13, pp. 7585-7590

King's claim was disputed by Maori including Ngati Rehia. One of the first accounts of this opposition was included in a report from Thomas Kidd of Taraire to the Waimate Civil Commissioner, George Clarke on 24 December 1861. Kidd was involved in constructing a road from Paringiroa but he wrote that he was expecting considerable opposition. The land through which the road was to be built was described as “government land”. However, Kidd informed Clarke:

...two natives threaten to stop any work being done owing to some claim they purpose making as to the land being in their possession by right, and by wrong claimed by the Crown or by Mr John King [emphasis in original].<sup>408</sup>

The two Maori were the Ngati Rehia chief Te Kowhai of Takou and Tana Toro of Upokorau. A couple of days later, on 26 December, Kidd was advised by Clarke that as Te Kowhai and Tana Toro had not committed “any overt act” at that time, he should proceed with the road. Further advice to him was that if any ‘overt act’ did take place he should have the Resident Magistrate at Russell, Edward Williams treat it as a criminal matter.<sup>409</sup> On the same day Clarke also instructed Waimate Resident Magistrate, Williams to look into this matter when he was enroute to Whangaroa.<sup>410</sup>

However, on 28 December 1861, Kidd wrote back to Clarke, indicating that he was not willing to proceed on the basis proposed by Clarke. He called for an “immediate inquiry” in relation to the disputed claims. He maintained that if this challenge broke out into an open clash it would be harder to settle. Meanwhile, he set his Maori road-gang to work at the Paringaroa end of the proposed road as this was “not one of the disputed points.”<sup>411</sup>

Williams reported back to Clarke after meeting with Tana Toro at Te Whau on 31 December 1861. According to Williams, Tana Toro indicated that he Te Kowhai and others neither opposed the government purchase or John King’s claim but were annoyed with Rawiri Taiwhanga for selling land to King which he had no right to sell. Their objective in

<sup>408</sup> 24 Dec 1861, Thomas Kidd, Enderby, Taraire, to Waimate Civil Commissioner Clarke, BBIW 4808/1b. Archives NZ Auck., cited in Stirling and Towers, op cit, p.718.

<sup>409</sup> 26 Dec 1861, Clarke minute, BBIW 4808/1b. Archives NZ Auck., cited in Stirling and Towers, op cit, p.719.

<sup>410</sup> See subsequent correspondence, 23 Jan 1862, Waimate Resident Magistrate Williams, Puketona, to Waimate Civil Commissioner Clarke, cited in Stirling and Towers, op cit, p.719.

<sup>411</sup> 28 Dec 1861, Thomas Kidd, Enderby, Taraire, to Waimate Civil Commissioner Clarke, cited in Stirling and Towers, op cit, p.719.

threatening to stop the making of the road was said to be to “...induce Rawiri to make them some compensation”.<sup>412</sup> The reference to Rawiri Taiwhanga suggests that the complaint particularly focused on the large Toharanui block, as this is the transaction in which he participated. In addition, presumably the road between Paringaroa and Taraire is today made up by the Purerua, and Kapiro Roads before they join SH 10 travel through Te Whau and on to the Maturi Bay Road. Much of this road runs through the surplus lands of the King claims which explains Kidd's belief that the land belonged to the government.

Williams considered that he had reached an agreement with Tana Toro that the road should proceed and also noted that Tana Toro had indicated that he wanted his people to take part in the work. In line with this Williams suggested that Kidd should hire local people for the section of road around Te Whau.<sup>413</sup> However, Kidd rejected this proposal as he considered that he had already solved the dispute. Kidd indicated that when Clarke had not acted on his earlier letter, he had decided to visit Kingi Wiremu at Te Tii in regards to the problems faced. He noted that Kingi Wiremu had written to Te Kowai and Tana Toro and “promised if any further opposition were offered, he would come himself and work on the road.”<sup>414</sup>

In view of this explanation from Kidd, Williams considered that a resolution had been reached and travelled on to Whangaroa and then Mangonui. At Mangonui, he met the Ngati Rehia chief Te Kowhai. He considered that after a long “conversation”, Te Kowhai appeared “disposed to listen to reason” indicating that he was prepared to stop his resistance to the road.<sup>415</sup>

Subsequent correspondence revealed that Williams had been wrong in his assumption that the situation had been resolved and in fact opposition to the road was becoming more widespread. On 10 January 1862, Kidd advised Clarke that his initial fears of an escalating situation had come to pass. He had been informed that:

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<sup>412</sup> 23 Jan 1862, Waimate Resident Magistrate Williams, Puketona, to Waimate Civil Commissioner Clarke, cited in Stirling and Towers, op cit, p.719.

<sup>413</sup> 23 Jan 1862, Waimate Resident Magistrate Williams, Puketona, to Waimate Civil Commissioner Clarke, cited in Stirling and Towers, op cit, p.719.

<sup>414</sup> 23 Jan 1862, Waimate Resident Magistrate Williams, Puketona, to Waimate Civil Commissioner Clarke, cited in Stirling and Towers, op cit, p.719.

<sup>415</sup> 23 Jan 1862, Waimate Resident Magistrate Williams, Puketona, to Waimate Civil Commissioner Clarke, cited in Stirling and Towers, op cit, pp.719-720

... Ngapuhi Te Kowhai of Tako has been with him to stop the road being made any further towards the Whau. He also informs me that Nighy [Naihi] and Jeremiah [Heremaia] of Kaio [sic] say that he must not make the road, also Tana Toro of Upokorau. The latter offered to give Tango two pigs if he would stop the work. Tango says that if I say he is to make the road, he will make it. This is the position I feared I might be placed in, to avoid which I called for your interference. ...I beg you will use your personal and official influence with the natives to allow the work to proceed in peace.<sup>416</sup>

Stirling and Towers point out that despite this widening opposition, the focus of the officials remained entirely on the roading issue, not the land claim.<sup>417</sup> In the wake of further correspondence on this issue, Williams eventually cancelled his planned engagements and went to Te Whau. On 21 January he met with Te Kowhai who, according to Williams, “recapitulated all that had taken place before”. Williams concluded from this meeting that Te Kowhai’s object was “to obtain money, by demanding payment for withdrawing his opposition” to the road. Williams indicated that he rejected this and once again indicated that after a lengthy conversation he had obtained a promise from Te Kowhai that “no further opposition should be attempted”. William’s perspective was the issue was finally settled. Williams presented the view that the “trouble and annoyance” could have been avoided if Kidd had “manifested a friendly feeling towards these natives” by employing some of them on the road and thereby making them a party that was interested in the work.<sup>418</sup>

Stirling and Towers pointed out the reports of Williams and Kidd could be taken as indicating that the opposition encountered concerned the road rather than King’s claim. However, they considered the context of this dispute and noted that King’s claim was right beside that of Shepherd which was being strongly contested at this time. Both these claims were bordered by the road. Stirling and Towers found it “hardly surprising that the road and King’s claim were under challenge.”<sup>419</sup> They also referred to the fact that the challenge appears to have been focused on King’s vendor, Rawiri Taiwhanga, rather than King himself. They considered that this was possibly because Rawiri was perceived as being more amenable to

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<sup>416</sup> 10 Jan 1862, Thomas Kidd, Enderby, Taraire, to Waimate Civil Commissioner Clarke, cited in Stirling and Towers, op cit, p.720

<sup>417</sup> Stirling and Towers, op cit, p.720.

<sup>418</sup> 23 Jan 1862, Waimate Resident Magistrate Williams, Puketona, to Waimate Civil Commissioner Clarke, cited in Stirling and Towers, op cit, p.721.

<sup>419</sup> Stirling and Towers, op cit, p.721.

righting the wrong that had been done in the past than either King or the Crown were likely to be.<sup>420</sup> Despite

Ultimately, by 1865, the land between the Takou and Tapuwaetahi Rivers was lost to Ngati Rehia through the Old Land Claim process.<sup>421</sup>

There was yet another chapter to this saga however. This involves Otaha subdivision No.4 block containing 1,400 acres for which Willliam Spence King had received a Crown Grant on 16 July 1859. Four months later on 25 November, William King transferred the block to his brother John Wheeler King.

The Otaha 4 subdivision, begins at the sea coast, and runs inland along the southern bank of the Takou River. The subdivision, therefore, lies completely within the boundaries of the Tenana block, the second King land transaction for which the deed was signed on 8 September 1836. This was the deed that may well have been signed by Te Whata.

Clearly, the land was too important to Ngati Rehia to lose through the OLC process. It took decades, but eventually Ngati Rehia acquired the land back through their own means although only a few details are available. On 20 September 1894, Hone Puru and fifteen other owners obtained a mortgage from Daniel Daly Hayes. Presumably the mortgage was to raise funds for the purchase of the Otaha No.4 block as the following month, on 4 October 1894, John Wheeler King transferred the No.4 block to 16 owners including Hone Puru, Erueti Te Kowhai, Tareha Te Kowhai, Kii Te Ohu, Te Ohu Puru, Miria Te Ohu, PutiTareha and Paora Te Ohu. As will be noted later in this report, much of the Otaha block remains in Ngati Rehia ownership today.

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<sup>420</sup> Ibid

<sup>421</sup> Ibid, p.728

**g. Old Land Claims Summary**

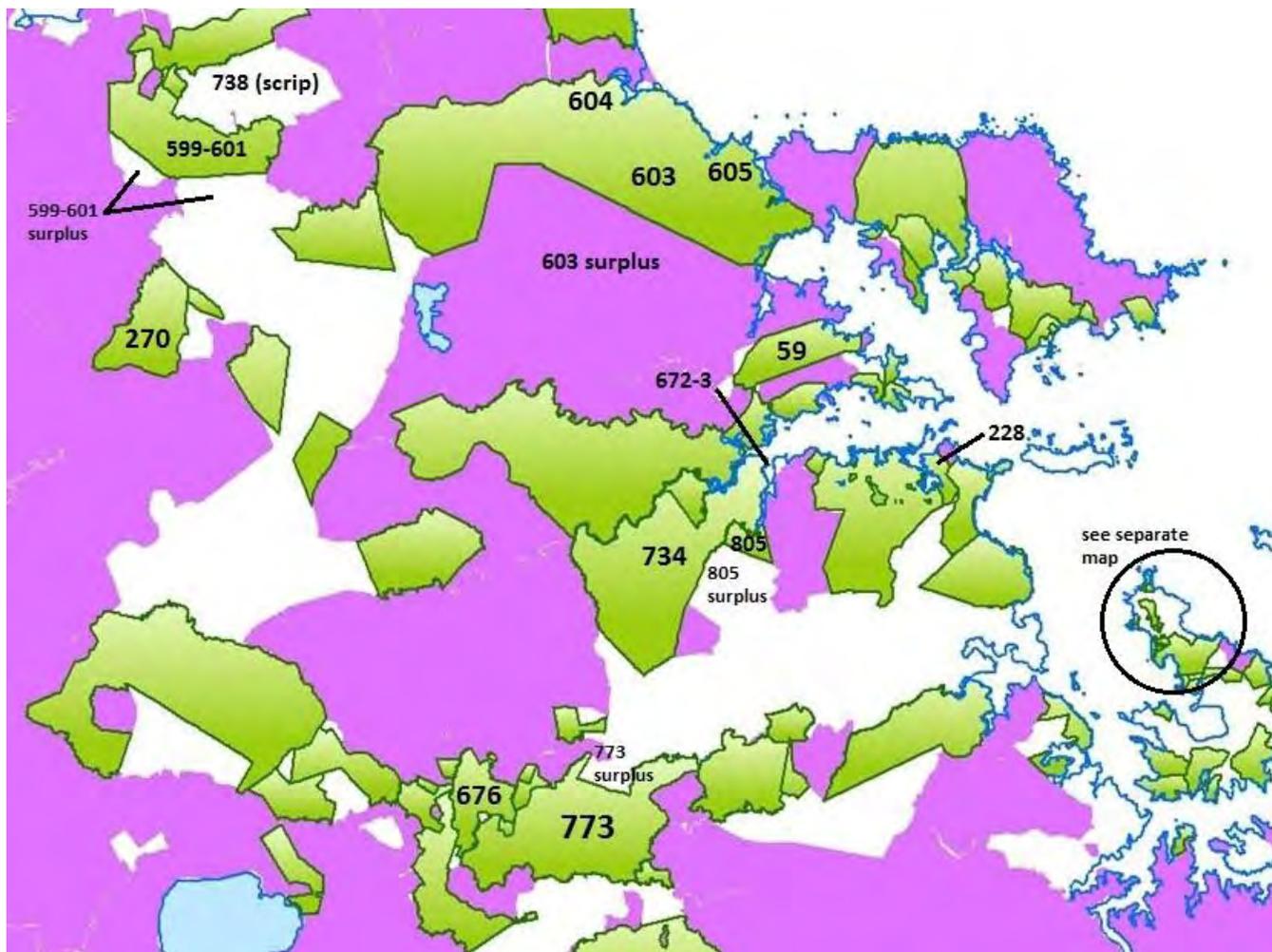
The following table records the title results of tuku whenua lands having been taken through the Old Land Claim process.

**Old Land Claims involving Ngati Rehia interests: Grants, Surplus**

Deed Date	OLC No.	Name of Purchaser (Name of Old Land Claimant where this is different than purchaser)	Location	Surveyed Size	Payment Amount	Grant to claimants (acres)	Surplus kept by Crown (acres)
1839, 11 Oct	59	Thomas Bateman	Mangonui	1,827 acres	Goods valued at £3	1,157	670
1837, Sep/Oct	63	Thomas Bateman	Kororareka	-	Goods valued at £17 17	Disallowed	
1837, 7 Sept	109	Thomas Spicer (George Thomas Clayton)	Kororareka	-	Goods valued at £18	No Grant	
1835, 21 Jul	110	Thomas Spicer (George Thomas Clayton)	Kororareka	-	Goods valued at £3	23p	
1837, 6 Sept	111	Thomas Spicer (George Thomas Clayton)	Kororareka	-	Goods valued at £4 14s	No Grant	
1837, 15 Mar	228	W.G.C. Hingston	Kerikeri	500 acres	Goods & cash valued at £135		500
1839, 20 Nov	270	Thomas Joyce	Whangaroa	1,500 acres	£83 12 cash and goods	508	992
1839, 4 Oct	305	Benjamin Turner (Hugh McLiver)	Kororareka	35p	Goods & cash valued at £40	35p	
1836, 23 Sep	341	William Benjamin Moores	Kororareka	-	Goods valued at £4 12s	1r 4p	
1839, 10 Feb	354	Joseph Norman and Charles John Cook	Kororareka	-	Goods & cash valued at £23.3s	17p	
1839, 30 Dec	380	John Kelly (Thomas Potter)	(Bol)	80 acres	£20 cash	Disallowed	
1839, 1 Sept	470-2	Joseph H. Barsden (Benjamin E. Turner)	Paroa Bay (Bol)	89 acres	Goods & cash valued at £25	89	
1839, 13 Feb	535	Thomas Wing	(Bol)	120 acres	Goods & cash valued at £58	No Grant	
1835, 6 Nov	546 pt	Charles Baker	Kororareka	18 acres	Goods	18	
1840	573	Alexander McGuire (Manheim Brown)	(Bol)	-	£12.12s cash	No Grant	
1839, 1 Jul	574	Manheim Brown	Kororareka	-	Goods & cash valued at £12	Disallowed	
1839, Oct	575	Manheim Brown	Bay of Islands	-	Goods valued at £70	No Grant	
1839, 21 Oct	576	Manheim Brown	Paroa Bay (Bol)	-	Goods valued at £6	No Grant	
1839, Oct/Nov	577-8	Manheim Brown	(Bol)	-	Goods & cash valued at £90	No Grant	
1836, 22 Sep	599-602	James Kemp	Whangaroa	4,464 acres	Goods valued at £571 (pt of)	2,722	1,742
1835/1836	603-605	John King	Takou	21,226 acres	Goods valued at £488	11,788	9,438
1833, 20 Aug	638	Joel Samuel Polack	Kororareka	5 acres	£36 5	5	
1835, 10 Sept	642	Joel Samuel Polack	Kororareka	6 acres	Goods valued at £6	6	
1819/31	672/673	Church Missionary Society	Kerikeri	345 acres	Goods valued at £6	345	
1830-1838	676	Church Missionary Society	Waimate	977 acres	Goods	977	

1831, 8 Oct	734	Church Mission Families	Kerikeri	5,395 acres	Goods with £740	5,395	
1834-1839	738	Thomas Florance	Whangaroa	2,560 acres	Goods valued at £1046 (pt of)	Scrip	2,560
1831, 18 Oct	739-743	Thomas May Battersby (William Moores)	Kororareka	-	£50 cash	Disallowed	
1826	764	Robert Duke (Alexander Gray)	Kororareka	-	Goods valued at £2 6s	2r	
1833, 1834	773	Richard Davis	Waimate		Goods & cash	3000	
Unknown	779	J.A. Duvaunchelle	Kororareka	-	-	Disallowed	
Unknown	787	J.A. Duvaunchelle	Whangaroa	-	-	Disallowed	
1839, 4 Oct	788	Kororareka Land Company (Didier Joubert)	Kororareka	-	-	No Grant	
1838, 10 Nov	792	John Johnson (Edward Eugene Caflers)	Kororareka	16 perches	-	16p	
1838, 10 Nov	793	John Johnson (Edward Eugene Caflers)	Kororareka	7p	-	7p	
1835 & 1838	795	Thomas Spicer (Edward Eugene Caflers)	Kororareka	23p	-	23p	
1835	799	Charles Baker (Francis Hodgkinson)	Kororareka	-	-	Disallowed	
1837, 21 Apr	805	James Shephard	Kerikeri	1,187 acres	Goods & cash valued at £40	614	573
1839, 14 Oct	821	Thomas Spicer (Kororareka Land Company)	Kororareka	-	Goods valued at £2 19s	2	
1839, 4 Oct	824	Alexander McGregor (Kororareka Land Co.)	Kororareka	-	£50 cash	3r 1p	
1839, 4 Oct	825	Thomas Spicer (Kororareka Land Company)	Kororareka	-	Goods & cash valued at £200	1	
1839, 7 Oct	858	James Jones (Joseph Aberline)	Paroa Bay (BoI)	-	Goods valued at £98	No Grant	
Unknown	861	Kororareka Land Co. (Charles Robertson)	Kororareka	-		Disallowed	
1838, 21 Oct	867-9	John Johnson and Thomas Spicer	Kororareka	1r 14p		1r 14p	
1838, 10 Nov	870	John Johnson	Kororareka	2a 1r 21p	Goods & cash valued at £15	2a 1r 21p	
1837	896	Thomas Shearing	Kerikeri	-	Goods & cash valued at £14 3s	Disallowed	
1834, 19 Sept	898	James Hamlin	Waimate	45 acres	Goods & cash £32 12 6	45	
1835, 3 Mar	933	Patrick Fitzmorris/Thomas Butterworth	Kororareka	-	Goods valued at £25	No Grant	
1838, 2 Apr	1003	Donald McKay	Mangonui	40 acres	Goods & cash valued at £22 8s	40	
1838, 5 Sept	1307 pt	R. Holtom	Kororareka	49 acres	Goods	49	
<b>TOTALS</b>				<b>40,436</b>		<b>23,961</b>	<b>16,475</b>

Figure 11: Old Land Claims within Ngati Rehia Rohe



### iii. The Northern War

The issues surrounding the rise of protest from Bay of Islands chiefs such as Hone Heke and Kawiti and the escalation of this into war with the Crown have been written of fully within reports prepared as part of the technical research programme for the Te Paparahi o te Raki Inquiry District. The information recorded below, however, is that in which Ngati Rehia specifically appear.

Tareha was involved in a deputation shortly following Governor Fitzroy's arrival in the Bay of Islands on 25 August 1844. Fitzroy intended to make a "show of force" against Hone Heke, and sent his troops under naval transport to Te Puna Inlet, in order to march inland from Kerikeri. A group of Ngapuhi chiefs - including Tareha, Rewa, Moka, Te Kemara and Tamati Waka Nene - met with Fitzroy on the day after his arrival, and discussed Heke's act of cutting down the flagstaff at Kororareka. The Anglican cleric Burrows stated that "[the chiefs] were anxious to know what compensation was required for the mischief done by Heke, as they were willing to do what was in their power to prevent bloodshed". It was resolved that Heke surrender his axe and ten guns, a proposal that, according to Cotton, reassured the chiefs present that the peace could be kept.<sup>422</sup>

However, Heke chose not to make peace when visited at Kerikeri by William Williams on 26 August and by the Protector of Aborigines George Clarke the following day. Fitzroy decided to pursue his military plan on 28 August after being informed of Heke's refusal. This plan involved landing at Kerikeri and then proceeding to march inland. The Anglican clerics were opposed to troops being landed at the Kerikeri mission. Nene also insisted that armed British troops not land on Ngapuhi territory. Fitzroy and Hulme acceded to this request, and removed the troops from the Kerikeri River to Kororareka.<sup>423</sup>

In September 1844, a hui was held at Waimate involving the Governor, Archdeacon Williams, the Bishop [Pompallier], and various rangatira including Tareha. The aim of the hui was to allow Fitzroy to ease concerns and 'to renew the alliance between northern Maori and the Crown' in the wake of Heke chopping down the Kororareka flagstaff in July. Fitzroy explained that the Treaty had come about to provide greater protection for Maori and their

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<sup>422</sup> Ralph Johnson, "The Northern War 1844-1846", July 2006, Wai 1040, A5 pp.113-114.

<sup>423</sup> Ibid, pp.114-116.

land. Twenty four chiefs, probably including Tareha, made speeches at the hui. At the meeting, Tareha greeted the Governor by waving a red handkerchief. Phillipson records “that Tareha claimed that the Governor had heard a whole lot of lies, but his own concern was his Pakeha – they must and should stay, and that had to be a priority and an outcome from the hui.” Apparently, however, the rest of Tareha’s speech was so dense with imagery and rich in irony it was difficult for any to understand even the longest-resident of the missionaries who could not even begin to translate it for the Governor.<sup>424</sup>

According to Williams, the hui by and large did not back the actions of Heke. Kawharu notes that the main concerns of the rangatira were about land.<sup>425</sup> Williams reported in positive terms about this hui, and the chiefs were able to discuss their concerns about land with him directly the following day. Nevertheless, according to Kawharu, the hui and the subsequent meeting with Williams did not fully restore confidence.<sup>426</sup>

Over the following months, incidents of dispute and disagreement between settlers and local Maori were said “to have seriously eroded the mutual respect and trust felt between Bay of Islands Maori, especially in the Kawakawa area, and certain settlers”.<sup>427</sup> Further north, Tareha was involved in a dispute of his own with the settler Thomas Shearing over the ownership of some dolphins that had become stranded on the beach near Te Tii.<sup>428</sup> Tareha was in fact involved in several incidents, including his muru of the Te Puna settler Thomas Potter in early December 1844. Ralph Johnson believes that ‘the increase in taua muru on particular settlers is difficult to explain’. According to Clarke, the increase was the result of young men acting on their own volition and lacking “restraint”, but Johnson thought such actions were probably not arbitrary. Tareha’s action showed that chiefs were involved in the decision to carry out taua muru, and that the causes for it were real and not invented.<sup>429</sup>

Tareha is commented upon by Sub-Protector George Clarke junior to the Chief Protector in February 1845 in relation to the escalating tension in the North. Clarke junior mentioned apprehension over a possible confrontation, and also gave detailed accounts indicating which chiefs backed Hone Heke and how many toa (warriors) were in each group. His despatches

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<sup>424</sup> W Cotton, Journal, 2 Sept 1844, qMS 0568 cited in Phillipson, op cit, pp.336

<sup>425</sup> Kawharu, op cit, pp.239-241

<sup>426</sup> Ibid

<sup>427</sup> Johnson, op cit, p.144.

<sup>428</sup> Ibid, footnote on p.144.

<sup>429</sup> Ibid, p.145.

seemed to have constituted a form of ‘military intelligence’, according to Johnson. On 18 February 1845, Clarke junior compiled a list of “the most disaffected chiefs”. While Tareha was not one of these, he was described as “wavering”. In his despatch, Clarke junior noted that the government, rather than the settlers, were attracting the anger: there was a “general feeling of dislike and contempt for the authority of Her Majesty’s government which I fear must increase daily”.<sup>430</sup>

In March 1845, both Heke and Nene began to enlist supporters in preparation for potential conflict. George Clarke Junior (based at Waimate), informed his father on 21 March 1845 that Tareha’s son Papahia had joined the rangatira Ruhe and Mohi Tawhai to back Nene against Heke. However, Johnson explains that most Ngapuhi remained neutral or kupapa for the duration of the Northern War: ‘That is, they chose not to fight’. In the North in the 1840s, the term ‘kupapa’ was used to denote someone who was neutral.<sup>431</sup>

On 14 December 1845, Grey wrote to Stanley in the Colonial Office, enclosing a list of Ngapuhi chiefs and mentioning their “disposition”: whether they were “loyal”, “neutral”, or “disaffected”. The chief Tareha of the Ngati Rehia tribe was listed as neutral.<sup>432</sup>

#### **iv. The Aftermath of War: Ngati Rehia in the late 1840s**

After the Northern War, it appears there may have been a period where relationships between various rangatira and different hapu needed to be adjusted. Within this context, Ngati Rehia found that they were required to defend their rights on Whakataha when an attempt was made by Hone Heke to sell the land. The events that occurred were later described by Hare Te Heihei:

About the time the pakeha war was over, Heki formed a resolution to sell this block. He came on to the land and called a meeting of his sisters and the people living on the land. Te Pakira was also living there, he used to live on the coast for fishing and at Whakataha for planting kumeras. Tareha was at this time too unwieldy to walk and was living at Te Tii Mangonui. I [Hare Te Heihei] was at this time

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<sup>430</sup> Ibid, p.177.

<sup>431</sup> Ibid, p.218

<sup>432</sup> Ibid, p.353.

grown up and able to know what was going on. Te Pakira had gone to the sea coast when Heke arrived. The people called by Heke to discuss selling the land were the descendants of Whakaria only... Word was sent to Te Pakira by someone who heard about this meeting. Te Pakira and his people then went to see Tareha. They felt much annoyed at this relative Heke and Tareha sent them to Heke. Te Pakira found Heke with all the goods given him by the pakeha Bedgood and told him he would not allow the land to be sold. Heke returned the goods to Bedgood.<sup>433</sup>

The post-war era also seems to have created an atmosphere where Pakeha-based development initially was shunned. This is evident within the context of proposals for the establishment of a township in the Kerikeri area from the late 1840s. By 1847, Governor Grey had intended forming a military settlement in the Kerikeri area. He had asked the Surveyor General, Charles Ligar, to look into the idea. That October, Ligar asked James Kemp if he was open to selling some of his land for the purpose. He also inquired whether any of the land set aside for the children of the seven Church Missionary Society members might be made available. Kemp replied that some of the childrens' land could indeed be made available for a settlement. However, Kemp had to retract his offer within just three days, after he and fellow missionary Richard Davis learned of strong local Maori opposition to the establishment of a township.<sup>434</sup>

The late 1840s would also be a watershed period for Ngati Rehia with the death of Tareha occurring in 1848. The missionary James Kemp treated Tareha during the illness that led to the chief's death. In the week of 7 August 1848 Kemp visited Tareha and noted that the chief remained unwell with a throat problem, although his condition had seemed to improve slightly after taking medicine. The following week Kemp learned from a visiting chief that Tareha, while remaining unwell, appeared slightly better. However, Tareha died on 18 August and was taken to his burial place the following day. Kemp was informed by Tareha's brother Pakira that Tareha 'did not wish the place when he died to be made tapu'. Kemp wrote Tareha

... was an old man about 85 years, has for some months past been a regular attendant on the Sabbath at the Native Chapel, he also urged upon the Natives, the day that he died, that they should be very attentive to the means of grace & not forsake assembling regularly for

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<sup>433</sup> 5 Oct 1900, Evidence of Hare Te Heihei, Whakataha Investigation case, MLC Northern MBk 28, pp.231-2

<sup>434</sup> Henare et al, op cit, p.605

prayer, ... Taneha was a great chief, & has been much dreaded by the poor slaves, ...<sup>435</sup>

On 9 April 1849 Heke and a large group of Maori stopped at the Kerikeri mission settlement on their way to Te Tii to move the bones of Tareha. Kemp spoke to Heke about the moving of the bones: ‘He replied that Tareha was a great Chief’, and therefore that his bones should be removed to the place where his tupuna’s bones were laid.<sup>436</sup> One week later, Heke and his party passed through Kerikeri on their way back to Te Waimate, ‘conveying the bones of Tareha and others’.<sup>437</sup>

During the late 1840s, the brethren of the Church Missionary Society continued their contact with Ngati Rehia’s coastal settlements. During the years 1848 to 1850 James Kemp records visits to the Te Tii-Mangonui area to hold services and treat sick people. On 28 April, Kemp gave medicine to one of Tareha’s sons, who had been suffering from a back disorder and was ‘very thankful for the attention paid him’.<sup>438</sup> On 23 July 1848 Kemp held a service at Te Tii attended by around forty Maori, and learned that they had regularly been attending services in recent weeks. On 20 August Kemp went to Te Tii to hold another service at which around 100 people attended. On 3 September he went to Mangonui and met a large number of Maori assembled for a service. While there, he visited some sick people and spoke with several chiefs on religious matters.<sup>439</sup> On 15 January 1849 Kemp noted that a Maori preacher had conducted the service at Te Tii.<sup>440</sup> He visited Maori at Te Tii four times in February and March 1849, and again on 18 June.<sup>441</sup> During this period, on 20 March, he also went to Wharengaere to see a sick chief who had been confined to his bed for some weeks with acute rheumatism.<sup>442</sup> On 15 July he visited Maori at Te Tii, Paoneone and Parangi-ora on the Purerua Peninsula, remarking that ‘the natives are much fettered at their residences, with two or three families together’.<sup>443</sup> On 23 August Kemp visited Maori at Mangonui and found them ‘very busily employed getting in their crops of wheat potatoes & onions’.<sup>444</sup> He visited the area again on 21 October, holding a service at Pakira’s residence at Te Tii.<sup>445</sup> On 2 December

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<sup>435</sup> James Kemp, Journal; 1832, 1848-1852, MS-1104, ATL Manuscripts Collection, pp.31-33

<sup>436</sup> Ibid, p.51

<sup>437</sup> Ibid, pp.51-52

<sup>438</sup> Ibid, pp.52-53

<sup>439</sup> Ibid, pp.30, 32-34

<sup>440</sup> Ibid, pp.42-43

<sup>441</sup> Ibid, pp.44-45, 50, 57-58

<sup>442</sup> Ibid, p.50

<sup>443</sup> Ibid, p.60

<sup>444</sup> Ibid, p.63

<sup>445</sup> Ibid, p.67

he held a service at ‘Mangaru Nui at Pakinu the Toatoa’, and later in the month held another service at Te Tii.<sup>446</sup> Kemp and his sons visited Te Tii three times in January 1850 to see a sick person.<sup>447</sup> Later that year, on 9 June, Kemp visited Te Tii to hold a service.<sup>448</sup> He held further services at Te Tii on 4 August and 1 September 1850.<sup>449</sup>

Aside from Te Tii, in 1848 and 1849 James Kemp visited Takou and the surrounding area to hold services and treat the sick. Between 26 July and 28 July 1848 Kemp visited Takou and Waiaua before proceeding to Matauri. While at Takou he assembled ten Maori for his service and visited a sick woman. Kemp made another visit to Takou and Waiaua on 14 September and 15 September of the same year, this time visiting sick people at Waiaua.<sup>450</sup> In mid January 1849 he visited Takou and Waiaua and gave medicine to two sick people.<sup>451</sup> Between 16 June and 18 June he visited Takou, where he learned that their attendance at services had been irregular. He also went to Waiaua, and another village named Hananui.<sup>452</sup> Kemp made another tour of Takou, Hananui and Waiaua on 4 August and 5 August.<sup>453</sup> Between 28 September and 1 October he again visited Maori at Waiaua, where many Maori were sick with a ‘very bad cough’, and at Takou.<sup>454</sup> Further tours were made along the coast to Takou and Waiaua between 3 November and 5 November and on 23 December and 24 December 1849.<sup>455</sup>

Kemp continued to visit Takou and the surrounding area in 1850. Between 18 January and 20 January he visited Takou and Waiaua. At Takou on 20 January he called on a sick woman who had been seen by a Maori priest, but the woman said the priest could not help her, and she sent someone to return with Kemp to Kerikeri to obtain some medicine and food.<sup>456</sup> The following month, between 22 February and 24 February, Kemp again visited Takou, Waiaua, and another village in the area named Opango. While at Takou on 24 February Kemp noted ‘the Natives of this place are much scattered out at their plantations, and they appear very careless, may the Lord bring them to feel their state as sinners’.<sup>457</sup> On 7 April Kemp held a

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<sup>446</sup> Ibid, p.70-72

<sup>447</sup> Ibid, p.73

<sup>448</sup> Ibid, p.84

<sup>449</sup> Ibid, p.88

<sup>450</sup> Ibid, pp.30-31, 35

<sup>451</sup> Ibid, p.42

<sup>452</sup> Ibid, pp.57-58

<sup>453</sup> Ibid, pp.61-62

<sup>454</sup> Ibid, pp.65-66

<sup>455</sup> Ibid, pp.68, 71

<sup>456</sup> Ibid, pp.73-74

<sup>457</sup> Ibid, p.79

service at Waiaua and then proceeded to Takou, where although all the residents attended his service he remarked ‘they have for some time been in a careless state’ regarding regular attendance at services.<sup>458</sup> Kemp visited Takou and Huranui on 13 May and Ngauire and Waiaua between 16 May and 19 May. He made a final visit to the coast on 11 August and 12 August, when he met the residents of Takou at their cultivations and gave them tracts written in Maori, and also went to Waiaua.<sup>459</sup>

In the meantime, occupation of Whakataha by Ngati Rehia had continued. By 1860, there were cultivations on the block and a home had been built there. Te Rata Hongi, a grandson of Toko, cleared the land for the kainga and cultivations at Whataipu. After his death, Heremaia Pirika and others continued to live there, planting fruit trees and using the pools for steeping[?] corn.<sup>460</sup> There were also cultivations at Te Kirikiri, first dug there by Tareha and Hori te Pakira. All of the clearings near Whangae Makariri were made by the descendants of Toko.<sup>461</sup> The land was surveyed around 1865, although there was some dispute over the line between the two blocks. Agreement was reached by Hori te Pakira and Henare Rangaihi (from Te Kai) over where the line was to be.

Tareha and his oldest son gave Te Rata the authority to manage the land.<sup>462</sup> Tareha died at Tii Monganui.<sup>463</sup> Subsequently, Te Rata became ill and then died, however, Tamehana and Winiata took control of the land. Certain people from other tribes were allowed to grow food on the block, although they themselves did not have a claim to it. After Tamehana and Winiata died, in the early-mid 1870s, Tarairau then had control over the land. Hare Te Heihei returned to the block in 1874, in keeping with the instructions he had received from his father that he should return there after his father’s death. Tarairau was ill when Hare Te Heihei returned, and so he gave the authority over the land to Te Heihei.

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<sup>458</sup> Ibid, pp.81-82

<sup>459</sup> Ibid, p.88

<sup>460</sup> Evidence of Hone Rameka, Whakataha Investigation case, MLC Northern MBk 28

<sup>461</sup> Ibid

<sup>462</sup> Evidence of Hare Te Heihei, Whakataha Investigation case, MLC Northern MBk 28, p.234.

<sup>463</sup> Ibid, p.238.

## **B. THE PURCHASE OF NGATI REHIA LAND: 1855-65**

A decade after the end of the Northern War, the Crown began to expend resources again within Te Paparahi o te Raki although these resources largely aimed to fulfil and further the objectives associated with Pakeha settlement.

The primary area of Crown policy in the Bay of Islands at this time was land acquisition. In the eastern Bay of Islands and in Whangaroa the Crown pursued land purchase objectives that were of a somewhat different nature than elsewhere in the North as it was in these areas that the pre-Treaty purchases of land by private individuals had had the greatest impact. As discussed above, these land transactions, originating within a customary context, were transformed into a private title derived from the Crown through the processes of the Old Land Claims Commission. Although most land transactions had been investigated in the 1840s, it was not until the 1850s and the passing of new land claims legislation that a second commission was established under Commissioner Bell to finalise titles through surveys and land grants. From 1856 to 1862, this process was completed and the alienation of a large amount of land within the eastern Bay of Islands and in Whangaroa was formalised. As the Bell Commission was turning *tuku whenua* into sale, the Crown purchased any land that remained in Maori title and lay between the awarded Old Land Claims titles. Therefore, as the result of a series of small strategic purchases, virtually all Maori land was alienated between Kaikohe and the coast and within inland Whangaroa.

### **i. Northland Crown Purchases: Overview**

Throughout the period under discussion, the Crown had been actively engaged in obtaining from northern Maori as much land as possible. From the mid-late 1840s, the Crown was coming under increasing pressure to supply land for settlement in the north. The pressure continued to build into the 1850s, and in June 1853, Donald McLean recommended that a Land Purchase Department be created so that the “whole country” might be acquired through a systematic process of purchasing.<sup>464</sup> Governor Grey was sympathetic to the idea, having

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<sup>464</sup> O'Malley, *op cit*, pp.179-180.

previously told settlers in Auckland that the Government would do all in its power to obtain land from Maori for the purposes of settlement.<sup>465</sup>

By the time of Grey's departure from New Zealand at the end of 1853, however, McLean's recommendation was yet to be implemented. In April of the following year, McLean was given the task of purchasing more Maori land, with the Auckland province to be his highest priority. Considerable resources were to be put at McLean's disposal to assist him in this effort. In June, McLean again made out his case for a land purchase department.<sup>466</sup>

McLean's efforts finally met with success, and a Native Land Purchase Department was duly created, with McLean named as the Chief Land Commissioner. By August 1855, he was able to report that some 600,000 acres had been acquired in the Auckland province, although this was not sufficient to meet the demand.<sup>467</sup> McLean's purchasing was temporarily halted in September when funds dried up, but the New Zealand Loan Act of 1856 renewed the process, with £90,000 being allocated to the Auckland province, all of which was spent by 1865.<sup>468</sup>

Although purchasing in the coastal Bay of Islands involving Ngati Rehia had its own unique features it was also a subset of the general Northland purchasing policies that were in place over these years. This sub-section will provide a broad examination of issues related to the Crown purchasing policies that were implemented throughout Northland and considers the outcome for Maori as a result of these policies.

One of the issues when researching Northland transactions over this time is the frequently confusing and inadequate nature of the records associated with these land purchases. In his report on Crown purchasing within Te Paparahi o te Raki, O'Malley has commented that the documentary record regarding purchasing was inadequate to such an extent that it called into question the validity of the many of the Crown's purported purchases and raised questions of fraud in some cases. He listed the varied failings of this documentation which, as can be observed, affected nearly every aspect of the purchasing process.

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<sup>465</sup> Ibid, p.180.

<sup>466</sup> Ibid, pp.181-182.

<sup>467</sup> Ibid, p.183.

<sup>468</sup> Ibid, pp.184-185.

- a large number of deeds with no accompanying plans
- reserves shown in plans but not referred to in the deeds (and vice versa)
- reserves promised to Maori but neither mentioned in the deeds nor shown on the plans
- a general failure to commit promises made as part of negotiations to the texts of deeds
- loose or misleading descriptions of block boundaries
- a widespread failure to clearly spell out overlaps with previous transactions
- inaccurate or misleading dates stated in deeds
- a failure to name tribes whose lands are supposedly being purchased in the deeds
- a failure to clearly note instances in which deeds were signed by proxies on behalf of others
- inconsistent or misleading names used for blocks under negotiation
- incomplete translations of deeds.
- inaccurate or misleading dates stated in deeds
- inconsistencies between the consideration stated in some of the deeds and the amounts acknowledged as having been received
- purchasing officers acting as sole witnesses to deeds
- the failure to document the process by which all groups with potential claims on a block were notified of its proposed sale
- the failure to document the process by which payments were to be distributed between groups
- the failure to document any hui (if held) to discuss customary rights in blocks the subject of proposed transactions and the decisions reached at these
- the failure to record whether the signatories to the deeds were simply transacting their own interests or acting on behalf of a

wider group and (if the latter) the failure to record any evidence that the non-signing owners had consented to such an arrangement and would be appropriately recognised in the distribution of the money.<sup>469</sup>

Between 1855 and 1865 the Crown purchased immense areas of Northland land, seemingly with scant regard to the long-term effects these purchases would have on the relatively large Maori population and with little consideration in relation to ensuring the provision of adequate reserves. As early as 1843, the Chief Protector of Aborigines, George Clarke calculated that with the large Maori population in the North it would be “very injurious” for the Crown to “purchase large blocks of country, even if offered”.<sup>470</sup> O’Malley points out that of the 120 separate Crown purchase transactions conducted between 1840 and 1865 just 25, or about one fifth, included specific reserve provisions for Maori.<sup>471</sup> Furthermore, those reserves that were made were often poorly documented, sometimes leading to on-going confusion in relation to their status. In addition, most of the reserves were documented as exclusions from the transactions rather than permanent tribal endowments. Not surprisingly, a number of reserves themselves subsequently were purchased. This was in spite of the fact that the enhanced value of the reserves after land purchases was argued by Governor Grey to be a key component of the “real payment” of Crown land purchasing thereby justifying the minimal prices being paid for Maori land. Initial instructions regarding land purchasing to Crown Land Purchase Officer Henry Tacy Kemp in June 1855 were brief and made no mention of reserves or a requirement to ensure Maori maintained enough land for their own use. However, instructions from McLean a few months later in November 1855 and over the late 1850s and early 1860s did specify the need for adequate reserves. Despite this O’Malley noted that he found no evidence of any reserve being made in any of the Northland Crown purchases on the initiative of the purchasing officer. Even if Maori did ask for a reserve their requests were at times rejected or the reserves were reduced during the process of negotiation.<sup>472</sup> It appears that despite instructions from McLean, Crown purchase officers in Northland made no effort to fulfil any obligation to protect Maori and ensure they had sufficient land for their future needs. Evidence within land purchase documentation in the coastal Bay of Islands reflects the fact that the professed Crown policies regarding reserves

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<sup>469</sup> Ibid, p.478.

<sup>470</sup> Ibid, p.439.

<sup>471</sup> Ibid, p.438.

<sup>472</sup> Ibid, p.442.

were disregarded by the purchase officers in Northland with severe consequences for Ngati Rehia and others.

There were several beliefs in relation to the future of Maori around at the time that possibly contributed to a lack of importance being put on the retaining of reserves for Northland Maori. One was a widespread view that the Maori race would eventually die out therefore there was no need to provide reserves for their long-term needs.<sup>473</sup> Another was that Maori would only survive if they swiftly adopted European ways which meant leaving behind the communal basis on which they held their lands. Extinction of native title was therefore viewed by some as an essential factor in the civilising process and the elimination or reduction of reserves was seen as a positive step. Instead the way forward was seen as Maori purchasing back small parcels of their land and holding these under a Crown Grant. Ultimately most Maori, not surprisingly, were not in a position to do this, although limited buy-backs did occur in a handful of blocks.<sup>474</sup>

The ill-effects to Maori in regards to the lack of reserves were compounded by the fact that Crown agents in the north often targeted the best of the remaining Maori lands for acquisition. The lack of reserves at such locations led to a situation in the Bay of Islands where local hapu were largely shut out of the main centres of what little commercial activity existed at locations such as Russell, Waimate and Kerikeri. Therefore Maori were further marginalised from the economic benefits they had anticipated as ensuing from the sale of their lands.<sup>475</sup>

A further issue in the coastal Bay of Islands and in the wider area was that the land involved in transactions was often not surveyed, even after 1856 when it became standard Crown policy for surveys to be completed in relation to all land purchases. Surveys were an essential part of defining the lands that were to be transacted. Surveying the land was vital in relation to ensuring that all right-holders were ascertained and that necessary reserves were identified. Furthermore, the survey at times provided information for both sides in relation to negotiating the price to be paid for the land. The lack of a plan or the use of only a rough sketch in some of these transactions meant that doubts must be raised as to whether those

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<sup>473</sup> Ibid, p.443.

<sup>474</sup> Ibid, pp.444-5.

<sup>475</sup> Ibid, p.450.

Maori involved in some cases were fully aware of exactly what land was being purchased. It also raises questions as to whether Maori were able to negotiate in a meaningful way in relation to price and to reserves required. The issues raised by the lack of a plan in some cases were further exacerbated by descriptions that were often vague and which used general place names as identification marks. Ward has commented that a walking of the boundaries was entirely practicable and he argued that this should have been done in all cases to identify to Maori interest holders exactly what land was under negotiation.<sup>476</sup> However, in many instances no such steps were taken.

Even in the late 1850s, after W.B. White had arrived in Whangarei as a surveyor to the area, purchase officer Kemp raised some doubts about the process of surveying prior to finalising transactions:

...one thing has given me a good deal of thought and that is the system of survey prior to payments: It is not impossible that in some instances the Natives might change their minds after a survey has been completed, I mean of course with regard to the price already agreed upon, & perhaps even approved by the Govt. & yourself, & in that case, if not finally concluded under the first terms agreed upon, the Government wd. be the loser by the [illeg.] amount of the cost of survey.<sup>477</sup>

He advocated staking off the blocks and obtaining the area as nearly as one could and thereby saving the Government money. There was some recognition from McLean about the need for surveys prior to deeds being signed in order to protect the integrity of these transactions and indeed he gave some clear instructions to his purchase officers in relation to this from 1856 onwards. Nevertheless at times Kemp and his fellow purchase officers disregarded these instructions and avoided this procedure by using rough sketches or some other means to approximate the area of blocks. Therefore, although there was an increase in the surveying of land prior to transactions after 1856 there continued to be some blocks that were not surveyed. As the next sub-section shows not all the blocks sold by Ngati Rehia were surveyed prior to sale.

An additional consideration in relation to Ngati Rehia lands and to other lands in the North was the minimal price often paid by the Crown. This was at times in the face of open

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<sup>476</sup> Ward, *National Overview*, vol.2, pp.128-129; cited in O'Malley, op cit, p.452.

<sup>477</sup> Kemp to McLean, 8 Feb 1857, McLean Papers, folder 368, ATL cited in O'Malley, op cit, p.343

complaints from Maori that they were not being paid enough. Despite the anticipated generous profit the Crown expected to make on the land Kemp was derisive of Maori criticism of low prices and requests to be paid more. In August 1885, Kemp referred to “the absurd notions as to price”<sup>478</sup> of northern Maori and in 1866 he considered that Maori in the area still held “confused notions of the real value of Land”.<sup>479</sup> Correspondence between McLean and the Crown purchase officers indicated that their goal was to acquire Maori lands in the North for the smallest price possible and their reports and letters show that they boasted of their successes in doing so.<sup>480</sup> In some instances the land was resold by the Crown for up to eighteen times per acre what had been paid to the Maori owners in the initial purchase.<sup>481</sup> As the Crown had pre-emption over the lands, Maori acceptance of the low prices can be viewed as an inevitable outcome in light of the absence of alternative opportunities. A further factor influencing Maori in their decision to accept these low prices was their anticipation of on-going opportunities for economic development. The benefits that they were led to believe would come their way included the increased value of their remaining reserves. This was promoted as a key benefit of land sales by Grey. However, as discussed previously the few reserves that were established meant that Maori failed to gain from that promised opportunity. They were also led to believe that the sale of their lands would lead to new markets for their produce as well as public works and infrastructure such as roads, schools and hospitals.<sup>482</sup> These expectations were particularly raised in relation to the Bay of Islands Settlement Act 1858 and the associated promises made by Governor Browne when he visited the area in January in 1858 and spoke of developing the economy and infrastructure of the area. These promises were reiterated by Grey in 1861.<sup>483</sup> However, despite these undertakings by successive Governors the promised developments largely failed to eventuate. Therefore the only payments that Maori ultimately received for their lands were the minimal prices that were paid by the Crown.

A further issue to consider in relation to the sale of land in Northland is Maori understanding of these transactions. It is understood that the idea that the full and exclusive rights to land could be ‘sold’ permanently was foreign to Maori in pre-European times. Several European observers over the 1840s and 1850s commented that Maori at that time

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<sup>478</sup> Kemp to McLean, 16 Aug 1855, McLean Papers, folder 368, ATL cited in O’Malley, op cit, p.461

<sup>479</sup> Kemp to McLean, 10 May 1861, Le 1/1861/228, ANZ-W cited in O’Malley, op cit, p.461

<sup>480</sup> O’Malley, 2006. pp.461-2.

<sup>481</sup> Ibid, p.462.

<sup>482</sup> Ibid, p.465.

<sup>483</sup> Ibid, p.466.

continued to be immersed in their traditional way of life and certainly found it questionable whether Maori would have understood the implications of the pre-1840 land transactions within this cultural context.<sup>484</sup> In considering the sales after 1840 up until 1865, O'Malley found considerable evidence to indicate that Maori continued to be living within their traditional culture and norms.<sup>485</sup> Tribal law largely continued and the capacity for Resident Magistrates to impose decisions against the will of the tribes was extremely limited.<sup>486</sup> In fact the potential danger to isolated Europeans from Maori who were not under the control of the government was mentioned by Governor Browne in 1857 as one of the motivations for purchasing in a way that connected and consolidated Crown lands.<sup>487</sup> O'Malley begs the question that: "Given the persistence of Maori rule over the north what, then, is the evidence for voluntary abandonment of customs relating to land?"<sup>488</sup> Unfortunately a lack of records in regards to hui or negotiations means that it is difficult to assess Maori understanding of the transactions via this source. However, there is evidence to suggest that Maori continued to assume rights over land that had supposedly been sold. Many lands sold prior to 1865 were not settled by Europeans for decades and Maori often continued to gather food and dig gum from these areas.<sup>489</sup> Furthermore, examples also exist where early settlers continued to live under the protection of chiefs. However, this protection came with a mutual obligation that the land and resources would be shared with the tribe.<sup>490</sup> This evidence suggests that Maori in the North expected their land transactions to lead to reciprocal relationships with the Crown and early settlers rather than resulting in the displacement of Maori. O'Malley comments that: "...it was not so much a case of northern Maori signing away their land interests as inviting others to come and share these."<sup>491</sup>

In summary it can be seen that Ngati Rehia land sales occurred within the wider context of land purchasing within Northland over this period which frequently incorporated the following features:

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<sup>484</sup> Ibid, pp.480-2.

<sup>485</sup> Ibid, pp.483-485.

<sup>486</sup> Ibid, pp.487-8.

<sup>487</sup> Ibid, p.485.

<sup>488</sup> Ibid, p.488.

<sup>489</sup> Ibid, pp.489-492.

<sup>490</sup> Ibid, pp.492-4.

<sup>491</sup> Ibid, p.496.

- confusing and inadequate documentation;
- a lack of reserves and failure to ensure Maori were left with adequate land;
- surveying was not always completed prior to sale so that deeds did not always contain a plan;
- minimal prices justified by the Crown promises of settlements and infrastructure that were not fulfilled; and
- Maori still living under traditional laws with little evidence to indicate that they always understood the implications of selling their land.

## ii. The Pursuit of Economic Development

Several historians make it clear that the prime motivation for northern iwi, including Ngati Rehia, participating in the Crown purchasing programme in the 1850s and early 1860s, was the hope of encouraging economic development through the establishment of a town in the eastern Bay of Islands.

The possibility of developing a township in the eastern Bay of Islands was first raised in the late 1840s. By 1847, Governor Grey had intended forming a military settlement in the Kerikeri area. He had asked the Surveyor General, Charles Ligar, to look into the idea. In October, Surveyor-General Ligar asked James Kemp if he was open to selling some of his land for the purpose. He also inquired whether any of the land set aside for the children of the seven Church Missionary Society members might be made available. Kemp replied that some of the children's land could indeed be made available for a settlement. However, Kemp had to retract his offer within just three days, after he and fellow missionary Richard Davis learned of opposition by Heke and others to the establishment of a township.<sup>492</sup> Grey did not wish to push the point, and the plan lapsed.<sup>493</sup>

Heke opposed further Pakeha settlement on the western side of the Bay of Islands. However, when Heke died in August 1850, the chance arose to revisit the possibility of a new township being established. Over ninety chiefs wrote to Grey in February 1851 to inform him of a meeting held at Te Tii, Mangonui. An agreement had been reached among the chiefs to ask

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<sup>492</sup> Henare et al, op cit, p.605

<sup>493</sup> O'Malley, op cit, pp.99-102.

the Governor to establish a town in the area. According to the chiefs, the Governor previously had assured Tareha that a township would be built. Although Tareha had since died, the chiefs wanted the township to go ahead.<sup>494</sup> The petitioners included Arama Karaka Moka, Hohaia Waikato, Pakira, Wiremu Hau, and Rangatira.<sup>495</sup> According to Kawharu, a town was wanted to reverse the effects of economic decline after the capital had been moved to Auckland and many settlers and traders had left the region after the Northern War.<sup>496</sup> While there was wide support for a town at Te Tii Mangonui, Hone Heke's widow Hariata felt the town should be built at Kororareka instead.<sup>497</sup>

Nothing came of the request to establish a township, despite the seeming willingness of Maori to offer land for the purpose. It has been suggested that this was because of the political issues of the 1840s remaining 'largely unresolved', a factor that limited the desire of the government to help in the economic recovery of the north.<sup>498</sup> The small settlement at Russell remained the primary township in the north.

Nevertheless, the other chiefs, including Waka Nene, continued to press for a township at Kerikeri, noting their destitution and the hope that the presence of Europeans would bring better times. The government, however, remained reluctant to act while the broader political issues which had resulted in conflict in the 1840s remained unresolved. An 1855 petition on behalf of Canadians wishing to settle recorded that a government official had stated that it was not Crown policy to purchase land in the north or to encourage its settlement. Two years later, however, it was being reported that northern Maori were more anxious than ever to see Europeans settle among them.<sup>499</sup>

In early January 1858, Gore Browne was welcomed to the Bay of Islands by European residents and some of the leading chiefs. He was told by all present that a township was needed at Kerikeri, and by the time he left a week later, he had agreed to the proposition. Meeting separately with the chiefs later, Browne was told of their loyalty to the Queen, and of their regret that because of the earlier conflict, a township had not yet been established. Browne responded by acknowledging their loyalty and stating that he would assist the chiefs

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<sup>494</sup> Ibid, p.104.

<sup>495</sup> Henare et al, op cit, p.606

<sup>496</sup> Kawharu, op cit, pp.270-272

<sup>497</sup> Ibid, pp.272-273

<sup>498</sup> O'Malley, op cit, p.107-108.

<sup>499</sup> Ibid, pp.106-110.

in their efforts to improve the welfare of their people. Meeting with Maori at Waitangi, Browne was again urged to establish a settlement, while further avowals of loyalty to the Crown were made. At this meeting, the Governor told the chiefs that the principal reason for his coming was to select a site for the new township. The same statements were then heard at a hui at Waimate on 11 January 1859.<sup>500</sup> In short, northern Maori had an unequivocal promise from the Crown that a township would be established. All that remained was to fix on the site. District Land Commissioner Henry Kemp proposed a site on the southern side of the Kerikeri inlet within the context of further Crown land purchases that were being planned in the area.

The Bay of Islands Settlement Act 1858, which was passed within the context of these plans, allowed the Governor to take up to 250,000 acres within an area which was predominantly affected by Old Land Claims as a site for a settlement and to compensate any Pakeha who had claims in the area.<sup>501</sup> As part of the justification for these plans, the Native Minister, C.W. Richmond, noted in September 1858 that Ngapuhi wanted further European settlement.

The legislation empowered the Governor to create the township long sought for by Maori and Pakeha alike. Given that Maori had already sold most of the waterfront lands, this effectively meant that the Crown would be compulsorily acquiring what were legally European lands, yet the government felt that a township of this kind was necessary if any further conflict in the north were to be avoided. Kerikeri was duly selected as the site for the new town which, all hoped, would lift the stagnating region from the mire.<sup>502</sup> There was at least one key difference, however, in the respective hopes of Maori and the Crown. While the former saw a township as a means of improving their economic and material situation, it seems that the Crown saw in the township a vehicle for bringing Maori into the embrace of European civilisation. These two aspirations were not entirely concordant.<sup>503</sup>

The legislation finally came into force in August 1859. By this stage, the clamours for a township were getting louder. Maori who had sold the large Kawakawa block in expectation that a township would be created there were especially vocal (particularly given that the promise of a township essentially formed part of the purchase price).

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<sup>500</sup> Ibid, pp.122-125.

<sup>501</sup> Henare et al, op cit, pp.606-607

<sup>502</sup> O'Malley, op cit, pp.132-135.

<sup>503</sup> Ibid, pp.136-137

In November 1859, Robert Burrows informed the CMS in London that Maori across the Bay of Islands wanted further European settlement. He noted that the whole of the Society's land at Kerikeri had been reserved as a site for a township if one was needed by the government. Burrows had been calling for a decision on a township for four years by that stage. However, he explained that the Government had now concluded that the proposal would not be profitable and it had issued crown grants to most of the land involved. Even so, Maori continued to ask for further Pakeha settlement in the area.<sup>504</sup>

Yet three years after the Act had come into force, no township had been created. It seems that outstanding old land claims, the time required to extinguish Maori title to blocks deemed necessary for the township, and a lack of funds to carry out the requisite surveys and to pay the necessary compensation had come together to stymie the process.<sup>505</sup>

Despite the aspirations of Ngati Rehia and others over the 1850s, the township ultimately did not eventuate within the period under discussion here. Nevertheless, it was within this context of discussions over the establishment of a township that several blocks, including some of those involving Ngati Rehia were purchased.

Northland Maori had wanted to take advantage of new economic opportunities, and were eager to take advantage of the partnership and prosperity that the Treaty had promised. However, the necessary Crown support for settlement was not forthcoming and the anticipated economic benefits failed to eventuate. Kawharu has commented in relation to Northland Maori during this time that:

One of their central expectations was that the Crown would help facilitate their development by bringing and controlling settlement. The abandonment of the North by both settler and Crown threatened that development and ran contrary to the promise of partnership and prosperity that had been made at Waitangi and renewed many times since.<sup>506</sup>

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<sup>504</sup> Henare et al, op cit, op cit, p.607

<sup>505</sup> O'Malley, op cit, pp.138-141.

<sup>506</sup> Kawharu, op cit, p.209

### iii. Crown Purchasing in the Bay of Islands

In examining issues specifically related to Ngati Rehia lands it can be seen that in the Bay of Islands, Crown purchasing began with the appointment of Henry Tacy Kemp as District Commissioner in June 1855, a man with strong connections to the north, having been born in Kerikeri in 1821. Kemp's instructions from McLean were brief in the extreme: he was to proceed to the Bay of Islands and there purchase from Maori whatever land he could. Nothing was said about ensuring that all relevant parties were included in the transactions, nor was any mention made of the need to reserve sufficient land for Maori needs. As a result, the purchases were completed in a manner that was far from satisfactory, although perhaps predictably so, given Kemp's previous record as a land purchaser.<sup>507</sup>

Kemp mistakenly believed that his first purchase in the area, made in August 1855, was the first by the government in the Bay of Islands; an earlier purchase had in fact been completed by James Clendon in mid-1852. Although he made no mention of it in his report, part of the block he had purchased overlapped with one of the many CMS claims in the area.<sup>508</sup> The CMS aside, Kemp was focused on assisting old land claimants to secure the titles they claimed, and indeed his first purchase was one such transaction. At the same time, he was also focused on obtaining the valuable land near Lake Omapere.

Thereafter, land purchasing proceeded slowly, and Kemp reported that only small blocks were being offered for sale. McLean, however, responded in October 1856 by stating that Tamati Waka had informed him that it would be possible to purchase very large tracts from Te Wiroa to Hokianga, an approach he believed eminently desirable. In February 1857 Kemp requested that he be authorised to purchase the Mawhe block for £2,000. This was a block whose claimants included most of the influential chiefs in the north, including Tamati Waka, Patuone, Ururoa and Hongi. It was considered to be one of the most desirable pieces of land, and Kemp believed it would form the nucleus of a significant European settlement.<sup>509</sup>

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<sup>507</sup> O'Malley, pp.334-335.

<sup>508</sup> Ibid, pp.335-337.

<sup>509</sup> Ibid, pp.342-343.

McLean's response, however, was not encouraging. He suggested the government was unlikely to wish to pay £2,000 for a block of only 5,000 acres, even though Kemp had suggested that it would fetch between £10,000-£25,000 if sold as farmland, and considerably more if cut up for a township. With the government unwilling to pay this amount, Kemp continued to negotiate. Under constant pressure from the government to see the asking price reduced, Kemp reported in October 1858 that £450 would secure the block, and in December, Tamati Waka and eight other chiefs signed the deed for the Okaihau No.1 block comprising 4,554 acres. In addition to the money, reserves were set aside. O'Malley notes that the proposal to establish a township at Okaihau as part of the Bay of Islands Settlement Act 1858 was intended to have formed the substantive payment for the block, but this was worth little when the government lost interest in implementing the legislation on the scale envisaged, leaving Maori with land worth much less than anticipated.<sup>510</sup>

The promises the Crown had been making from January 1858 with regard to the establishment of townships, along with other benefits, appeared indeed to be having the desired effect. Kemp noted this in October of that year, and it is amply confirmed by the fact that from this time until the closure of the Land Purchase Department in 1865, almost 100,000 acres were purchased by Kemp on behalf of the Crown, compared with fewer than 10,000 acres purchased prior to this. The sale in January 1859 of the 7,224 acre Mokau block was motivated by the desire to see a township established, as was the June 1859 sale of the 15,000 acre Kawakawa block.<sup>511</sup>

With respect to the Kawakawa block, the owners were reportedly aggrieved at the transaction. They stated that they had been promised £4,000-£5,000 for the whole block, but had been persuaded to complete a part of the transaction only, with the remainder to be taken up at a later date. The latter part of the deal did not occur, and the purchase money paid was much less than the owners sought. The dissatisfaction with this transaction may have been the cause of the subsequent falling off of sales in the Bay of Islands, with no blocks larger than 1,000 acres being purchased there over the next four years. Some of these smaller blocks were, in fact, valuable in terms of their location, and they were being offered at discounted rates on the

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<sup>510</sup> Ibid, pp.343-345.

<sup>511</sup> Ibid, pp.346-348.

basis of future benefits accruing from the establishment of townships under the Bay of Islands Settlement Act.<sup>512</sup>

An example of difficulty is evident when Kemp also undertook another sizeable purchase with the signing of a deed of conveyance in November 1864 for the 10,030 acre Okaihau No.2 block. The purchase was, unsurprisingly, accompanied by a great deal of confusion and protest. Those protesting the sale were reassured by George Clarke Snr., the Waimate Civil Commissioner, that the government would never countenance a sale as long as the issue of rightful ownership remained unresolved. A few days later, the sale duly went ahead. Yet again faced with a *fait accompli*, those who had not agreed to the sale were left with little choice but to accept whatever portion of the money they could obtain.<sup>513</sup> A similar incident occurred at about the same time with land lying between Mawhe and Kaikohe.<sup>514</sup>

#### **iv. Crown Purchasing and Ngati Rehia**

Having considered the general policies and practices associated with Crown purchasing in Northland and examples of these from the wider Bay of Islands area, the acquisition of land in which Ngati Rehia was interested will now be focused on. Much of this land was associated with the Crown's aspiration to connect up the land already acquired under the Old Land Claims and therefore consolidate Pakeha settlement in the eastern Bay of Islands. In addition, the discussions which occurred took place, as elsewhere, within the context of the establishment of a township.

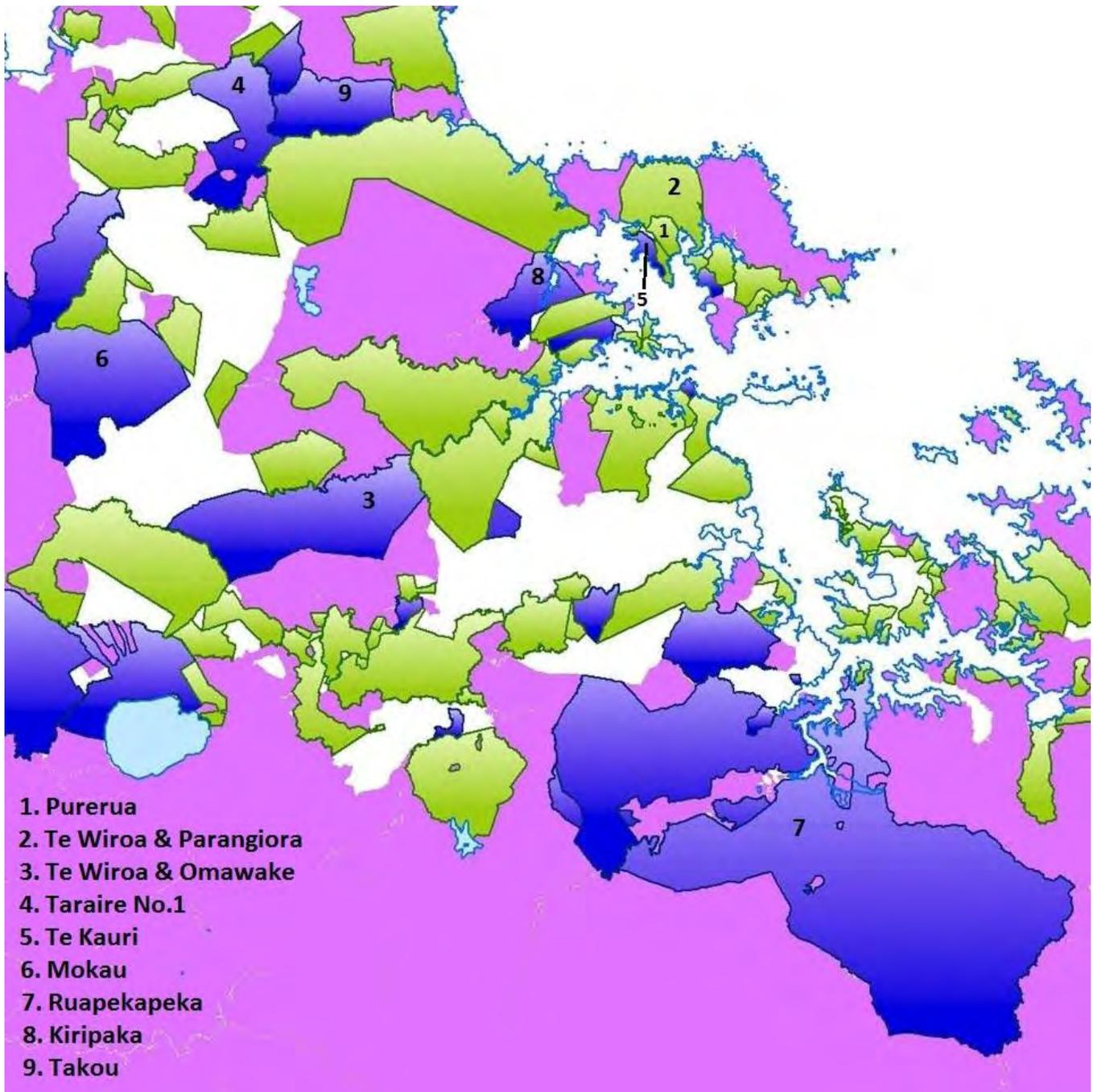
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<sup>512</sup> Ibid, pp.349-353.

<sup>513</sup> Ibid, pp.362-364.

<sup>514</sup> Ibid, pp.365-368.

*Figure 12: Pre-1865 Crown Purchases involving Ngati Rehia*



*a. The first sales of Ngati Rehia lands*

Over 1855 and 1856, Ngati Rehia individuals joined in the sale of four blocks: Purerua, Te Wiroa & Parangiroa, Te Wiroa & Omawake and Taraire No.1. Kemp was the Crown in relation to all these purchases.

Two of these purchases were adjacent to each other and occurred on the same day. They were located in the close vicinity of Te Tii kainga. The deed for Purerua (also known as Hansen's Homestead) was signed on the 25 August 1855. Although purportedly a Crown purchase, this purchase had in fact been conducted on behalf of Thomas Hansen, the old land claimant to the block.<sup>515</sup> Parties identified in the deed were "Chiefs and members of tribes being the rightful owners of the soil" and (Victoria) the Queen, "...for and on behalf of our European friend (Thomas Hansen)". Representing Ngati Rehia, Kingi Wiremu Tareha (Te Hakiro), Pakira Tareha and Te Rata Hongi (Pakira's son) were signatories alongside Rewi Hongi and 21 others. Although not stated in the deed, subsequent research has revealed that Purerua was a relatively small block containing 412 acres. The total payment for the block was noted to be an "Entire Horse" which the sellers appear to have received from Thomas Hansen on the day of the sale. There were no reserves in relation to this purchase and there was no plan with this deed.<sup>516</sup>

The purchase deed for Te Wiroa & Parangiroa was signed on the same day as Purerua. This deed was between the Crown and 22 Maori. Again Ngati Rehia signatories have been identified as Te Hakiro), Pakira Tareha and Te Rata Hongi. This land lay north on the boundaries of Purerua and stretched through to the sea coast. The total payment for the block was £200. A receipt for this money was dated 3 September 1855 and was signed by Te Rata Hongi and Whare Ngere. This land adjoined land already purchased by old land claimants Potter and Thomas Hansen.<sup>517</sup> Kemp described the events surrounding this sale in a letter to the Chief Commissioner enclosed with the conveyance documents. He indicated that immediately after completing the Purerua block, chiefs had offered to sell the adjoining block

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<sup>515</sup> Deed No. AUC 40 TD 29; cited in Craig Innes, "Northland Crown Purchase Deeds, 1840-1865", Jul 2006, Wai 1040 #A4, pp.95-6

<sup>516</sup> Ibid

<sup>517</sup> Deed No. AUC 12 TD 28; cited in Innes, op cit, pp.37-8

known as Te Wiroa & Parangiroa. He referred to the valuable potential of this land which led him to swiftly take advantage of the offer:

Parangiroa and Te Wiroa... is from its position and watercommunication, likely to become very valuable. Aware that this block of land had been sought after by intending settlers, I was anxious to complete the purchase, which I did for the sum of Two hundred pounds sterling (£200). The extent of the block may be from One thousand to fifteen hundred acres (1,000 to 1,500 acres), a large portion of which is flat, and, taken as a whole, in every way available for cultivation.<sup>518</sup>

Kemp indicated that he considered that the land would be taken up by settlers as soon as it was advertised for sale. There were no reserves in relation to this purchase which as Kemp pointed out meant that the block could be surveyed in a relatively short time. Although the size of the block was not specified in the deed, subsequent evidence reveals that it actually contained 2,350 acres. The fact that this deed was signed on the same day as Purerua explains the lack of a plan to accompany this deed.<sup>519</sup>

At the time he completed the Purerua and Parangiroa & Te Wiroa purchases, Kemp was also negotiating for the Omawake block which he estimated contained 7,000 acres. Although this block was open undulating country with small portion of excellent timber Kemp was aware that the soil quality was generally inferior. Nevertheless, the proximity of the land to the harbour of Russell which was twenty miles to the west led Kemp to the view that it was “desirable that [it] should be as soon as possible in the hands of the Government”. Furthermore, he pointed out:

It is, moreover, unoccupied by the Natives, is the key to the rich country skirting the lake Omapere, and would, if purchased, taken in conjunction with other blocks which have been, or may be hereafter, acquired, form an excellent site for an inland settlement.<sup>520</sup>

As has been discussed previously, Maori in the area were desirous of having a township in the area. O’Malley points out that although Kemp failed to record the nature of his negotiations with the owners of Omawake, it would be extremely surprising if the possibility of a township

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<sup>518</sup> Kemp to McLean, 29 Aug 1855, *Epitome*, C, pp.20-21; cited in O’Malley, op cit, p.338

<sup>519</sup> O’Malley, 2006, op cit, p.338

<sup>520</sup> Kemp to McLean, 18 Aug 1855, AJHR, 1861, C-1, p.3; cited in O’Malley, 2006, op cit, p.340

being established in the area did not feature prominently in these discussions.<sup>521</sup> It seems that a dispute between two tribes over eel-fishing rights created an opportunity for Kemp to acquire the land. In August 1855, Kemp was negotiating for the 7,000 acre Omawake block near the lake. The evidence suggests that the owners were keen to see a township established there, and were offering the land with that end in mind. During August 1855, Kemp reported that he had offered £300 for the block but the owners had declined and instead requested £2000. Kemp recommended to McLean that "... negotiations be suspended for a little time longer and with advantage to all parties". He gave the view that if the chiefs continued to refuse an additional £100 might be offered to them.<sup>522</sup> He had previously written privately to McLean noting that "the Natives hereabouts have some absurd notions as to price, but I am satisfied that time and patience will rectify their mistake".<sup>523</sup> [Underlining as per original]

Several months later on 26 February 1856, the owners accepted a revised offer and Te Wiroa & Omawake was sold to the Crown for £400. Pakira Tareha, Kingi Wiremu Tareha (Te Hakiro) and Te Rata Hongi of Ngati Rehia were signatories alongside Mohi Tawhai, and fourteen others. The area of the land was not shown on the deed but was noted in Turton to be 7,000 acres (GIS estimates show a somewhat higher area of 7,767 acres). This land adjoined land already sold to Clarke to the West and land already sold to Shepherd to the East. A sacred burial ground, a wahi tapu known as Te Wiroa was excluded from this sale. There is a receipt for payment dated the day of the sale.<sup>524</sup>

Two days after the purchase of Wiroa & Omawake, Kemp wrote to McLean giving his view of the perceived advantages of this land and once more referring to the possibility of an inland Township.

Upon a more minute examination of the country surrounding it, I think it will be found eventually to bring into close connection the important harbours and water communication of the Bay of Islands and Whangaroa on the Eastern side, and of Hokianga on the West; more especially if I should succeed in acquiring the adjoining Blocks known as Pirau and Mokau. The interior communication is unusually good for this country, and it presents also the advantage of being *unoccupied by the Natives*. The district thus described comprises the land from whence the three rivers emptying themselves into the Bay

<sup>521</sup> O'Malley, 2006, op cit, p.340

<sup>522</sup> Ibid

<sup>523</sup> Kemp to McLean, 16 Aug 1855, McLean Papers, folder 368, ATL; cited in O'Malley, 2006, op cit, p.340

<sup>524</sup> Deed No. AUC 42 TD 30; cited in Innes, op cit, pp.101-4

of Islands, Hokianga, and Whangaroa, take their rise, and adjacent to which is the spot selected by Sir George Grey as an inland Township or Military post.<sup>525</sup> [Italics as per original]

Towards the end of 1856, on 22 December, Ngati Rehia chiefs Kingi Wiremu Hakiro and Te Pakira were also involved in the sale of Taraire No.1 (Whangaroa) alongside Hare Hongi, Ururoa, Hone Heke, Te Waka Nene and 15 others. This relatively large block of 2,700 acres was sold to the Crown for £300 and the receipt indicated this was paid on the day of the sale. Two burial places, named “Orotere”, and “Tanaki” were excluded from the sale and 270 acres belonging to Toro te Tana, was also excepted from the sale. This block adjoined land claimed by Powditch and Spickman and land belonging to Flo Rennal (these portions were labelled Crown land on the survey map).<sup>526</sup>

Historian Vincent O'Malley has explained how Taraire No.1 and the Whakapaku block, (which was purchased on the same day as Taraire No.1), were negotiated within the context of the long-running issue of the purchase of the Oruru Valley. Dating back to 1840, the Crown's purchasing of land that was in dispute between several parties led to a prolonged process to acquire and settle with all those believed to hold customary interests. In fact, the final sets of interests were only acquired on 3 July 1854 and 17 September 1856.<sup>527</sup> With this long standing matter finally addressed, the Crown was keen to acquire more land in Whangaroa. As early as April, Kemp had reported that he was negotiating with owners for the Whakapaku and Taraire blocks the boundaries of which had been identified. Taraire was said to comprise of open and forest land with good stands of kauri on the block. Kemp believed that the block, which was readily accesible by land and water, would provide good spars initially, and would also be readily adaptable for grazing purposes. As Taraire adjoined other Crown land (acquired through the surplus land process), Kemp felt that the Crown would end up with a 'valuable estate.' He was thinking at this time of paying somewhere between £350-400 for the Taraire block. When Kemp wrote further on the matter, he noted that the owners had "large expectations" regarding the price to be paid, and he felt that they might decline the offer of £700 for both the Taraire and Whakapaku blocks.<sup>528</sup>

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<sup>525</sup> Kemp to McLean, 28 Feb 1856, AJHR, 1861, C-1, p.5

<sup>526</sup> Deed No. AUC 44 TD 32; cited in Innes, op cit, pp.109-112

<sup>527</sup> O'Malley, 2006, op cit, pp.239-60

<sup>528</sup> Ibid, pp.260-1.

Compared with Kemp's view that he might be offering too little, the response from Chief Land Purchase Commissioner Doanld McLean was that "the price is considered by the Government to be excessively high." In addition, McLean complained of Kemp's purchasing of small blocks as they brought additional costs such as surveying. McLean understood, however, that Kemp was beginning with these two purchases as "preliminary purchases", the ultimate aim being to acquire "large tracts of country" and thereby "unlocking some of the valuable waste lands of your district." In the end, as noted above, Kemp managed to acquire Taraire for £300.<sup>529</sup>

*b. Te Kauri*

As discussed, Kemp's successful Bay of Islands purchases from 1858 involved several small but valuable blocks in the vicinity of a proposed new township. In June 1858, Kemp was offered the small Wharau block by the chief Ruhe and others. Hikuwai and other small blocks were also being purchased at this time. O'Malley notes that both Te Kauri and Patunui were within the boundaries of the area proclaimed under the Bay of Islands Settlement Act and 'clearly transacted for a lesser rate in return for the expected benefits promised by the Bay of Islands Settlement Act'.<sup>530</sup>

On 28 June 1858, District Commissioner HT Kemp reported on several blocks that had recently been offered for sale by Maori.<sup>531</sup> Among them was the estimated 500-acre Te Kauri, situated in the vicinity of the Patunui block (near the confluence of the Mangonui and Keri Keri rivers). Te Kauri adjoined the Government-owned blocks Omawake and Te Wiroa. King William Te Hakiro of Ngati Rehia had offered Te Kauri for sale. A survey was being carried out.<sup>532</sup>

On 25 October 1858, Kemp reported that, further to his letter of 28 June 1858, four small blocks situated either within or adjoining the site for the proposed township in the Bay of Islands had been surveyed and prices "fixed". Among them was the Te Kauri block,

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<sup>529</sup> Ibid, p.262.

<sup>530</sup> Ibid, pp.352-353.

<sup>531</sup> 28 Jun 1858, Kemp to McLean, the blocks under negotiation were Ruapekapeka, Patunui, Te Wiroa, Te Taraire, Hikuwai, Te Wharau. AJHR 1861 C1, p27

<sup>532</sup> 28 Jun 1858, Kemp to McLean, AJHR 1861 C1, p27

measuring 289 acres, 2 roods and 27 perches, for which Kemp proposed to pay £25. Kemp commented that:

...the extinguishment of the Native Title over these blocks removes all Native claims of importance within the boundaries set apart by the Government and the prices named are lower than I had any reason to expect under the circumstances, but the Native sellers have in this, as well as in other instances of a similar kind, shown a disposition to meet the wishes of the Government, and to do all in their power to benefit the district at large.<sup>533</sup>

A year later, on 26 October 1859, Kemp forwarded certified descriptions of several blocks under purchase in the Bay of Islands for the purposes of inclusion in the Government Gazette, including that for the 289-acre Te Kauri block.<sup>534</sup>

On 21 January 1860, a purchase deed was signed for the Te Kauri block. The deed was between the Crown and “the Chiefs and people of the Tribe Ngatirehia”. The total payment for the land was £25 all of which was paid on the same day the deed was signed. Although the size of the block was not specified in the deed, subsequent evidence reveals Te Kauri was 280a. 2r. 37p. The deed was signed on behalf of the Crown by District Commissioner Henry Tacy Kemp. On behalf of “Ngatirehia” the sole signatory was Tamati Huingariri.

On 10 May 1860, Kemp forwarded to the Land Purchase Department the deeds and plans of the Te Kauri and other blocks.<sup>535</sup>

*c. Mokau*

On 28 January 1859, Crown Purchase Officer James Kemp acquired the Mokau block paying £240. From the perspective of Ngati Rehia, the singularly important aspect of this purchase is that the deed was signed by Te Hakiro.

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<sup>533</sup> 25 Oct 1858, Kemp to McLean, AJHR 1861 C1, p32

<sup>534</sup> 26 Oct 1859, Kemp to McLean, the blocks were Matawherohia, Kawa Kawa (North), Te Kauri, Patunui and Wharau. AJHR 1861 C1, p39

<sup>535</sup> 10 May 1860, Kemp to McLean, AJHR 1861 C1, p41

As shown in a recently completed report on Crown land purchasing between 1840 and 1865, this purchase was to be one of the most controversial of the Crown purchases, resulting in almost 50 years of protest from the turn of the twentieth century which generated hundreds of pages of documentary evidence. During this controversy, extraordinary claims were made. Aside from an accusation that one of the leading chiefs involved in the purchase did not consult with many of his own people, was the additional claim that both he, and Kemp, conspired over the purchase and, in the signing of the deed, forged the signature of the ten other chiefs. Both claims were not upheld by official inquiries. The claim of non-consultation was deeply held, and, on the evidence presented, somewhat self-evident. The claim of forgery was largely assumed rather than actually proven. It would have been a very significant matter for a finding to have been reached that a Crown officer, who had negotiated dozens of Crown purchases in the north, had acted fraudulently.

The large volume of source material that is available, was generated between 1900 and 1950, that is, from the time of protest and inquiry. Although several of the personal lifetime accounts related events that were almost contemporaneous with the purchase, none of those who provided evidence had personal experience of purchase negotiations - that, of course was the gist of the complaint - and therefore nothing further is learnt of the events that surrounded the negotiations.

As for the official record of the purchase generated at the time of the negotiations, there is little to go by. As mentioned previously in this report, this is one of the great problems with Crown purchasing from this period. In this way, as O'Malley has noted, there was nothing special about the Mokau purchase.<sup>536</sup>

What it did share in common with nearly all of Kemp's purchases in the north was a woeful lack of documentation around vital issues such as the basis upon which the signatories to the agreement were deemed valid owners of the block and whether (and, if so, who) they were representing in signing the conveyance to the Crown.<sup>537</sup>

There is a small amount of information available on the purchase. Firstly, Kemp was interested in the land as it was located just to the north of the Te Wiroa & Omawake block that he had previously purchased on 26 February 1856 for £400 from 18 persons who signed

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<sup>536</sup> O'Malley, op cit, p.15

<sup>537</sup> O'Malley, op cit, pp.372-3

the deed including Pakira Tareha, Kingi Wiremu Tareha (Te Hakiro) and Te Rata Hongi (Pakira's son). In addition, the land between Te Wiroa & Omawake and Te Mokau had been acquired by the Crown a surplus land from the claim of J.D. Orsmon (OLC 809). Kemp therefore wished to extend the Crown purchases north and found that Mokau was centrally located in the sense of providing a key communications hub for the district. On 28 February 1856, therefore, he wrote that if he could acquire Mokau (and the adjacent Pirau block), the resulting bloc of Crown land would "bring into close connection the important harbours and water communication of the Bay of Islands and Whangaroa on the Eastern side, and of Hokianga on the West."<sup>538</sup>

Two years later, he estimated that it would cost £350 to acquire both Mokau and Pirau. Mokau, was estimated as being 10,000 acres in size. Kemp reported that it was chiefly forest, with some "very fine kauri and other timber", and that it was "in every other respect a desirable purchase". Kemp also indicated that he was primarily dealing with Wiremu Hau "a well known and useful servant of the Government" who, as with other Ngapuhi chiefs of the Bay of Islands, was "anxious to assist the Government in establishing a settlement".<sup>539</sup>

By October the block had been surveyed and found to be 7,225 acres. The price had been set at £240 which Kemp thought was "fair and reasonable, and as low as it could be made".<sup>540</sup> Soon after, the deed was signed.

This brings the narrative back to the important point for Ngati Rehia - the signing of the deed by Te Hakiro, thereby demonstrating the extension of Ngati Rehia's interests through into this area. Given the later controversy that erupted, and the claim that the deed may be problematic in representing the events that occurred, there is a need to take time to examine the evidence Te Hakiro's involvement as recorded on the deed.

In Turton's printed version of the deed, the signatures are recorded as:

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<sup>538</sup> Kemp to McLean, 28 February 1856, AJHR, 1861, C-1, p.5, as cited in O'Malley, op cit, p.373

<sup>539</sup> Kemp to McLean, 1 July 1858, AJHR, 1861, C-1, p.28, as cited in O'Malley, op cit, pp.373-4

<sup>540</sup> Kemp to McLean, 4 October 1858, AJHR, 1861, C-1, p.30, as cited in O'Malley, op cit, p.374

*Wiremu Hau*  
*Ko te Tohu o Ranga x Na*  
*Honetana*  
*Ko te Tohu o Te Wiremu*  
*Kauea x na Te Honiana*  
*Na hongī . Na Tamihana Paru x*

*Hone tana Na Hone Peti*  
*Na Hare na pia (Charles Napier)*  
*Na Tau x*  
*Na te Honiana x Wi niata*  
*tutahi Nakira Kingi Wiremu x*  
*Na hamiora Hau*

The original deed records the signatories of the chiefs and Kemp as something of a jumble at the bottom of a printed deed. Although the signatures are, with the odd exception, in lines, they are not in columns and yet it is clear there are at least two names per line. The recorded names are:

*Wiremu Hau*  
*Ko te Tohu o Ranga x Na Honetana*  
*Ko te Tohu o Te Wiremu Kauea x Na Te Honiana*  
*Na hongī . Na Tamihana Paru x*  
*Hone tana Na Hone Peti*  
*Na Hare na pia (Charles Napier)<sup>541</sup> Na Tau x*  
*Na te Honiana x Wi niata*  
*tutahi Nakira Kingi Wiremu x*  
*Na hamiora Hau*

[NB: the 'x's noted above are recorded on the deed as such]

There are a few features to note;

- some signatories sign just with names, some use "ko te tohu o" (the mark of), some use 'Na' (by/from)
- The two "ko te tohu o" that feature are in the same writing and then there is an 'x' inferring the 'x' is the tohu. This might be expected. What is unusual, is in some places, where there is 'Na' first, there is also an 'x'. For several (but not all) of these

<sup>541</sup> The words "(Charles Napier)" are the only in the deed not to be within other lines. Instead they are written between lines and above the words " Na Hare na pia "

'Na' with 'x's, the handwriting is the same suggesting that these too have been written and the person has signed with an 'x'

- there are signed names that clearly are signatures. In several cases, the 'Na' is written as part of the name: Nahamiora, Nakira, Nahongi.

This analysis brings us to look at the line with Kingi Wiremu on it. It appears that there are three names recorded here:

- Tutahi: original signature written as 'tu ta hi'.  
[Tautahi was later identified by the 1947 Mokau Commission as being a Ngati Wai chief]
- Kira: original signature written as Nakira (with the Na almost looking like an 'M')  
[Kira, as noted in this report, could be the well-known chief from Matauri]
- Kingi Wiremu: this name appears to be an example of it being written by another hand (the word 'Wiremu' is similar to another written 'Wiremu' on the deed) with the mark of an 'x' by way of signature.  
[This is a name that Te Hakiro used. This would mean that Te Hakiro did not sign the deed but used a mark instead ]<sup>542</sup>

The Mokau deed, presumably reflecting the key role of Wiremu Hau, records that the land was purchased from 'Ngatiwhiu'. The inclusion of the three chiefs above, however, suggests that chiefs who primarily were associated with other hapu/iwi also signed the deed. The fact that these three names were on the same line may not be a coincidence.

That signatories from other districts participated in the transaction despite the deed being with Ngai Te Whiu is not necessarily surprising in the case of this block. As Kemp noted, Mokau was situated as a hub between the three districts of Hokianga, Whangaroa and Bay of Islands. Although there is not a Hokianga chief on the deed, this was one of the complaints by one of the parties before the 1947 Commission - that a chief such as Mohi Tawhai (who signed the

<sup>542</sup> This is consistent with three out of four other Crown deeds from the period. With the deeds of Purerua, Taraire No.1 and Wiroa/Parangiora, the printed reproduction of the deed record he used an 'x' to mark the deed. Although this is not recorded for Wiroa/Omawake, the original deed has not been sighted for this report.

more southern Wiroa/Omawake deed) was not included on the Mokau deed. O'Malley notes that Judge Acheson, who looked into the Mokau purchase in 1937, formed the same view of its cross-hapu significance:

This 7224 acres was not an ordinary Native block at all. It was a main watershed block facing North, South, East and West. Its giant kauri trees could look out upon the waters of the Bay of Islands on the East, to Whangaroa Harbour on the North, to Hokianga Harbour on the West and to the heart of Ngapuhi tribal territory on the South.<sup>543</sup>

As a result, Acheson formed the view that Mokau was a block in which "much of Ngapuhi could legitimately claim an interest."<sup>544</sup>

Such a view is not out of step with Ngati Rehia's perspective. As will be seen from Ngati Rehia briefs before the Tribunal, the Puketi Forest, which is located within the block, is strongly viewed as a taonga in which Ngati Rehia still have a strong and distinct interest.

#### *d. Southern Purchases*

Over 1863 and 1864, the Ngati Rehia chief, Te Hakiro was involved in the sales of four blocks, Opokeka, Whangae, Te Kauri and Ruapekapeka, all located in the southern Bay of Islands.<sup>545</sup> The first of these transactions took place on 3 October 1863 and involved the Opokeka block. This transaction was supposed to be an extension of the Kawakawa purchase (acquired 2 June 1859). Notes with the deed indicate that the area was perhaps 2000 acres; however, GIS estimates indicated a somewhat smaller area of 1,912 acres. Maihi P. Kawiti was a signatory to this deed along with Te Hakiro. The land was sold for £450 which was paid out on the day the deed was signed. There were no reserves.<sup>546</sup> This purchase was not only to settle boundary issues with the Kawakawa blocks, but also, according to O'Malley, to address the non-payment of interests that Kawiti, and therefore presumably Te Hakiro, held within the Kawakawa block.<sup>547</sup>

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<sup>543</sup> O'Malley, op cit, p.371

<sup>544</sup> Ibid, p.372

<sup>545</sup> For two of these deeds Te Hakiro signs as Wi te Hakiro.

<sup>546</sup> Deed No. AUC 410 TD 47; cited in Innes, op cit, pp.295-6

<sup>547</sup> O'Malley, op cit, p.355

The impression that both Maihi Te Kawiti and Te Hakiro had interests in the Kawakawa block is reinforced by their involvement, with others, in land transactions over two pieces of land that are deemed to have been reserves from the 1859 Kawakawa purchase.<sup>548</sup> The purchase of the fairly small Whangae block (243 acres) took place on 18 January 1864. The land was sold to the Crown for £220 and the money was paid on the day the deed was signed. Signatories alongside Te Hakiro included Maihi P. Kawiti, Tamatiu Huna and six others. There were no reserves.<sup>549</sup> An even smaller block, Te Kauri (35 acres), was purchased on the same day. Once again, alongside Te Hakiro, signatories included Maihi P. Kawiti, Tamatiu Huna and four others. This block sold for £30. Once again, there were no reserves.<sup>550</sup> The price of almost £1 per acre arises from the value of the two blocks beyond their agricultural capabilities. Land Purchase Commissioner Kemp had sought the advice of the local Resident Magistrate as to the value of the land especially in respect of Whangae. Kemp had been informed that Whangae's value was increased by several factors: it was surveyed already; it had been cleared and it had houses and fences; it was a good landing place and it therefore provided access into the surrounding Kawakawa block thereby increasing its value in turn. The magistrate had therefore noted that if Whangae was acquired for £1 per acre, it would still be a low price.<sup>551</sup>

The final southern Bay of Islands block purchase in which Te Hakiro was involved was more substantive than the other three. On 11 June the 24,150-acre Te Ruapekapeka block was acquired for £3,800. Te Hakiro, signed as 'Wi te Hakiro' with Maihi Kawiti and 25 others. Whereas the previous three deeds do not record any reference to iwi or hapu affiliation, the Ruapekapeka deed identifies the chiefs and people involved as Ngati Hine and Ngati Manu. Although Ngati Rehia have whakapapa links to Ngati Hine, it is also the case that these southern Bay of Islands blocks are in the vicinity of Orauta, the home kainga of Toko and his whanau, which they occupied as descendants of the tupuna Rehia.

Kemp had been negotiating the terms for the block for two years when a substantial deposit of high quality coal was discovered. Nevertheless, Kemp still managed to acquire the block for the same sum of £3,800 which the owners had been seeking prior to the coal's discovery. As with many of Kemp's transactions, the matter ended in a great deal of confusion, and at least

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<sup>548</sup> Ibid, p.356

<sup>549</sup> Deed No. AUC 419 TD 48 TP; cited in Innes, op cit, p.297.

<sup>550</sup> Deed No. AUC 420 TD 49 TPTP; cited in Innes, op cit, p.299.

<sup>551</sup> O'Malley, op cit, p.356

one of the owners, Maihi Paraone Kawiti, spent the next 25 years trying to get back at least some of the land.<sup>552</sup>

*e. The final sales: Kiripaka and Takou*

Kemp was still purchasing land in the Bay of Islands five months after the formal winding-up of the Land Purchase Department in May 1865.<sup>553</sup> On 28 September 1865, a purchase deed was signed for the Kiripaka block. The deed was between the Crown and “the Chiefs and people of the Tribe Ngatirehia”. The total payment for the Kiripaka block was £143.5 all of which was paid on the same day the deed was signed. Although the size of the block was not specified in the deed, subsequent evidence reveals Kiripaka was 5,720 acres. The deed was signed by Hori Kemara Pakira, Tamati Paua, Pirihira Te Pakira and 7 others. District Commissioner Henry Tacy Kemp signed on behalf of the Crown.<sup>554</sup> Other than the deed itself, no further documentary evidence has been located in relation to this transaction. Ngati Rehia, however, have a strong oral tradition that connects the sale of this block with a crime committed by one of their tupuna. This tradition holds that instead of their tupuna being arrested for this serious crime, the people gave up Kiripaka to the Crown to save their whanau member. Ngati Rehia witnesses will present further evidence on this tradition before the Tribunal.

Also on 28 September 1865, a purchase deed was signed for Takou block. The deed was between the Crown and “the Chiefs and people of the Tribe Ngatirehia”. The total payment for the Takou block was £217.10 all of which was paid on the same day the deed was signed. Although the size of the block was not specified in the deed, subsequent evidence reveals Takou was 2,900 acres. The deed was signed by Hori Kemara, Te Kowhai, Tuhua te Whata and 7 others. District Commissioner Henry Tacy Kemp signed on behalf of the Crown.<sup>555</sup>

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<sup>552</sup> Ibid, pp.354-359.

<sup>553</sup> Ibid, p.368.

<sup>554</sup> AUC 7; cited in Innes, op cit, pp.29-30

<sup>555</sup> AUC 6; cited in Innes, op cit, pp.27-8

### C. DECADES OF SEARCHING: 1860-1900

In the aftermath of the Northern War, and the Crown land purchasing era, Ngati Rehia, in common with other Ngapuhi groups of the Bay of Islands, searched for ways in which to re-establish their earlier prominent relationship with the Crown. Increasingly, over the second half of the 19th century, the Crown became a more remote entity for Ngapuhi. Ngapuhi's responded with a series of political initiatives seeking to re-energise their former relationship with the Crown.

#### i. The Kohimarama Conference 1860

In July 1860, with war having broken out in Taranaki, a conference with northern Maori was called by Governor Browne. More than 200 chiefs attended the pan-tribal meeting held over July-August 1860 which Browne hoped would fend off any possibility of the fighting spreading to that region. The participants included Wi te Hakiro of Ngati Rehia.<sup>556</sup> Given previous statements of loyalty (including the recent re-erecting of the several flag-staffs), the Governor ought not to have been surprised to hear repeated asseverations of Maori fealty to the Crown. This included statements from those who had fought the Crown in the conflicts of the 1840s. In return, however, the northern leaders made it clear that they expected to be allowed to continue to administer their own customs and laws. And it was clear that, in this regard, the Crown could do little else but accept this; northern Maori remained too strong and secure for it to be any other way.<sup>557</sup>

The conference was something of a watershed, as for the first time Maori felt that they were having the opportunity to have their views heard at the highest level. They were, in other words, being asked to participate in the formulation of policies which affected them.<sup>558</sup> Kawharu commented that: "The conference was considered by Northern Maori representatives (and other rangatira) as a major initiative that enabled them to express their

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<sup>556</sup> AJHR 1860 Sess I, E-09, p.25

<sup>557</sup> Kawharu, *op cit*, pp.151-152.

<sup>558</sup> *Ibid*

concerns and to obtain assurances from the Crown that the Treaty and the present conference confirmed their partnership...<sup>559</sup>

Kawharu points out that to the representatives, the principle of partnership meant working together to meet the social and economic needs of Northland Maori. They desired to be involved developing the region through the sharing of decision-making and administration of laws with the Crown, and they expected the Crown to fulfil its responsibilities to them, including drafting laws to meet their needs and providing protection.<sup>560</sup> Te Tirarau's letter to Gore Browne was in this vein. He expressed his support for the Government and the Queen due to the protection and laws that they offered in dealing with conflicts such as the Mangakahia land dispute he was involved in.<sup>561</sup>

Several rangatira wrote written replies to the Governor's address, including Wiremu Pohe of Whangarei, who expressed his desire that the conference be held regularly to enable the relationship to develop and progress. His letter was interpreted as:

If this is to be the only time – this day in the year 1860 – then the light that shine from the candle set up in this dark house, will cease at once. I ask, will it have any effect or not? I say, therefore, let this be done every year, lest these sheep which are now gathered under your wings and under the wings of the law should stray.<sup>562</sup>

Northern Maori and other conference participants believed that Kohimarama should be repeated, and most Northern rangatira signed a proposal to this effect.<sup>563</sup> Later in the conference, Wiremu Pohe metaphorically stated:

...now that we have all embarked in one canoe, let us be careful that we do not pull backwards. Let all pull in the same direction, as those who sit in the bows; do not let the people in the stern paddle in the opposite direction.<sup>564</sup>

At the conference's end McLean supported the call for such meetings to be a permanent occurrence, primarily because he recognised that at that time Maori could only be governed

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<sup>559</sup> Kawharu, op cit, p.244

<sup>560</sup> Ibid, p.245

<sup>561</sup> Ibid, p.230

<sup>562</sup> The Maori Messenger, Te Karere Maori, Vol. 7, No. 13, p.11. Cited in Kawharu, op cit, p.229

<sup>563</sup> Kawharu, op cit, p.246

<sup>564</sup> The Maori Messenger, Te Karere Maori, Vol. 7, No. 17, p.19. Cited in Kawharu, op cit, p.243

by themselves. The request was duly granted, but no such conference was to occur again; recalled to the position of governor, Grey deemed it inadvisable.<sup>565</sup>

The conference was a strengthening of existing relationships and to Maori signalled a new level of commitment between Maori and the Crown in terms of the Treaty. As will be discussed this fed into enthusiasm immediately following the conference – evident in support for the runanga system established under legislation predating the conference – but this dissipated later in the 1860s as the northern conference participants came to realise the Treaty had little relevance to the Crown.<sup>566</sup>

Before being removed from office in October 1861, Governor Browne continued to keep watch on events in the north. In February of that year, Browne paid a surprise visit to the region – although he claimed it had been long planned – following reports of disquiet among the local Maori populace. He again heard from the leading chiefs of the loyalty of northern Maori, while he in turn assured them that the Crown had no hostile intentions towards those living in the north. During this time, Browne also proposed a plan for a degree of Maori self-governance, although given its lack of congruity with traditional Maori political structures, there was unanimity amongst his European advisors that such a scheme was ill-advised. In any event, in July news came that Sir George Grey had been appointed to replace Browne as soon as he could reach New Zealand.<sup>567</sup>

Over the 1860s as fighting in the Waikato continued, Northern Maori generally – there were some notable exceptions – increasingly sought to strengthen this relationship through expressions of ‘loyalty’ and reproof of the King and his followers. In June 1863 for example, at a large meeting at Mangonui the leading chiefs made speeches supporting either neutrality or active assistance to the Governor in the event of war in the south, most at the same time signing a petition calling for a main trunk road to the area.<sup>568</sup> Support for the Crown was not universal, but a considerable groundswell of support is evident. A total of 328 signatures accompanied an 1863 document sent to Grey by Ngapuhi (and forwarded by Grey to the Duke of Newcastle) condemning the Taranaki tribe, attributing the cause of problems to the Kingitanga, expressing “love and unity of thought and purpose” with the Government, and

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<sup>565</sup> O’Malley, *op cit*, pp.151-152.

<sup>566</sup> Kawharu, *op cit*, p.245

<sup>567</sup> O’Malley, *op cit*, pp.154-158.

<sup>568</sup> Armstrong and Subasic, *op cit*, p.504

leaving it to the Government to follow the course of action it felt best.<sup>569</sup> At a large hui at Waima in September 1863 there were further expressions of loyalty but without any great desire to go south and fight on the Government side. By around mid 1864 in effect the northern chiefs remained neutral: there were a few groups of Kingitanga supporters but the majority expressed support for the Crown.<sup>570</sup>

## ii. The Runanga Scheme

Northern Maori relationships with government during the 1860s were mediated by the operation of district runanga. These runanga, existed under the Native Districts Regulations Act 1858 (and alongside the Native Circuit Courts Act 1858 which appointed Circuit Court judges to enforce laws with the assistance of native assessors and juries). According to Ward, C.W. Richmond, who had framed both Acts, intended them to ‘introduce in Maori communities institutions English in spirit if not absolutely in form, to supply the particular needs of the Maori tribes and win their confidence and support.’<sup>571</sup>

It was after Grey’s arrival that these ‘new institutions’ were advanced at a nationwide annual cost £49,000. A “plan of native government” was drawn up which would see District Runanga operating under the supervision of a Civil Commissioner. Local runanga would be responsible to the District Runanga, which would have considerable powers to adjudicate disputes over land between hapu, and to provide and control hospitals, jails and roads. With the support of the government, Grey set out to meet with northern Maori, whose loyalty, so he hoped, would make them most receptive to the proposals.<sup>572</sup>

At the hui held at Kororarereka on 6 November 1861, Grey’s proposal was indeed well received. Yet while he was himself focused on the new plan for Maori governance, Maori were instead still concerned to see European settlement of the area, a point they repeatedly made to Grey at the meeting. At Kerikeri the next day, Grey heard the same requests, and was reminded of the undertaking given by his predecessor. Grey’s response was to suggest that the proposed

<sup>569</sup> A Letter of Affection from Ngapuhi to Governor Grey. nd. AJHR. E3. 1863. p58. Cited in Armstrong and Subasic, op cit, p.508

<sup>570</sup> David Armstrong and Evald Subasic, "Northern Land and Politics, 1860-1910", Dec 2006, WAI-1040 A12, pp.511, 517

<sup>571</sup> Kawharu, op cit, p.253

<sup>572</sup> O’Malley, op cit, pp.159-160.

runanga system would meet all their needs, including those for the establishment of a township. By connecting the two issues, Grey was able to claim support for his proposal on the basis of the enthusiasm shown by Maori, even if this was primarily directed at the possibility of a township finally being established.<sup>573</sup>

Before Grey had even left the region, George Clarke Snr. was appointed Civil Commissioner, and was instructed to prepare a list of those qualified to serve as Assessors, while efforts were to be made to give validity to the existing local runanga, and to prepare for the establishment of the District Runanga. When the boundaries were proclaimed in January 1862, they were laid out in such a way that some Hokianga Te Rarawa found themselves in the new Bay of Islands district ('Ngapuhi country'), while Whangaroa Ngapuhi were included in the Mangonui district. Needless to say, complaints were made about these boundaries, along with the representation on the District Runanga and the appointment of assessors. Given that the system was intended to give Maori more control over their own affairs, the lack of consultation concerning the boundaries did not portend well.<sup>574</sup>

The runanga system constituted an important interface between pakeha officials – the Bay of Islands Civil Commissioner, Magistrates and Runanga Presidents – and Maori leadership during the 1860s.<sup>575</sup> The Bay of Islands District Runanga (covering most of the Northland Enquiry District) first met on 1 March 1862 with the backing of local Maori. At its first session the Bay of Islands District Runanga passed various resolutions, stating that they would cease the practice of taua muru and would thereafter abide by English law, while they would seek to resolve all disputed land titles. The runanga continued to meet over the next few years, but in all that time, only one resolution was ever approved by the Governor-in-Council and thus given the force of law: this was a measure aimed at reducing the consumption of hard liquor.<sup>576</sup>

Contrary to the promises Grey made when he visited the north in November 1861, it was of course never the intention of the Crown that Maori would actually achieve a genuine degree of self-government. Instead, the runanga were to be the means by which the Crown could rule Maori indirectly through the chiefs, while they would also serve as instruments of

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<sup>573</sup> Ibid, pp.161-166.

<sup>574</sup> Ibid, pp.166-168.

<sup>575</sup> Kawharu, op cit, pp.253-260

<sup>576</sup> O'Malley, op cit, pp.169-170.

assimilation. The existence of local runanga was a fact which the Crown had to acknowledge, but rather than seek to abolish them, it was thought better to co-opt them by incorporating them into the wider scheme.<sup>577</sup>

Unfortunately for the Crown, however, Maori were not as ready as the Crown had hoped to enforce English laws on themselves. Northland Maori saw runanga as supporting the functioning of customary authority in terms of education, health, justice and land. Northland Maori had welcomed the system because they considered it would enable them to exercise their customary leadership in these areas.<sup>578</sup> Indeed, O'Malley points out that Crown officials such as Clarke were frequently forced to recognise transgressions such as breaches of tapu, suggesting that it was the British whose customary legal provisions were being modified.<sup>579</sup>

It appears that Northern Maori were unwilling to see tikanga Maori run roughshod over by English law. In the Mangonui District, the Civil Commissioner, White, brought down the ire of the chiefs upon himself by insisting that fines levied against Maori by the runanga be paid to the court, with damages only being paid to individuals if they demonstrated good character. This was entirely contrary to traditional practice.<sup>580</sup>

In practise the runanga system did not provide Maori leaders with the level of authority they had hoped for, as while runanga employed a hapu-based model of representation, the officials ultimately set the parameters by which the runanga could operate. As Kawharu puts it, "Northland Maori were eager to embrace opportunity to advance their wellbeing and to enhance their mana, but they did not expect to exercise a second-tier level of authority."<sup>581</sup>

In light of such difficulties, it is far from surprising that the runanga system gradually slipped into abeyance until it was formally abolished at the end of 1865. Although northern Maori had initially accepted the "new institutions" with enthusiasm – if for no other reason than that Grey had assured them they would bring the townships they so desperately sought – the runanga system made no impact on the Kingitanga supporters. When it became apparent to the Crown that the system was in no way undermining the Kingitanga, officials quickly

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<sup>577</sup> Ibid, pp.171-172.

<sup>578</sup> Kawharu, op cit, pp.253-260

<sup>579</sup> O'Malley, op cit, pp.174-176.

<sup>580</sup> Ibid

<sup>581</sup> Kawharu, op cit, pp.253-260

ceased to be interested, and began to plan instead for the impending war. Having made sure of the loyalty of those in the north, the Crown now felt it safe enough to neglect the region again, focusing their energies instead on the Waikato.<sup>582</sup> O'Malley suggests that the disappointment of Maori in the failure of the runanga scheme was as profound as their enthusiasm had once been.<sup>583</sup>

### iii. Removal of capital to Wellington

Following the resignation of the government of Frederick Whitaker in 1864, Frederick Weld became Premier and his Ministry introduced a policy of there being no separate institutions for Maori. Armstrong and Subasic point out that this change of policy had significant implications, noting that under Weld and the ministries that followed, the Runanga, and all other forms of assistance, such as medical attendance and public works, were seen as prime examples of unwelcome 'special' treatment.<sup>584</sup> This perspective combined with the cost-cutting that was put in place from 1864 onwards was to put the brakes on the potential development of infrastructure in Northland and to lead to a reduction in medical services as will be discussed.

Maori did not appear willing to switch from dealing directly with the Governor and Ministers with whom they had developed relationships to the settler-dominated Auckland Provincial Government on issues such as transport infrastructure.<sup>585</sup> These considerations were highlighted when the new Governor (Bowen) journeyed to Kororareka on 14 February 1868 and attended a subsequent korero at Waitangi. At this time, the speeches of Maori focussed on the return of the Governor to Auckland.<sup>586</sup>

By the end of the 1860s it was recognised that northern Maori were at arms-length from political decision making and that their representation by one member in a Pakeha-dominated Parliament was unsatisfactory. At this time McLean toured the north in December 1869 and at Waimate expressed doubts that a Pakeha-dominated Parliament could adequately represent

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<sup>582</sup> O'Malley, op cit, pp.177-178.

<sup>583</sup> Ibid, pp.161-166.

<sup>584</sup> Armstrong and Subasic, op cit, p.14.

<sup>585</sup> Armstrong and Subasic, op cit, p.540

<sup>586</sup> *New Zealand Herald*, Apr 20, 1868. *Daily Southern Cross*. Apr 25, 1868. Cited in Armstrong and Subasic, op cit, pp.544-546

Maori. He proposed a two-council model, one for Maori and one for Pakeha, although felt it better for Northern Maori to convene local meetings than participate. This idea was similar to the Runanga set up by Grey but subsequently disestablished. At this meeting Hone Peti complained that Ngapuhi had been forgotten and neglected by the Government to which McLean replied that they were an industrious and peaceful tribe not demanding the same level of attention that was given to other tribes in the south.<sup>587</sup> Northern Maori proposals for a reconvened Kohimarama Conference (as promised by Governor Browne and McLean in 1860) came to nothing, as did the possible re-emergence of the Runanga model.<sup>588</sup>

#### iv. Law and Order in the late 1860s and onwards

Over the late 1860s although the operations of the Native Land Court and the Resident Magistrates represented Crown influence in the region, to some extent Northland Maori were left to their own devices in that Maori law continued to be applied. In general, cases only involving Maori were more likely to be settled by Maori law, with English law playing a greater part where Europeans were involved, including. Maori did not totally reject English law but rather “continued to seek an accommodation and compromise between their own customs and English law so as to secure peace and prosperity for the region, which remained their paramount ambition.”<sup>589</sup>

Crown intervention in disputes between Bay of Islands Maori was limited by the resources available, with the Native Minister noting in response to a fight in Kaikohe in November 1867 resulting in the deaths of two men that a more ‘active’ police force was required.<sup>590</sup> However, increasing retrenchment made more active policing by Maori officers impracticable while increased intervention by Pakeha officers would be resented by Maori. By early 1870 additional Maori police, on an increased salary, were present in a number of settlements.<sup>591</sup>

<sup>587</sup> *New Zealand Herald*. Jan 14, 1870. *Daily Southern Cross*. Jan 7, 1870. *Daily Southern Cross*. Jan 12, 1870. *Daily Southern Cross*. Jan 13, 1870. *Daily Southern Cross*. Jan 14, 1870. *New Zealand Herald*. Jan 13, 1870. Cited in Armstrong and Subasic, op cit, p.564

<sup>588</sup> Armstrong and Subasic, op cit, pp.577-578

<sup>589</sup> *Ibid*, pp.449-500

<sup>590</sup> Native Secretary to E. M. Williams. Dec 7, 1867. BAFR 10869 1g. ANZ, Auckland. Docs. 1:2,230. Cited in Armstrong and Subasic, op cit, p.470

<sup>591</sup> Armstrong and Subasic, op cit, pp.470-471

In general, the authority of the Resident Magistrate depended on the level of cooperation from chiefs and Assessors, which varied according to the particular case in question. Northern Maori generally continued to accept the decisions of Magistrates in civil cases and cases involving Pakeha but were far less willing to do so in disputes between Maori or in criminal cases where the offender faced jail or the death sentence. Maori accepted the need for a workable legal system to control their commercial relationships with Pakeha but did not want English law – particularly criminal law – to supersede tikanga and customary law as applied through existing tribal structures.<sup>592</sup>

The Crown tried to enforce English law through the Resident Magistrates with varying success and considerable opposition from Maori. Resident Magistrates were reliant on cooperation from assessors and the relatives of offenders in enforcing law, and often had to come to a compromise position. Armstrong and Subasic term the situation one of ‘reverse adaptation’ on the part of the Crown officials and Magistrates, who “sometimes made significant concessions in order to maintain good relationships and the respect of the tribes, and in so doing sometimes compromised their own integrity and that of the legal system they had sworn to uphold.” They noted that the other side of this was that Maori were not subservient but in this environment of compromise continued to influence law enforcement.<sup>593</sup>

By the late 1870s Northern Maori appear to have accepted more readily the Pakeha legal system, a compromise in order to secure the economic and other benefits of settlement they aspired to.<sup>594</sup> By the 1880s more extensive Pakeha settlement and more extensive law enforcement made it harder for Maori to avoid recourse to the Pakeha legal system. While Maori were often willing participants in the system, with most northern Maori having come to the conclusion that peace and prosperity were more likely to be encouraged through cooperation with the Pakeha courts and Magistrates, the growth of the Pakeha population tended to make Maori concerns and any objections to the legal system less relevant to the settlers and colonial authorities, which fed into a level of discontent that later reared its head in relation to the dog tax dispute.<sup>595</sup>

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<sup>592</sup> Ibid, p.496

<sup>593</sup> Ibid, pp.496-497

<sup>594</sup> Ibid, p.923

<sup>595</sup> Ibid, p.1108

## v. Lack of infrastructure

The economic advancement of 1860s Northland Maori was limited by the small market for agricultural produce, with few Pakeha resident there, particularly at Hokianga and Mangonui. Extractive industries – primarily gum and timber with their sharp price fluctuations – remained the main source of income and employment for Maori despite the constraints imposed by lack of roads in areas not close to ports. During the decade, Maori viewed Pakeha settlement and towns as the way to increase economic opportunities and future prosperity – the development of roads and other infrastructure was reliant on more settlers and consequent improvements in roads and other infrastructure, which could open up expanded local and export markets for Maori agricultural produce.<sup>596</sup>

However, despite the development of communications infrastructure being essential for northern economic advancement, by the end of the 1860s the area remained largely roadless. The Runanga established by Grey attempted to assume an active role in developing the region through public works but, due apparently to cutbacks in expenditure, little was achieved. This made settlement of unused Crown lands in the north less attractive and continued to frustrate Maori economic development.<sup>597</sup> Armstrong and Subasic summarise the position:

...improved communications infrastructure was in many respects a key to the future economic development of the north. Roads and bridges would encourage settlement, and provide better access to developing local markets and more distant centres for a variety of produce - including the region's natural resources and its agricultural and pastoral products. In particular, improved communications would serve to open up large tracts of hitherto unoccupied land purchased by the Crown during the pre-emption period. Despite Crown undertakings, these sales had not resulted in the growth of towns or more settlers. As a consequence, the northern districts continued to languish economically. Maori, however, continued to do all in their power to encourage and support public works in the region. Their efforts were largely unavailing during the 1860s, especially as retrenchment became the order of the day after 1864.<sup>598</sup>

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<sup>596</sup> Ibid, pp.615-616

<sup>597</sup> Ibid, pp.636-637

<sup>598</sup> Ibid, p.629

Maori had continued to encourage settlement through remaining supporters of the Government and the Native Land Court process of title individualisation as means of promoting economic development and settlement. However, the Crown did not step up and actively participate in the development of communications infrastructure for the region and settlement of the vast and unused Crown estate: it appears a situation developed where the Government thought the necessary public works would be at least partly funded by rates and taxes raised locally, but the settlers necessary to fund these public works were unlikely to arrive in sufficiently large numbers given the undeveloped nature of the region. This left the Government as the only realistic agent through which public works on the scale required could be carried out.<sup>599</sup>

The Crown had encouraged Maori expectations of economic development, with Grey promising that the Crown would in conjunction with Runanga actively assist in the development of necessary infrastructure and towns.<sup>600</sup> However, during the 1870s, as in the previous decade, Maori efforts to increase their agricultural and pastoral production were hampered by a lack of existing infrastructure and little direct assistance from the Government in this direction. Pakeha settlers faced the same situation in terms of a lack of infrastructure. “Without development the north would continue to languish.”<sup>601</sup> The Vogel public works and immigration scheme promised much but delivered little to Northland Maori, with the Northern Maori MHR (H.M. Tawhai) remarking in 1879:

If some of the Auckland members were to visit that part of the country, and trust to the roads there, they would disappear in the mud and mire. The roads that the people had there were simply the roads that were left to them by their ancestors. The only lands there on which borrowed money had been expended were the lands purchased by the Government.<sup>602</sup>

During the 1880s the infrastructure problem in Northland remained unresolved and Maori continued to press upon the Government the need to undertake necessary public works. However, local bodies had assumed much of the responsibility for roads and bridges. A predicament was faced whereby the Pakeha population of the region remained too sparse to

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<sup>599</sup> Ibid, pp.627-628

<sup>600</sup> Ibid, p.963

<sup>601</sup> Ibid, pp.924-925

<sup>602</sup> NZPD. Nov 25, 1879. Vol. 33. p476. Docs. 2:870. Cited in Armstrong and Subasic, op cit, p.974

fund the necessary infrastructure through rates, but the population was unlikely to increase unless such infrastructure was first provided.<sup>603</sup>

#### vi. The Problem of Maori Health

The slow pace of public works, when compared to the expectations of both Pakeha settlers and Maori, was paralleled by the provision of health services to the region. During the 1860s Northern Maori suffered from a series of serious epidemics. Fatalities were at such a high level that at one point during 1861 W.B. White commented in relation to the substantial numbers who had died in Mangonui “indeed so many as to threaten the total destruction of the tribe in a short time, unless some stop can be applied to the cause.”<sup>604</sup> Likewise, Clendon wrote to Clarke during 1862 regarding the dire situation in relation to Maori health in the Hokianga area noting that “many have died for the want of medicine while others to whom it has been supplied have recovered.”<sup>605</sup> The *Daily Southern Cross* Hokianga correspondent also noted the lack of a medical man in Hokianga at this time, and the serious consequences for Maori who were “dying fast”.<sup>606</sup> The situation in relation to Maori health was dire and mortality was high throughout Northland over the early 1860s.

Within the context of these severe health problems the provision of free health services to Maori had formed an important element in pre-1865 Crown purchases in Northland as one of the benefits Maori would receive from allowing their land to be sold. Governor Grey had also promised free medical attendance for all who could not afford it in his visit to the north to discuss the establishment of runanga. This was an important consideration as many Maori were living in poor conditions and lacked cash. Some limited resources were put into the area by the government such as a hospital at Mangonui, subsidies for doctors and a contribution to travelling expenses. However, even these inadequate responses were cut back in relation to retrenchment policies that were put in place after 1864. By 1868 those medical services that had been initiated, including the Mangonui hospital had been terminated.<sup>607</sup> As noted over the mid-1860s it had become government policy that there would be no special treatment or

<sup>603</sup> Armstrong and Subasic, op cit, p.1109

<sup>604</sup> W. B. White to Dr Trimmel. Mar 9, 1861, cited in Armstrong and Subasic, op cit, pp.637.

<sup>605</sup> J. R. Clendon to G. Clarke. Jun 16, 1862; cited in Armstrong and Subasic, op cit, p.643.

<sup>606</sup> *The Daily Southern Cross*. Sept 27, 1862; cited in Armstrong and Subasic, op cit, p.643.

<sup>607</sup> Armstrong and Subasic, op cit, pp.645-646.

separate institutions for Maori. This was despite previous promises of the benefits they would receive in relation to selling their land. The government's decision not to provide resources that focused on Maori in the face of widespread ill-health was to have serious consequences.

During the 1870s and 1880s health services in the north in the 1880s remained limited as a consequence of small government subsidies, and the small and scattered Pakeha settler population, which meant that doctors found it extremely difficult to earn a good living. Maori communities in the north, particularly Hokianga, continued to be affected by serious disease and epidemics. Cost-saving was the primary Government consideration over the period and no hospital was provided at Hokianga.<sup>608</sup>

### **vii. Wi te Hakiro's Petitions**

In 1876, Wi te Hakiro forwarded a petition in his name which was signed by 336 other persons. The petition asked for several things. One was that greater facility be given to Maori for the purchase of gunpowder, presumably for hunting. More broadly, Wi te Hakiro and his fellow petitioners requested that Maori be allowed to sit on juries, that all the laws be translated into Maori and that the number of Maori members of Parliament be increased. In reporting on this petition, the Native Affairs Committee had no opinion to express in relation to the requests relating to gunpowder and Members of Parliament. They did support, however, the translating of legislation into Maori, but only where the laws "specially" affected Maori. As for Maori sitting on juries, it was felt that the existing provisions for this under the Juries Act 1868 were sufficient to achieve this objective. The problem was seen as being that these provisions had not been brought into force as the Governor had not made the required rules or regulations. The Committee recommended that this occur.<sup>609</sup>

A significant part of the petition also related to education.

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<sup>608</sup> Ibid, p.1143

<sup>609</sup> Report on the Petition of Wi Hakiro and 336 Others, AJHR 1876 Session I, I-04, p.3. It is not clear that the bringing of the 1868 Act into effect was the nature of the complaint Wi te Hakiro and the others. Prior to this Act, and since 1844, where a Maori male was certified as being 'capable', the law allowed him to serve on a mixed jury for any trial in which the property or person of a Maori might be affected. The 1868 Act, however, changed matters. It allowed only for a Maori accused of a crime against another Maori to claim trial before an all-Maori jury. In criminal cases, if one of the parties was Pakeha, Maori jurors could not serve. In all-Maori civil cases, again a Maori jury could be claimed. Where one party was Maori, a mixed jury could be claimed. [www.teara.govt.nz/en/1966/juries]

Let there be two classes of schools. First, for all children knowing only their own Maori tongue, also having a knowledge of all Maori customs. These should be taught to read in Maori, to write in Maori, and arithmetic. Second, all children of two years old when they are just able to speak, should be taught the English language and all the knowledge which you Europeans possess. If this plain and easy course be followed, our children will soon attain to the acquirements of the Europeans.<sup>610</sup>

The first part of the petition was a protest against trying to force students who came to school speaking te reo to be educated in an English language environment. The petitioners explained that there were two reasons for this objection. Firstly "the extreme difficulty of teaching them the English language." Secondly, was the reality that these children, when they returned to their kainga, even if they had been away from some time at education boarding schools, would soon revert to the norm of the kainga and speak te reo again and practice their tikanga and their education would have been a waste. In these cases, it would be better to give children a "good sound education" in te reo and mathematics to which they would have adhered.

Had our children received a good sound education, it would have been for the benefit of both races and there would have been a return for the public moneys spent, and also for the lands of the Maoris given and the time spent, in the education of the children.<sup>611</sup>

As for the second proposal, the objective was to ensure immersion in English-language environments to ensure that the children concerned would be completely successful in the English-speaking world. Therefore the petitioners proposed a range of specific proposals such pre-school English tuition, toddlers and their mothers living with the school-teachers and their children and unsegregated playgrounds.

As commentators have noted, this request differed from existing education policy of the time, which was to force Maori-speaking pupils into an English language environment when they entered school. Instead the idea was to create "language nests". In the 19th century, when Maori were trying to find an entry point into the Pakeha world, the requested nests were English-language based.<sup>612</sup>

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<sup>610</sup> The Petition of Wi Hakiro and 336 Others, AJHR 1876 Session I, J-04, p.2

<sup>611</sup> Ibid, p.3

<sup>612</sup> David Armstrong et al, "...Wahi Tapu, Taonga and Te Reo Maori", 2008, WAI-1040 A14, pp.387-8

### viii. The 1882 and 1883 Ngapuhi Petitions

The 1882 petition directly to the Queen (signed by Parore Te Awha, Hare Hongi Hika, Maihi Paraone Kawiti, Kingi Hori Kira, Mangonui Rewa, Hirini Taiwhanga, Wiremu Puhi Te Hihi and Hakena Parore) was an indication of a lack of confidence in the colonial government and the Governor to deal effectively with Maori concerns. This represented a change in the relationship between Ngapuhi and the Crown, with the colonial authorities being bypassed in favour of a direct appeal to England. The petition, which called among other things for a Royal Commission to “abrogate the evil laws affecting the Maori people, and to establish a Maori Parliament which shall hold in check the European authorities who are endeavouring to set aside the Treaty of Waitangi” was ultimately rejected by the British authorities, not wanting to interfere in what it perceived as local issues, and referred back to the colonial government.<sup>613</sup>

In July 1883, Hone Mohi Tawhai and three other Maori Members of Parliament wrote to the Aborigines Protection Society in London complaining of Maori treatment at the hands of the colonial government. Once again it was asserted that it was only from the Queen and the British Parliament that justice for Maori could be obtained. Particular complaints were addressed at the actions of the Native Land Court and the European lawyers and agents:

We have always admitted the supremacy of the Queen. Our protest is against the breaking of the bond of Waitangi by the Colonial Government, which being a party to a suit in the question of lands, acts also as its judge.<sup>614</sup>

It was proposed that Maori lands should be vested in an elective body of Maori which would also be involved in making laws for Maori, overseeing public works and raising taxes, subject to the approval of the Governor. However, when the Native Minister Bryce responded to the Colonial Offices’ request for an explanation, he contended that the letter had originated with some “tenth-rate politician in New Zealand with probably a petty grievance against the Government” and maintained that the propositions set out were “utterly impracticable” and “highly undesirable”. He went on to give assurances that all Native Land Court judges,

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<sup>613</sup> AJHR, 1883, A 6 pp.1-7. Cited in Kawharu, op cit, p.297

<sup>614</sup> Armstrong and Subasic, op cit, p.999.

assisted by Native Assessors took extensive care and that protective measures were in place.<sup>615</sup> Armstrong and Subasic point out that the Native Minister was not being honest and forthcoming on a number of counts:

...Native Assessors, at least in the north, were hardly used and were viewed with contempt by Maning. Bryce did not mention the insidious practice of paying tamana - which had hitherto virtually been a universal Crown practice - and the damaging impact of this, as described recently by the Chief Judge of the Native Land Court. Nor did he mention the absence of preliminary inquiries, which tended to increase the possibility of dispute and conflict. Moreover, when conflict occurred it was almost invariably the chiefs themselves, not disinterested Pakeha officials and judges, who ended it. Had Maori Runanga been given a central role in all aspects of the title investigation process - including a preliminary inquiry prior to a Land Court hearing - many of the more destructive aspects of the court process may have been ameliorated or avoided. ...the Native Committees mentioned by Bryce proved totally ineffective. But perhaps Bryce's most notable omission was an acknowledgment that the court was designed to achieve land alienation through the individualisation of customary title, and in doing so struck at the roots of tribal rangatiratanga (referred to as a form of "communism" which must be extirpated) and Maori ability to retain and rationally utilise their lands. This was at the heart of the Maori Members' letter, and much other protest from other quarters.<sup>616</sup>

#### **ix. The Northern Parliaments 1879-1900**

During the 1870s, Northern Maori communities in general faced poor social and economic conditions and the absence of an effective voice in regional and national politics, along with a colonial government uninterested in meeting Treaty obligations and legal decisions and legislation that acted to sideline the Treaty. In this context, growing Maori disillusionment with the government led to more direct ways of addressing problems rather than relying on the government to take action. Northland Maori representatives participated in and organised pan-tribal hui during the late 1870s in an attempt to reconnect with the government and convey a Maori perspective on the Treaty's significance.<sup>617</sup>

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<sup>615</sup> Ibid, p.1000.

<sup>616</sup> Ibid

<sup>617</sup> Kawharu, op cit, pp.263-265

Since Kohimarama, there had been no major pan-tribal conference involving Northern Maori, although district runanga had operated at a local level in Northland. Paora Tuhaere believed that had regular meetings been held, as promised at the Kohimarama hui, the government and Maori would have developed a better relationship. In 1879 he convened a runanga called the Orakei Parliament. While the Treaty was an important feature of the Kohimarama conference, at the Orakei Parliament it was the subject of even more attention – issues of the 1860s and 1870s in relation to land and other issues had sharpened understandings of the document.<sup>618</sup> The Orakei conference continued to advocate for the improved social welfare of Maori, but by this time, the workings of the Native Land Court had often exacerbated crises faced by Maori communities. The Parliament hardly represented an endorsement of government policies and actions, but it was an attempt to connect and engage with government, rather than the opposite.

Maori were much more vociferous at the 1879 hui than at Kohimarama and spoke passionately about policies and laws that diminished their mana, mana protected by the Treaty. Yet, despite the upheavals of the 1860s and 1870s, Northland Maori still felt that it was in their best interests to support the Governor and his government and the Queen and to work within the existing government system.<sup>619</sup>

They felt continued support of the Government would see their interests protected, allow Maori to reassert mana over their lands and fisheries, and witness an end to the Native Land Court system.<sup>620</sup>

The second Orakei Parliament was held in March 1880 and involved 300 rangatira from around the country, including Ngapuhi representatives. The many resolutions agreed to by the parliament committee focussed on Maori wanting control over their own social, economic and political affairs. While Paora Tuhaere continued to advocate support for the Crown as the best way of obtaining benefits for Maori, other representatives expressed growing dissatisfaction with the Government, particularly the lack of power and influence they were able to exercise under the colonial government.<sup>621</sup> For Ngapuhi the 1835 Declaration of Independence was

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<sup>618</sup> Ibid, pp.269, 272

<sup>619</sup> Ibid, p.276

<sup>620</sup> Ibid

<sup>621</sup> Ibid, pp.282-285

also of particular importance, as its third clause stating that annual meetings to chiefs were to be held acted to validate their current parliament.<sup>622</sup>

Speakers at the 1881 Maori Parliament at Waitangi the following year expressed the opinion that parliament in Wellington had not helped Maori. They wanted to clarify what the Government (represented at Waitangi by the Native Minister, the Hon. Mr Rolleston) understood in relation to its Treaty obligations. The parliament signalled a change in direction in the relationship between Northern Maori and the Crown. Kawharu commented that:

Compared to earlier parliaments, this hui more generally appeared to show a changing heart amongst Northern leaders from working within the national government system to moving away and strengthening the kotahitanga between Maori into an autonomous body that would take full responsibility of Maori affairs. The ultimate political goal of this Waitangi hui was to be a political forum that sat alongside parliament.<sup>623</sup>

Several speakers, including Hone Mohi Tawhai (who had become the M.P. for Northern Maori) directed their comments towards ensuring Maori retained control of their fisheries, fearing that the issue of lack of protection of rangatiratanga over land would be paralleled in other areas such as fisheries. A Maori parliament was the northern response to negative government policies on the one hand, and government inaction on the other. Kawharu points out that unlike the previous parliaments, at Waitangi there was a clear move to set up a separate governance system as they believed was their Treaty right. She considers that: “Northland Maori did not completely lose faith in the government, but sought greater control of their own affairs on their own terms by establishing a comparable system.”<sup>624</sup>

Northern leaders met throughout the latter 1880s to discuss the Treaty and land problems, including at the 1889 Orakei Parliament convened by Paora Tuhaere and attended by representatives from around the country. By this time Tuhaere had revised his supportive stance towards the government:

Her Majesty the Queen gave us a right to all our lands. Now, have we got them? The treaty has been broken by the present Government.

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<sup>622</sup> Ibid, p.286

<sup>623</sup> Ibid, pp.288-289

<sup>624</sup> Ibid, p.294

Former Governments did do something for us, but this Government has done nothing for us. They have behaved treacherously to us.<sup>625</sup>

The 1889 hui represented a strengthening will among Northland Maori to control their own affairs independently of the government. The Native Minister, Mitchelson, and his colleague Sir Frederick Whitaker were in attendance but did not lend support to the concept of a Maori parliament, and according to Kawharu exhibited a paternalistic attitude that while sympathetic to Maori, failed to recognise the extent of concern held by Northern Maori regarding the lack of protection over their lands, and also an unwillingness to develop mutually beneficial policies through going over the issues with Maori, despite Maori generally wanting such a process to take place.<sup>626</sup>

Further parliaments were held in Northland during the 1890s. These parliaments, and the relationship with the Crown, became increasingly “protest-oriented”, as representatives increasingly spoke out against policies impacting on Maori welfare, particularly the loss of chiefly authority and control over land through the Native Land Court system of individualizing tribal title and the decline of chiefly influence in the political sphere.<sup>627</sup> A kotahitanga hui was held at Waitangi in April 1892 to continue the momentum begun by the 1889 kotahitanga discussed above. The Treaty was again the main topic, commented on by many speakers. The Waitangi kotahitanga was attended by the Native Minister A.J. Cadman and Maori M.P. James Carroll. While Cadman viewed the Treaty as too broken (by both Maori and Pakeha) to be fixed, Carroll proposed to present the concerns of the hui – including dog tax, rating, the alienation of land, and Maori reserves – to parliament with the goal of effecting legislative change, and this was welcomed by those present. Although the Native Minister’s remarks would not have given Maori leaders much hope their speeches were making an impression, Kawharu notes that the kotahitanga hui at Waitangi was important in providing a collective platform for them to concentrate on the challenges raised by the policies of Cadman’s government.<sup>628</sup>

Further parliaments were held at Waipatu (near Pakowhai, north Hastings) in 1892 and 1893, where Northland Maori were strongly represented among those iwi present. As in previous Maori parliaments, Maori desired a Crown presence at the hui in order to present their

<sup>625</sup> *New Zealand Herald*, Thursday Mar 28, 1889, p.6. Cited in Kawharu, op cit, p.302

<sup>626</sup> Kawharu, op cit, p.305

<sup>627</sup> Ibid, p.306

<sup>628</sup> Ibid, pp.315-316

concerns directly. An outcome of the 1893 parliament was a petition to Parliament in Wellington seeking among other measures approval for a bicameral assembly to govern Maori. Unfortunately, nothing came of this petition.<sup>629</sup> Northland Maori had a key role in these petitions and Kawharu points out that: “The lack of reciprocal support and recognition of their concerns was not only an affront to their mana, and that of their forebears, the Treaty signatories, but also an undermining of the partnership that they believed they had with the Crown.” She considered that by the end of the 1800s: “Northland Maori had not rejected government authority outright, but their last hope to regain control was the functioning of a Maori parliament and the fuller recognition of the Treaty.”<sup>630</sup>

Alongside the Maori Parliaments, over the course of the 1890s and onwards Northland Maori also continued to attempt to engage in debate over the Treaty and other issues of importance to Maori in the forum provided by the national parliament. The representatives raised a number of important issues, including the lack of Crown protection of Maori interests in lands and resources, and the opportunity the Treaty provided for a level of Maori self-governance. However, Maori faced the challenge of determining what forms of leadership best could serve them given the unwillingness of government to incorporate the Treaty in the formulation of law and policy and the prevailing limited understanding and recognition of the Treaty.<sup>631</sup>

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<sup>629</sup> Ibid, pp.320-321

<sup>630</sup> Ibid, p.322

<sup>631</sup> Ibid, p.327

## D. COMMENTARY

When dealing with the significant issue of Old Land Claims, this report naturally has focused on Ngati Rehia only. Once again, a significant technical overview report has already been prepared and presented to the Tribunal. The technical report has been drawn on to provide the context for an assessment of the Old Land Claims process. This report has then focused on what became of Ngati Rehia and their lands within this process.

By way of summary, the technical report of Stirling and Towers found:

- that the investigation of claims by the first Commission was inadequate due to the process adopted:
  - of hearing few witnesses
  - of supporting claims in circumstances where there was no evidence from Maori or where such evidence expressed opposition
  - of not accurately identifying the location or size of the land
  - of not assessing the fairness of payments
  - of not fully inquiring into the full nature of landholding
  
- that despite the inadequacy of the process, the first Commission nevertheless learnt enough to report to Government officials, outside of the record of each specific claim, that there was a range of issues that got in the way of these land transactions being viewed as sales in the sense that they had completely extinguished all aspects of Maori title. This included continued occupation by Maori or unfulfilled promises of further payments or reserves.

On this basis, final titles should not have been awarded and yet grants were issued or scrip was provided allowing the paying out of claimants for their claims. It was the very imperfect basis of these awards that necessitated (even within the context of providing a secure title to Pakeha) a review. The second Commission, under the auspices of Bell narrowly sought to identify the amount of land in a claim to be awarded to the claimant and its location, with the

rest of the land, the title to which was assumed to have been extinguished, being retained by the Crown as surplus.

Essentially, then, both Old Land Claims Commissions were not really commissions of inquiry in the broadest sense that was mentioned at the signings of the Treaty - ie Commissions to inquire into the correctness and equity of pre-Treaty land transactions. Instead they were commissions of record and process. The first Commission inquired into the record before it - a claim based on a deed. The objective of the investigation was to receive evidence that the record was correct - that the deed was signed, that claimed payments were made, that those persons written down on deeds as having signed had actually done so, that those who had signed still supported the purchase. If the record was correct, a sale had occurred. The second Commission was a commission of process. Where a purchase was found to have occurred by the first Commission, then processes were brought into place to award a title in accordance with a plan and a re-valuation of payments originally made.

All of the failings of the Old Land Claims process are spectacularly illustrated in the Ngati Rehia experience over the John King purchases and claims. The facts of the case are as follows:

- in 1835, John King entered into three land transactions for all of the land between Takou and Tapuwaetahi estimated to total 5,500 acres
- Ngati Rehia had significant interests in all of that land and yet:
  - Te Whata was only involved in the one transaction dealing with the Takou end for a strip of land running along the Takou river
  - Tareha was only involved at the Tapuwaetahi end of the purchased land. He did not sign any deed but was said to have been given a payment on some unspecified date.
- the first Old Land Claims Commission reached a finding that King had successfully extinguished all Native title and three grants were issued for all the 5,500 acres claimed, despite commissioners:

- only having heard from two chiefs who had participated in all three transactions
  - not having heard from Te Whata as to whether he had actually participated in any transaction
  - not having heard from Tareha as to whether he had received an undocumented payment
- the second Old Land Claims Commission surveyed the claims and found it to be almost 22,000 acres in size. It awarded King's family a grant of 11,788 acres and the Crown retained the surplus of 9,438 acres, despite:
    - the valuation proving that King did not pay a fair price for all the land (ie the price paid resulted in a grant of 11,788 acres only meaning that the 9,438 acres that the Crown got were not paid for)
    - the second Commission not making inquiries into the presence of opposition. And yet the opposition existed from those not paid for their interests, notably Te Kowhai, who soon after especially protested about the land transaction in which he did not participate. King's grants were made in 1859 and yet in 1861 opposition was discovered on the ground when a road was being put through the land and local owners found the land was claimed by the government.
  - It is also important to consider the land transaction in which Te Whata participated - the strip along the southern bank of the Takou River. The Takou area, recorded as the site of a large settlement in the 1820s and 1830s, appears to have been of such significance that decades later, in 1894, Ngati Rehia raised a mortgage and purchased back the coastal part of that purchase, much of which they still hold today. Given a central tenet of this report is that pre-1840 land transactions were not viewed as sales, it would be argued that Te Whata had not intended to permanently sell the land that is now Otaha No.4. That the Old Land Claims Commission did not do its job is shown by:
    - the Commission not ensuring that it received evidence from Te Whata to prove that he actually had signed the deed and received a payment
    - the Commission not hearing from Te Whata as to whether he understood he had completely given up all his customary rights and all tikanga associated with the land over which his people were

exercising occupation rights and which was adjacent to the final resting place of the Mataatua waka. (remembering that landowners of non-navigable rivers owned to the centre of a waterway).

As noted in the text, it is more through the happy accident of events that there is some record available on which to trace the impact on Ngati Rehia of the Commission's treatment of King's claims. In the vast majority of Old Land Claims, the shortcomings of the Commission's process result in a dearth of evidence to provide a full assessment of what actually did occur. Nevertheless, there are snippets of informat which infer that there were problems with other claims in which Ngati Rehia participated. In one case a deed signing was denied but the protest ignored; in another case, Tareha and Te Hakiro were still living on the land but no arrangements were made for this; in another case, reserves were intended but not given. In all, the Old Land Claims Commissions transformed the title of more than 40,436 acres of land in which Ngati Rehia was interested - 23,961 to Pakeha and 16,475 acres to the Crown.

As if this land loss was not enough, the Crown returned in the 1850s and 1860s to purchase more Bay of Islands land. As noted in the report, the documentation of this purchase process is so scant that little can be said. It is clear that these land transactions were offered by Ngati Rehia and others within the context of their expectation of having a town established in their district, something which did not proceed in as timely a manner as was expected. Other than that, the only other comment that can be made is that added to the land loss from the Old Land Claims process, Ngati Rehia had a further 55,413 acres of land in which they held an interest alienated from their control leaving them with a residual estate only of lands that would be held in multiple ownership with other hapu or of land that came to be regarded as isolated.

### **Section III: CONTINUING CHALLENGES**

This Section of the report primarily examines the twentieth century from 1900 through to the 1970s. At this time, as will be indicated at different points in the Section, Ngati Rehia were living in a number of locations around Te Riu o Ngati Rehia including Waitangi, Waimate, Kerikeri, Te Tii and Takou. In addition, they were frequently on the move within the rohe, following opportunities to obtain work as it arose in the gum digging or oyster collecting industries. Some farmed in Waimate. The only lands exclusively in the hands of Ngati Rehia were located in the Takou and Te Tii Mangonui areas. The various title processes for the lands around Waimate had resulted in a wide recognition of interests as ahi kaa had been the primary determinant for ownership. As a result the titles were made up of a number of people who derived their title from several tupuna. Gradually these lands, facing rating pressures with increasing numbers of owners in the title, were sold subdivision by subdivision in the decades before 1930. The same pressures operating on lands where only Ngati Rehia were in the title, such as at Takou, also resulted in some alienations over the first decades of the 1900s. The lands at Otaha and Te Tii were tightly held onto, however.

In the meantime, Ngati Rehia faced challenges in trying to retain their control over other resources. One significant area that will be examined in this Section is in relation to oysters which Ngati Rehia sought to access for domestic and commercial use. From the early twentieth century, however, the Crown had determined that the industry needed to be regulated for conservation purposes. The way in which this regulation was brought into effect was contrary to the interests and perspective of Ngati Rehia.

At a broader level than oysters, this Section of the report will also record the significance to Ngati Rehia of all of their fisheries within the Bay of Islands. These fisheries sustained Ngati Rehia communities and occasionally provided an economic opportunity associated with the limited market for commercial fisheries that existed in the earlier half of the twentieth century. This section will also record observation by Ngati Rehia of the way in which their fisheries changed as they began to be impacted by increased domestic and commercial usage in the Bay of Islands as the population of local towns and the demand of other markets increased.

Within this picture of restricted opportunities, Ngati Rehia sought out education as a vehicle for changing their future social and economic standing. This section of the report will present the 35-year struggle endured by Ngati Rehia in their pursuit of having a school located at Te Tii.

Finally, from the middle of the century arose another social and economic opportunity. Within the context of the rising of an evangelical movement centred on Te Tii, which acted as a focal point to bring Ngati Rehia together in one place from a number of different locations, an intensive drive for economic development emerged. Although initially self-sufficient, a point was reached where the assistance of the Crown was sought to continue the economic and social advances that had been achieved in a very short time. The make up of the community and its attendant mores were not the norm, and therefore they stood outside of the usual criteria for Crown assistance. Rather than officials working to adapt the Crown's development model to work for the community that was in place, the matter was allowed to lapse, and the community again was left to fend for itself.

## A. NGATI REHIA AND THEIR FISHERIES

As coastal dwellers, Ngati Rehia have always had a highly significant relationship with the sea which has been an important focus in their lives on a number of levels. The importance of the sea to Ngati Rehia was described by Ruth Wiki as follows:

The significance of the sea to tribal identity and to the relationship with water are issues of importance and common interest to my people. The sea is a central taonga and is a symbol of its tribal identity. It is referred to in tribal proverbs and waiata, is addressed in karakia and oratory and is a source of spiritual as well as physical sustenance to Ngati Rehia. The sea is a living entity, it is referred to as “te tineru o mataatua” the bailer of mataatua.<sup>632</sup>

The sea has always been a principal food source for Ngati Rehia. Ngati Rehia’s fisheries provided an essential source of sustenance to the various whanau groups and these resources were also fundamental in relation to the hospitality offered by Ngati Rehia to visiting iwi or hapu groups.<sup>633</sup>

Ngati Rehia have always overseen the management of well-being of their traditional waters and access to their kaimoana. This has been their right and duty as kaitiaki and as tangata whenua through ahi kaaroa (continuous occupation) since Mataatua was brought to the Bay of Islands.<sup>634</sup>

Wiki has described the spheres of influence of the different hierarchical groups within Ngati Rehia and how these pertained to both possessions, territories and fishing grounds.

The whanau group “usually ‘owned’ the dwelling house, stored food, small fishing canoes, some gardens, fishing grounds and shellfish in the immediate vicinity.

The hāpu exercised control over larger units, meeting houses, food storage pits and pataka, the central gardens, war canoes, larger fishing or seafaring vessels, and some specific fishing grounds.

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<sup>632</sup> Wiki, Ruth, ‘Sea Lore’, 25 Mar 1997, p.9.

<sup>633</sup> Ibid, p.2.

<sup>634</sup> Ibid, p.1.

The tribal property was made up of the lands of the various hapu, the swamps and streams within them and the adjacent mudflats, rocks, reefs & open sea. The iwi, as a greater social group, incorporated the rights of the lesser groups. Major fishing expeditions, journeys, trade arrangements, peace pacts and war were undertaken at a tribal level.<sup>635</sup>

Wiki explains that on a day to day operational level within Ngati Rehia each whanau was self-contained and the larger group would not interfere unless any matter raised wider concerns. Territory and resources were jealously and exclusively maintained by each whanau group unless there was good reason to open these up to the wider community.<sup>636</sup>

Members of Ngati Rehia had knowledge of traditional boundaries in relation to both land and water areas. This knowledge was passed down through generations and although at times boundary markers were used to mark areas, more often this knowledge was based on the presence of rocks, prominent trees or similar land marks which were used to define both land borders and the location of fishing grounds at sea. Wiki commented that smaller or more specific 'private properties' were frequently indicated by a sign or mark of some kind which was named and placed by the owners. These were sometimes said to carry their mauri (lifeforce).<sup>637</sup>

Ngati Rehia have continued to pass down the knowledge of traditional fishing areas over generations. Wiki pointed out that: "As with land, fishing grounds were clearly included as part of the Maori asset base and with the concept of traditional ownership rights."<sup>638</sup> Ngati Rehia's knowledge regarding the location of their fishing grounds and the fact that these fishing grounds were site specific whether used by individuals, whanau, hapu or even on a tribal basis, was observed by early European visitors to the area.

However, it is important to note that Ngati Rehia ownership extended more widely than these specific sites. Wiki pointed out that as far as Ngati Rehia was concerned "...it controlled not only the site-specific grounds by the whole of the inland waters and seas adjacent to its tribal

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<sup>635</sup> Ibid, pp.1-2

<sup>636</sup> Ibid, p.2.

<sup>637</sup> Ibid

<sup>638</sup> Ibid

lands.”<sup>639</sup> At times there were exceptions to this general rule in relation to specifically arranged intertribal rights such as eel fishing rights in Lake Omapere.<sup>640</sup>

In relation to their management and protection of their traditional fisheries Ngati Rehia’s use of their kaimoana resources was within a structure that included religious rites, symbolic acts and attitudes of respect and reverence that reflected their conception of the interdependence and relatedness of all living things.<sup>641</sup> Special karakia were offered and the first fish taken, Te Ika Tuatahi was returned to the sea with an appropriate karakia to invite the gods to bring a plentiful supply of fish. Large canoes and nets were objects of importance to Ngati Rehia communities and therefore attracted considerable tapu<sup>642</sup>

Ngati Rehia were experts at fishing and had well established techniques in relation to the creation of kupenga (nets), aho (lines), matira (fishing rods), matau (hooks) hinaki (traps) and pa (fish weirs). They used paua shell for fish lures and fashioned hooks out of bone, shell and other materials. These matau (hooks) ranged from simple one-piece hooks to complex composite hooks. In the Northland area, small hooks were made of paua shell in a U-shape and in sub-circular forms. The most popular method of catching fish was by hand-line fishing (hi ika).<sup>643</sup>

Ngati Rehia also developed practices in relation to preserving kai moana as these skills were vital for their survival. Wiki described some of these practises.

Sea fish & eels were cleaned, split and hung to dry. Sharks were beheaded and also hung to dry this way. Shellfish such as paua, mussels kutai and pipi were cooked, shelled and threaded onto long strips of flax, dried and kept as reserve food. The drying in all cases was by the sun.<sup>644</sup>

Wiki also referred to the preparation of rona noting this was a method of preserving purewha.

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<sup>639</sup> Ibid.

<sup>640</sup> Ibid

<sup>641</sup> Ibid, p.8.

<sup>642</sup> Ibid, p.10.

<sup>643</sup> Ibid

<sup>644</sup> Ibid

Wiki has provided information about the practices and laws that were observed by Ngati Rehia:

Use of the seas was regulated and controlled by established practices or laws that were regularly observed. They required the seasonal capture of many species, the seasonal use of some fishing grounds and the imposition of tapu and rahui (prohibitions) to protect sensitive breeding areas or threatened species. These laws and practices were directed towards resource maintenance.<sup>645</sup>

There were a number of traditional prohibitions that were practised by Ngati Rehia in relation to fishing that were later to contrast with more modern methods of fishing that became prevalent over the twentieth century. Wiki has described these as follows:

Traditional prohibitions restrict the disposal at sea of rubbish, gear, unused bait, food, human waste, fish remains or dead fish. The seabed could not be disturbed by moving rocks or dragging nets or gear. Fish waste was not seen as “feeding the fish” but as polluting sensitive habitats and attracting predators to those species that needed protecting.<sup>646</sup>

Wiki explained that these established practices or laws were based principally on respect for life, seabed, the water and the gods associated with the fish and seas. These laws required the maintenance of species, habitats and water purity.<sup>647</sup> Under the principle of kaitiakitanga, Ngati Rehia had a duty to protect the fisheries resource. Over time, however, Government regulation and use of the resource by increasing numbers of other people have presented a major challenge to Ngati Rehia and their relationships and responsibilities to do with their fisheries.

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<sup>645</sup> Ibid, p.8.

<sup>646</sup> Ibid

<sup>647</sup> Ibid

### i. Ngati Rehia and Oyster Fisheries Regulation

The regulating of various marine foods harvesting by the Crown brought a number of consequences for Northland Maori including Ngati Rehia. Not only did it limit their cultural practices, but also the Crown's intervention meant that they became responsible for protecting Maori interests. The Oyster Fisheries Act 1892 allowed for the management of oyster beds by the Crown, who culled commercial gathering and monopolised sales of oysters to all except the Crown itself. Thus from 1892 onwards, by law, Maori were only able to pick from certain beds reserved to meet their personal requirements, which did not include commercial sales. Researcher David Alexander comments that while oyster gathering in the Bay of Islands may have been viewed as a resource management and conservation matter, Maori view it in light of the Treaty of Waitangi and saw it as yet another failing by the Crown to fulfil their obligations.

By the end of 1869, the Ngati Rehia population located at Te Tii and Takou was recorded as being 100 persons.<sup>648</sup> It was by the late 1870s that the issues of oyster harvesting arose when Maori of the Bay of Islands, including Ngati Rehia, began to complain regarding the collection of oysters by Europeans on Native lands. By April 1878, Ngawati or Hare Te Heihei, of Ngati Rehia, outlined the feeling of local Maori

This has been a troublesome question during the last two oyster seasons, and I have had some little difficulty in restraining the Natives from taking active measures to expel the Europeans, unless some acknowledgement is made, and, now that the season has again commenced, the question is once more raised. The Natives quote the Treaty of Waitangi as giving them a right to all oysters on their lands and forbid the Europeans from troubling them. May I request your early attention to the subject, and the benefit of your advice as to the best mode of treating the question.<sup>649</sup>

<sup>648</sup> Armstrong and Subasic, op cit, p.1127

<sup>649</sup> 10 Apr 1878, Resident Magistrate Waimate to Under Secretary Native Office, Resident Magistrate Waimate Outwards Letterbook. (Archives NZ Auckland reference BAFR 10875 3a).

James Grey, who visited the Bay of Islands in 1879, referred to the involvement of local Maori at Kororareka being employed in the gathering of the oysters. He also noted that increased private use was likely to have an impact on oyster availability.

It is from oysters and smoked fish only that the place derives any direct income.... Oysters are certainly very plentiful, and during the season Maoris are employed gathering them at the rate of four shillings per sack; they are then forwarded to Auckland, Wellington, Christchurch and Dunedin, where they are retailed at an enormous profit. The Maoris, hearing of this, have struck for a higher rate than four shillings a sackful, and I believe their demands have been acceded to this season. Notwithstanding the necessary restrictions that have been placed upon this branch of industry, it is deplorable to see the quantity of oysters that are destroyed. The law only forbids the sale of them during certain months of the year, but it does not prevent persons from gathering them for private use; therefore a great many are taken off the rocks at all times, whether in or out of season, and under such circumstances the fish must some day or other disappear altogether, unless the most stringent measures are adopted for their conservation. It is asserted by the people of the Bay that the [open] season should commence a month earlier, as in March the oysters are in very excellent condition. Those I knocked off the rocks in that month of the present year were without doubt the finest of the species I had ever tasted. For size and quality the Bay of Islands oysters are superior to any that are to be found to the northward of Auckland.<sup>650</sup>

Additional comments regarding the preservation of the oyster beds came in 1882, when it was stated in a newspaper report that many tons of oysters were being shipped “without any regard being taken for future supplies.”<sup>651</sup> However it was not until April 1885 that the Government compiled a report on oyster gathering. The report was written by the Clerk to the Magistrate’s Court at Russell.

During the open season they [local Maori] also gather oysters for export, and these have for some time past been a considerable source of income. The oyster rocks having now been worked for several years, without intermission, excepting during the short close season, show signs of exhaustion; if closed for two or three years they would recover to the ultimate benefit of all concerned in the business. If this is not soon done, the whole industry, an important one for the district, is in danger of being destroyed.<sup>652</sup>

<sup>650</sup> J Grey, His Island Home: and Away in the Far North: A Narrative of Travels in that Part of the Colony North of Auckland, Wellington, 1879, page 17.

<sup>651</sup> 21 Oct 1882, Northern Luminary, page 2, quoted in K Boese, Tides of History: Bay of Islands County, Bay of Islands County Council, 1977, page 389.

<sup>652</sup> 16 Apr 1885, Clerk Resident Magistrate’s Court, Russell, to Under Secretary Native Department, AJHR, 1885, G-2, pp4-6

Despite the Clerk's warning in his report regarding the near-exhaustion of the resource, no steps were taken to limit the gathering of oysters. The first Bay of Islands reference to enforcement of the legislation was in 1889 when 13 sacks of oysters were seized from Maori gathers. Following an investigation, the Maori gathers were prosecuted and convicted. Further prosecutions would occur in the decades that followed.<sup>653</sup>

As a consequence of the passing of the Oyster Fisheries Act 1892, and the boost given to protecting and policing the industry, an Inspector of Oyster Fisheries was appointed at Russell in September 1892. The recommendation on whether to open or close the beds was made by the Chief Inspector of Fisheries, either after personal inspection or after receiving reports from the various Inspectors of Oyster Fisheries. Maori were not satisfied with this arrangement as they believed they should be the ones in control of the oysters.

In March 1901 Hone Heke, Member of Parliament for Northern Maori, telegraphed the Native Minister regarding the gathering of oysters prior to 1901:

The oyster areas of the Bay of Islands will be opened on the first of April. The Maoris have many shores bearing oysters which they intend to bring under "The Maori Councils Act 1900". But in the meantime we want you to protect only two islands, that is to exclude these two islands for the use of the Maoris, that is to say Moturoa Island at the back of Russell and in the vicinity of Te Rawhiti, and Motumaire Island just opposite Te Tii, Waitangi, Bay of Islands. We think Inspector Henry Stevenson [sic] is favourable.<sup>654</sup>

It appears that these reserves were granted although Motumaire Island was later referred to a Motumea Island which was also said to be in the vicinity of Waitangi.

Oyster gathering regulation changed as a result of the Sea-fisheries Act 1907, which allowed for the exclusion of some fishery subdivisions from the previous regime of licensing private gatherers, and instead allowed for the declaration of areas where the Government had the exclusive right to gather oysters and to sell them. The opening of the beds to gathering in 1908 was reported in a local newspaper:

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<sup>653</sup> Marine Department Inwards Correspondence Register for Item 1889/852; also see *New Zealand Herald*, 10 Oct 1890. *New Zealand Gazette* 1892 page 1280. *New Zealand Gazette* 1892 page 1348

<sup>654</sup> 20 Mar 1901, Telegram H Heke MHR, to Native Minister, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

After being closed for about eight years, the oyster beds were opened here on Friday last, May 1.... The pickers are now employed by the Government, receiving 6/6 [six shillings and sixpence] for each sack gathered; but they are limited now to three sacks per day, instead of two, as at first arranged. Sacks were sold locally by the Government for 11/6d. Two persons were prosecuted for taking oysters before the close season ended, and the Magistrate remarked that “now the Government had taken over the sole control of the oyster fisheries, it was his intention to deal more severely with offenders in future.”<sup>655</sup>

This prevailing mode of operation, whereby the Government controlled and determined the activity of the oyster industry, lasted through until the 1970s.

During the annual ‘close season’ in December 1913, two parties of Maori were discovered gathering oysters in the Kerikeri Inlet. As a result of wide Maori belief that they were entitled to collect the oysters under the Treaty of Waitangi, prosecution was recommended in order to curb future ‘poaching’.<sup>656</sup> Prosecution of Maori required approval from the Native Minister and Minister of Marine. As a result of the approval having been obtained, the case went to Court in March 1914.<sup>657</sup> There the defendants sought to treat the matter as a test case, contending that under the Treaty they were entitled to take the oysters. Word from the Solicitor General, in response to the defence’s claim of rights under the Treaty, was that the case “seems to be wholly unsound”, and that various references to Maori in the Fisheries Act 1908 made it clear that “Part I of the Fisheries Act does in some degree apply to Maoris so as to make them liable to its penal provisions”. The result saw that the exemption conferred by Section 77(2) was not regarded as extending any further rights to Maori other than possessing a freehold title to the land from which the oysters are taken.<sup>658</sup>

As the status of the Treaty defence was not resolved by this case, it opened the doors for further prosecutions to be made. In October 1914 a second case of poaching occurred at Kerikeri.<sup>659</sup> Again prosecutions were approved by the Native Minister and Secretary for Marine who commented: “Natives in the Bay of Islands are very well aware that it is illegal

<sup>655</sup> 9 May 1908, *Northern Luminary*, p5, report reproduced in K Boese, op cit, p.389

<sup>656</sup> 13 Jan 1914, Inspector of Fisheries Russell [IoFR] to Secretary for Marine [SfM], Oysters, Russell, poaching by Maori, ADOE 16612 M1/114, 2/7/15, pt.1

<sup>657</sup> Feb 1914, Section 76 Fisheries Act 1908; Authority of Native Minister, Oysters, Russell, poaching by Maori, ADOE 16612 M1/114, 2/7/15, pt.1

<sup>658</sup> 13 Mar 1914, Solicitor General [SG] to Crown Solicitor Auckland, attached to SG to [SfM], 13 Mar 1914. Oysters, Russell, poaching by Maori, ADOE 16612 M1/114, 2/7/15, pt.1

<sup>659</sup> 6 Oct 1914. Telegram IoFR to SfM, Oysters, Kerikerii, ADOE 16612 M1/118, 2/7/50, pt.1

for any one to take them, many of them being employed by the Marine Department during the open season.”<sup>660</sup>

Again the matter proceeded through the Court and various Maori, including Dr. Pomare, argued the right of Maori to gather oysters under the Treaty of Waitangi. Eventually in April 1915 the Secretary for Marine noted on the file that “verbally advised Minister today that no further action should be taken in this matter, and he approved.”<sup>661</sup>

These cases were not isolated, with further Maori caught gathering in Kerikeri a year after the aforementioned trial. Rawiri Te Ruru in April 1915 protested against this to the Native Minister and was told the Inspector of Fisheries would meet with him to discuss the matter further. Stephenson met Rawiri Te Ruru at Kerikeri, “and to my surprise there were about 30 other Natives with him from the Inland District who appeared equally interested, and claimed the right not only of the Island but over other small scattered areas at the head of the Ti River”. He explained that the Department, in taking oysters from the various sites around the Inlet, “would not be infringing the Treaty of Waitangi”.<sup>662</sup>

There was a suggestion at this time that oyster beds on the Kerikeri inlet be reserved exclusively for the use by Maori under the Act. However, Alexander states that the land fronting the Kerikeri Inlet was either Crown-owned or privately-owned; there was little Maori-owned land. This limited the granting of exclusive rights for Maori to the oyster beds, as the Act required such reserves to be in the neighbourhood of any Maori pa or village.

In the meantime, as a consequence of a meeting with Rawiri Te Ruru (who asked that the Kerikeri and Mangonui Inlets to be reserved for Maori), Tau Henare and Dr Maui Pomare, the Native Minister, who was also Minister of Marine, decided to put a stop on Government gathering of oysters from the whole of the Kerikeri Inlet “for the present”, and to consider further establishing a reserve for exclusive Maori use.<sup>663</sup> As a result of the Minister’s decision Stephenson was instructed to stop gathering in Kerikeri Inlet, but was told that he could continue to allow the gathering of oysters for the Government in Mangonui Inlet.

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<sup>660</sup> 6 Oct 1914, Minister of Marine[MoM] to Native Minister, Oysters, Kerikerii, ADOE 16612 M1/118, 2/7/50, pt.1

<sup>661</sup> 12 Apr 1915, File note by SfM, SfM to MoM, 2 Dec 1914. Oysters, Kerikerii, ADOE 16612 M1/118, 2/7/50, pt.1

<sup>662</sup> 5 May 1915, IoFR to SfM, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

<sup>663</sup> 14 May 1915, Native Minister to Tau Henare MHR, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

Stephenson was asked to identify suitable beds that could be “set aside for the Natives’ own use, should the Government decide to accede to the request that has been made.”<sup>664</sup> In reply Stephenson chose approximately half a mile of foreshore fronting the Toatoa block in the Mangonui Inlet.

On confirming the reserve, the Minister withdrew the restriction he had placed on the gathering of oysters in Kerikeri Inlet.<sup>665</sup> This was prompted by a request from the Chief Inspector that the Government pickers should be allowed to gather oysters in the Inlet before moving elsewhere in the Bay of Islands.<sup>666</sup>

In 1916, under a new Inspector, Francis Flinn, an attempt was made to exchange the Mangonui Inlet Reserved area for other locations. A report by Flinn, (commissioned by the Minister of Marine and the Chief Inspector of Fisheries) noted three existing reserves, of Motu Mea, Motu Rua and one in the Mangonui Inlet. Flinn felt the three areas did not “serve their required purpose well”:

Motu Mea is of no use except to a few Natives resident near the Waitangi. Motu Rua is only of use to natives at and about Rawhiti, and the reserve at Mangonui inlet is in an extremely isolated position and without a road leading to it. The natives living on the Waikare and Karetu rivers, and Keri Keri, are without reserves for their use, although oyster beds exist near to their neighbourhoods.

Instead, Flinn suggested the following:

1. Abolish the reserve in the Mangonui Inlet and substitute for it a strip of foreshore commencing at the northern end of Te Hapa beach and extending to Whataku Creek. A road leads from Ti Point, which is in the proposed reserve, to several inland settlements, natives in large numbers come from inland and camp near the beach to gather pipis, shellfish. This site I think would be far more convenient to the natives than the present reserve, and would give them both classes of shellfish on practically the same ground.

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<sup>664</sup> 18 May 1915, SfM to IoFR, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

<sup>665</sup> 30 Jun 1915, File note by MoM, SfM to MoM, 24 Jun 1915. Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

<sup>666</sup> 23 Jun 1915, Telegram Chief Inspector of Fisheries [CIoF] to SfM, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

2. Reserve the island “Wainui”, locally known as the “Old Woman’s Island”, in the Keri Keri River. Natives are generally resident on the island, and this as a reserve would supply the wants of all natives living in or near or travelling up or down the river.
3. Continue to reserve the island Motu Mea, which would supply the wants of the natives at the mouth of the Waitangi and any travelling by that river, or coming by the road from the district Te Waimate.
4. Make a reserve on the eastern foreshore of the Waikare River commencing at Te Ngongiroa Creek and extending to Totoanga Creek. Adjoining this are pipi beds used by the natives. This reserve would supply the wants of the native settlements on the Waikare and Karetu Rivers.
5. Reserve all the foreshore of Motu Rua Island to supply the wants of the natives at Rawhiti and adjoining bays. Each of the areas I have suggested for reservation, with the exception of Motu Mea, is free of European settlement in its neighbourhood.

By making the reserves as outlined by the above, provision will be made in each part of the Bay so that no natives are, by distance, tribal differences or otherwise, excluded from the benefits of any reserve the Hon the Minister may make. I am satisfied that, unless reserves are made so as to be available to all the various hapus, constant agitation will result. Looking at the problem in all its bearings, and bearing in mind both the interests of the natives and the welfare of the beds, the above suggestions are the best that I can make, and if carried out would I believe settle the question satisfactorily to all interested.<sup>667</sup>

Alexander queries the adequacy of the recommendations, but does suggest that the report was a positive step in terms of its acknowledgment of Maori needs and hapu differences around the Bay.

However within a year of the Mangaonui Inlet been reserved for Maori, the Minister was apparently regretting his move. In a letter to Tau Henare, the Minister offered three new reserves in exchange for the productive Mangonui Inlet.<sup>668</sup>

Due to the vast quantities of oysters within the Mangonui Inlet reserve, Maori, in 1917, sought approval from Government to sell the oysters, suggesting if they were not picked then they would overgrow each other to the extent that they would become small and worthless.

<sup>667</sup> 6 Oct 1916, IoFR to ClOf, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

<sup>668</sup> 14 Nov 1916, MoM to Tau Henare MP, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

The Inspector on the other hand, saw the dense number of oysters as an indication that the reserve exceeded the 'needs of the Maori' and thus, reduced its size to one-third of its original. Flinn stated:

In my opinion, for the welfare of these beds, some of the oysters should be taken, but only by experienced pickers, and with strict supervision.... It does seem a pity that when oysters are badly required, large quantities, such as there are on the Mangonui beds which have been set aside for the Maoris, should be allowed to go to waste, and I recommend that when Mr Tau Henare comes down for the [Parliamentary] Session he be urged to get the Maoris to agree to the proposal of getting beds in other parts for their use.<sup>669</sup>

The Minister responded that:

We must take a firm hand in this matter. I think the best course is to wire Mr Henare to the effect that the oysters must be used, and the Government will pick them. The beds are not to supply oysters for sale.... If we wire Henare, he can see the Maoris before coming down.<sup>670</sup>

Therefore, Henare was subsequently told that:

Unless oysters are used by Natives for their own food, which is the only purpose for which they were set aside, Government will have to pick them to keep beds in proper condition. I am still of opinion that proper plan is for Natives to agree to give up reserved beds in Mangonui in exchange for others.<sup>671</sup> It is necessary that the picking should be under the control of the Inspector of Fisheries, so that he may see that it is done in such a way as not to destroy immature oysters, and that immature oysters are not put in the sacks. I think each picker should be restricted to 3 sacks a day, so that the picking may be done properly. This quantity will enable each picker to earn 19/6d a day.<sup>672</sup>

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<sup>669</sup> 9 Jun 1917, IoFR to CioF, attached to Collector of Customs Auckland to SfM, 12 Jun 1917. Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1 Supporting Papers, pp.797-8; SfM to MoM, 18 Jun 1917. Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

<sup>670</sup> 19 Jun 1917, MoM to SfM, on SfM to MoM, 18 Jun 1917. Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1.

<sup>671</sup> 20 Jun 1917, Telegram MoM to Tau Henare MP, Koraha, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1.

<sup>672</sup> 9 Jul 1917, SfM to MoM, File note by MoM, 6 Jul 1917. Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1.

A month later, the Inspector of Fisheries reported that he had met “the Maori Council” which had set the following rules for gathering at the Mangonui Inlet reserve:

- 1st The committee appointed 16 native pickers, all of whom have been picking for the department for the past two seasons.
- 2nd They appointed W Edmonds, the present overseer, as overseer to see that the sacks were properly filled and the oysters properly picked – the Department to pay his wages.
- 3rd They agreed to only pick the number of sacks per week as ordered by me and where directed.
- 4th And to deliver these sacks on board a boat provided to take them to Russell.
- 5th The pickers agreed to pay the Council one shilling per sack for every sack picked from the reserve.
- 6th The Council have appointed in writing [name not given] to collect this shilling per sack from each picker every pay day, and to pay it in to the Secretary.<sup>673</sup>

Two petitions were prepared, signed and sent to Parliament from the Bay of Islands in March 1922. The first petition, dated 27 March, prayed that:

The Wainui and Te Aroha Islands be brought under the Oyster Fisheries Act, and that the oysters be reserved for the Maoris of the Kerikeri Valley district. At low tide they are distant one chain apart. There are numbers of people living on Wainui Island.<sup>674</sup>

The second petition, dated 29 March, was addressed to the Prime Minister, who was visiting Waitangi for a hui. The petition covered a number of topics, one of which concerned fisheries and foreshores. Specifically, the petition requested that the “rights of the Natives to their fisheries and foreshores, the undisturbed possession of which was confirmed and guaranteed to the Chiefs and Tribes of New Zealand by Clause 2 of the Treaty of Waitangi, and which have been usurped by the Marine Department, should be returned to the Natives.”<sup>675</sup>

<sup>673</sup> 13 Aug 1917, 2387 IoFR to Collector of Customs Auckland, attached to Collector of Customs Auckland to SfM, 16 Aug 1917. Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1.

<sup>674</sup> 27 Mar 1922, Tukaru Tango and 121 Others, Waitangi, to Governor General, Prime Minister, MoM, Native Minister, and Members of Parliament, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1.

<sup>675</sup> 17 May 1922, Prime Minister to MoM, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

As minutes were passed backward and forwards within Parliament, Maori in the Bay of Islands were working on further petitions. The first, more specific, petition was replied to by Flinn in August 1922 and referred to the Inspector of Fisheries for a report. In his reply, Flinn referred to his 1917 recommendation to reserve Wainui Island and Ti Point (or Hei Hei Reef) for Maori in exchange for the Mangonui Inlet reserve. He claimed that the Mangonui reserve was seldom picked, because of its inaccessibility, and felt that the exchange proposal was still valid, adding that “all the shore natives are strongly in favour of this.”<sup>676</sup> The Chief Inspector of Fisheries agreed noting that he considered the areas reserved for Maori were “large”, and that the Mangonui Inlet reserve was “too large for the requirements of the natives in that part”.

The exchange proposal was still worthwhile. If the natives will not agree to this, then seeing that they hold such an unnecessarily large reserve in the Te Mangonui Inlet at present, I strongly urge that the reserve they now ask for in the Keri Keri should not be granted.<sup>677</sup>

As a result of the Chief Inspector’s report on the petition, the same exchange that was offered in 1917, was again made to Ted Rihari (concerned with Hei Hei Reef), Kiri Rihari (concerned with Kerikeri Inlet), and Mita Tetai (concerned with Te Rawhiti). Their response was reported as follows:

They expressed the opinion that the above proposals would be agreed to by the Natives concerned, and I promised to advise Mr Tau Henare MP and Colonel Bell MP as soon as a decision had been arrived at in the matter, so that definite proposals could be placed before the whole of the Maoris interested. Each of the above-named Natives agreed with me that the Maoris should observe the same close season for oysters as the Pakeha, and I promised them that the Department would be only too pleased to furnish them with all available scientific knowledge in respect to oyster cultivation, if they were prepared to extend and improve their beds.<sup>678</sup>

The Chief Inspector of Fisheries considered that the proposed exchange “would seem to be a very liberal offer”, as it would provide reserves “all round the Bay of Islands and settlements immediately inland, and should provide an ample supply for all time if the beds are conserved

<sup>676</sup> 19 Aug 1922, IoFR to SfM, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1.

<sup>677</sup> 14 Sept 1922, CloF to SfM, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

<sup>678</sup> 26 Jan 1923, MoM to SfM, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

and worked as they should be". Alexander suggests that it was clear the reserved beds in the Mangonui Inlet were still seen as a great prize for the Marine Department. The Chief Inspector wrote in his report of the Mangonui reserve:

If the natives at Bay of Islands won't agree to surrendering the present reserve in Te [Tii] Mangonui, I would strongly recommend that the reserves in that district should remain as they are at present, and that no applications for any further reserves should be considered. As I have already said, the proposed allotment of reserves is a very fair and liberal one, and the natives will only have themselves to blame if it is not given effect to.<sup>679</sup>

Flinn was prompted to gauge the Bay of Island Maori reaction to the proposed exchange.<sup>680</sup> He found that the proposal for exchange had been well debated by local Maori, petitions written up and committees formed. The majority of committee members came from inland locations with only one Kerikeri representative.<sup>681</sup> One of the petitions came from 123 people and related to the Mangonui Inlet reserve. It was forwarded to Flinn in May 1923, and noted the unsuitability of Mangonui Inlet to Maori due to its lack of access and impermanent occupation. The petition asked therefore for a different site to be reserved but one which still resided within the bounds of the Inlet. Alexander describes the boundaries of the new area desired as 'from Karetu Bay, from the Toatoa Stream, thence to the north eastern side of the said stream adjoining the Ti Mangonui Block, thence to the Whatakao, ending at the Whatakao Stream'. This, according to the petitioners, was the part of the Inlet which could be reached by road, and was where "the people from inland have come to live at Tii Mangonui".<sup>682</sup>

In September 1923 five persons were nominated by Teihi Te Heihei for the committee to manage the Mangonui reserve.<sup>683</sup> Correspondence from Flinn indicated his approval of the five committee members, he also commented on the proposed reserve at Wharengaere, on the other side of Mangonui Inlet, which had been the subject of the petition from Te Heihei and others. He noted that the Department had spent money upgrading the beds which would assist

<sup>679</sup> 27 Jan 1923, ClO to SfM, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

<sup>680</sup> 7 Mar 1923, SfM to IoFR, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

<sup>681</sup> 17 Mar 1923, Louis Te Haara, Ohaeawai, to IoFR, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

<sup>682</sup> 6 May 1923, Petition of Teihi Te Hei Hei and 112 Others, undated, attached to IoFR to SfM, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1.

<sup>683</sup> 21 Sept 1923, Teihi Te Heihei and Others, Purerua, to MoM, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

the oyster cultivation work and ensure, if managed properly, the longevity of the oyster bed. It was Flinn's opinion that the "Bay yields the best quality oysters in this district, and to my mind would mean a great loss to the department should it be given to the natives."<sup>684</sup> However, two years a letter from Hone Rameka was forwarded to Flinn regarding abuse to the oyster beds in the Mangonui reserved area. Rameka revealed that committee members were sending members of their families down to gather oysters and in turn taking them inland to sell. He asked for the area to be closed over the summer spawning season.<sup>685</sup> Flinn was apparently displeased with Rameka's plea, and described him as the one responsible for taking and selling the oysters.<sup>686</sup>

In 1928, the Fisheries Inspector wrote that "there are many difficulties in regard to the oyster beds" and that Kerikeri Maori wished to give up the "Keri Keri Inlet Oyster Reserve" in favour of a reserve on Old Woman's Island.<sup>687</sup> In October of the same year, a European at Kerikeri, married to a Maori woman, complained at the Government's picking of oysters within Maori reserves. He noted the double standards in the Government's handling of the oyster beds, as he mentioned, if it was Maori found to be picking the oysters, then they would be prosecuted.<sup>688</sup> An investigation by the Fisheries Inspector found no trace of an 'illegal' picking of oysters by Government in the reserved area. With regard to the Old Woman's Island, he suggested that there was no reserve in the Kerikeri Inlet which could be exchanged. He added that, because of Government monies spent there, "it is now a very good oyster bed indeed, far too good to exchange for any part of the native reserve at Te Mangonui".<sup>689</sup> According to Alexander, it would seem that over the years the Government's priorities had been turned around. Previously Old Woman's Island was proposed as a reserve if Mangonui Inlet ceased to be a reserve. By 1928 however this was considered impossible, because Old Woman's Island had apparently become more valuable as a Government oyster bed.

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<sup>684</sup> 29 Oct 1923, IoFR to SfM, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1.

<sup>685</sup> 7 Nov 1925, Hone Rameka, Waimate North, to IoFR, attached to IoFR to Superintendent of Mercantile Marine Auckland, 16 Nov 1925. Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1.

<sup>686</sup> 16 Nov 1925, IoFR to Superintendent of Mercantile Marine Auckland, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1.

<sup>687</sup> 10 Aug 1928, Private Secretary to Minister of Mines to SfM, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

<sup>688</sup> 4 Oct 1928, H Johnson, Kerikeri, to Colonel A Bell MP, Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1.

<sup>689</sup> 18 Oct 1928, Senior IoFR to Superintendent of Mercantile Marine, attached to Superintendent of Mercantile Marine to SfM, 18 Oct 1928. Oysters, Bay of Islands, Native Reserve, ADOE 16612 M1/119, 2/7/63, pt.1

## ii. The Ongoing Importance of Fisheries

Kaimoana resources became even more significant to Ngati Rehia over time as they lost access to their traditional lands through sales and their occupation became limited to an increasingly fewer number of smaller places.

Ngati Rehia Kaumatua have recalled how traditions around fishing and protection of this resource had continued through to the times of their childhood in the 1930s and 1940s. Ngati Rehia fishermen continued to fish species according to seasons, with nature providing signs of when the different fish species were available. Control of the fishing resource was exercised by those who utilised them. In addition, the issuing and removal of rahui, which was governed by kaumatua, were adhered to by the community.<sup>690</sup>

Knowledge regarding the sea and the use of the fisheries continued to be passed down through generations. Nau Epiha recalled that from the age of nine his father began to teach him about fishing. He soon came to know every fishing rock in the Inlet and the right times to go to each.<sup>691</sup>

A number of kaumatua recalled the vital role kaimoana provided in sustaining Ngati Rehia whanau over the first half of the twentieth century. They remembered the abundance and variety of seafood that was available to them. Maraina Kemp remarked on the numerous fish available to Ngati Rehia in the late 1920's: "Fish was in abundance them days, tamure, kahawai, kanae, everything."<sup>692</sup> In addition she spoke of fishing for tamure in the mid-1930s:

In the mid 1930's on a number of occasions I along with other cousins were dropped off on the rocks at Motuone to fish for tamure which was an excellent fishing spot. We only needed to stay there, no more than 1 hour, any longer would only be for the enjoyment of catching fish. We used to get cut hands on our handlines or our lines would snap.<sup>693</sup>

Ngati Rehia whanau and individuals had knowledge of the best places to catch fish. Huia Heihei mentioned that: "Favourite fishing spots were Te Pati Reef, Manawa Tutahi, Toko-te-

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<sup>690</sup> Winika Heihei, Aug 2007, Group Interview at Te Tii.

<sup>691</sup> Nau Ephia, 9 May 2008, Interview at Takou.

<sup>692</sup> Account by Kuia Maraina Kemp; cited in Wiki, op cit, p.5.

<sup>693</sup> Ibid

rani, Motuone, Tarawa.” She also referred to the presence of warehenga (kingfish) in the area noting: “Around about March-April it was common to see warehenga (kingfish) close up chasing flounder”.<sup>694</sup>

Over most of the first half of the twentieth century the economy at Te Tii was mainly centred on or around the settlement and the sea was an important part of this domestic economy. Traditionally, Ngati Rehia had often migrated within their rohe on a seasonal basis and Winika Heihei recalled that her parents had used Te Tii only as a summer base until they grew too old to travel about. Then they moved to Te Tii to live there permanently.<sup>695</sup> In 1936 there were approximately a dozen large families living at Te Tii.<sup>696</sup> Huhana Epiha’s memories suggest that even in the late 1930s, people at Te Tii were not going out of the settlement and working for wages although she noted that this changed over the next decade as her brothers later had to leave to find work.<sup>697</sup> The availability of kaimoana provided essential sustenance to the Te Tii community at this time and was central to their way of life.

The community worked together and all had a role. Even as children they were given tasks to complete. However these tasks were often completed as a group and regarded as part of their playtime. Often these tasks reflected the importance of kaimoana to this community as before or after school children frequently had to collect pipi and gut and scale fish. In doing these chores, they were keenly aware these were being done for the whole community.<sup>698</sup> Ngati Rehia kaumatua and kuia recollect that during the 1930s and 1940s there were lots of different kinds of fish in the area including snapper and kahawai, and flounders in the estuary. Although there were hapuka grounds offshore, most of the fishing by the community focused on the inlet. At Taputaetahi, maomao could be caught.<sup>699</sup> A few families had launches, but most fishing was done from dinghies.

At Te Tii, Nau Epiha’s father was a good fisherman. He would fish within the Inlet but also out to sea. He was the fisherman for the community. Although he would give away fish to

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<sup>694</sup> Account by Huia Heihei; cited in Wiki, Ruth, op cit, p.6.

<sup>695</sup> Winika Heihei, Aug 2007, Interview at Te Tii.

<sup>696</sup> Huhana Epiha, Aug 2007, Interview at Te Tii

<sup>697</sup> Aug 2007, Group Interview at Te Tii

<sup>698</sup> 8 May 2008, Group Interview at Te Tii

<sup>699</sup> 8 May 2008, Ngati Rehia group Interview at Te Tii

elders, he sold snapper, herring, mullet, flounder and hapuka to other members of the Te Tii community. He would also smoke fish for sale.<sup>700</sup>

Huhana Epiha recalled that when she was a child growing up at Te Tii in the 1930s, the families often did not have to go out on the water to fish: “The waves just bring them up to shore. There were rock pools. All we had to do was go down and have a look if there was fish in there.”<sup>701</sup>

Piriwiritua Heihei remembered the abundant fishing in the area of Te Tii wharf in the late 1930s:

In 1939, I use to fish with a handline off Te Tii wharf or row no more than 50 yards and in an hour will have caught at least 5 to 12 fifteen pound snapper, kahawai or gurnard for breakfast.

My Dad and I use to go out about twice a week, each time we came back we would have enough fish to feed seven families for two days.

All species of fish were plentiful then...

Three or four people generally went handlining for a fun day outing and for the enjoyment of catching fish...<sup>702</sup>

Piriwiritua Heihei also recalled how they began using nets and long lines in the 1930's and commented on the plentiful supply of fish they were able to catch:

Netting started in the late 1930's. My Dad and I used to leave about 6 pm to set our net, which was twenty-five feet in length and go back early the next morning and the net would be full with all kinds of fish, same with herring. When mullet or kahawai is running the net would normally sink. Also in the mid to late 1930's long lines of 25 hooks were used.<sup>703</sup>

Although the Inlet was the focal point for fishing for the Te Tii community over the 1930s and 1940s, in the right season and weather the dinghies were rowed out to hapuka grounds

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<sup>700</sup> Nau Ephia, 9 May 2008, Group Interview at Takou.

<sup>701</sup> Huhana Epiha, Aug 2007, Group Interview at Te Tii

<sup>702</sup> Account by Piriwiritua Heihei; cited in Wiki, op cit, p.4.

<sup>703</sup> Ibid.

that were so far out, the fishermen lost sight of land.<sup>704</sup> Nau Epiha noted that his father went out to Oihi and Cape Brett.<sup>705</sup>

Summer and Ata Rihari from Kaihiki Bay referred to prolific numbers and variety of fish in this area in the late 1930s.

In 1937 there was an abundance of all different species of fish. It was possible to catch large snapper from Kaihiki wharf. We did not eat any other species except [except] snapper because it was [p]referred and of such abundance...<sup>706</sup>

Ngati Rehia in this area owned boats and at times fished commercially. Piwiki Taurua's paternal and maternal grandfathers at Kaihiki built their own boats in the 1920s. One of these was named Te Ngae. These boats fished far out to sea. In 1936, a fishing boat was purchased which Piwiki Taurua's grandfather and uncles named Mahaki. Another boat was named Tawera. In turn, Piwiki Taurua's father became a commercial fisherman also.<sup>707</sup>

Others also mentioned the commercial harvesting of fish as early as the late 1920s. Maraina Kemp remembered members of her whanau working in the fish processing factory.

Around 1928 as a wee girl of 8 years, I can remember a number of my whanau that worked in the fish processing factory at Purerua which was under the management of Mr George Hansen. Mullet was the main fish which was processed at the fish factory, and we were living at Tamaki, Purerua at the time.<sup>708</sup>

Huia Heihei (kuia) also indicated that her whanau were able to indulge their preference for snapper because of the numerous quantities in earlier times: "In 1940-50 we usually only went out fishing for snappers." She pointed out it was not difficult to catch snapper at that time noting: "It was foreign to row to the other side of the inlet as you could catch good sized snapper without going too far."<sup>709</sup>

According to Huia Heihei snapper fishing continued to be fairly good up to the late 1970s.

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<sup>704</sup> Aug 2007, Group Interview at Te Tii

<sup>705</sup> 9 May 2008, Group Interview at Takou.

<sup>706</sup> Account by Summer and Ata Rihari; cited in Wiki, op cit, p.7.

<sup>707</sup> Piwiki Taurua, 6 May 2008, Group Interview at North Shore

<sup>708</sup> Account by Maraina Kemp; cited in Wiki, op cit, p.5.

<sup>709</sup> Account by Huia Heihei; cited in Wiki, op cit, p.6.

Up to the late 1970's it was still fairly good fishing. We used to go out on the incoming tide and be back by high tide, and would easily have 15 snappers each which were fished by handline.<sup>710</sup>

She pointed out that they fished mainly for their personal consumption and that fishing was mainly with a hand-line: "Most times we went out, it was for personal consumption and extras were shared or smoked. Nets were hardly used."<sup>711</sup>

Nora Rameka told of how Takou Bay was occupied by number of Ngati Rehia families through until the 1930s and 1940s. Takou had always been a special place for Ngati Rehia. She recalled that it was a good fishing place where fish would come far up the river to feed.<sup>712</sup>

According to Arthur Hima Heihehi snapper, gurnard and John Dory continued to be abundant in the late 1950's:

In the late 1950's, my father and I rowed a boat to Akeake sandbar to fish with handlines. We were pulling up snapper two at a time and they were all good size...Gurnard were also plentiful then...John Dory were also plentiful....Shark use to be plentiful too.<sup>713</sup>

Kuia Tiniwa Parangi also attested to the plentiful supply of snapper: "I remember my father-in-law, Arena Henare use to sit on his chair, on the beach, in front of his house and catch snapper." According to her account, maraua (yellow eyed mullet) were also prolific in the 1950s and 1960s.<sup>714</sup>

Spearing flounder continued to be an additional way of sourcing food for Ngati Reihia through the early and mid-twentieth century. Piriwiritua Heihehi remarked in relation to the late 1930's: "We used to go out for no more than half an hour and would have speared a kit full of flounders..."<sup>715</sup> Summer and Ata Rihari from Kaihiki Bay also commented on "the

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<sup>710</sup> Ibid

<sup>711</sup> Ibid

<sup>712</sup> Nora Rameka, 9 May 2008, Interview at Takou

<sup>713</sup> Account by Arthur Hima Heihehi; cited in Wiki, op cit, p.5.

<sup>714</sup> Account by Tiniwa Parangi (kuia0; cited in Wiki, op cit, p.7.

<sup>715</sup> Account by Piriwiritua Heihehi; cited in Wiki, op cit, p.4.

abundance of flounder” that used to exist in their area.<sup>716</sup> This was further reflected by Tiniwa Parangi who told how in the 1950s and 1960s if you set a net you always caught flounder.<sup>717</sup> Tu and Mari Kemp described the setting of nets in 1950:

In 1950, Uwhatakao was the place for Patiki[,] nets were knotted at each end and then lifted onto the boat. It was always full day or night. Herrings used to be the size of kahawai today.<sup>718</sup>

Flounder appear to remained in relatively high numbers in some areas into the 1960’s and 1970’s as Arthur Hima Heihei gave an account of spearing several dozen in a fairly short time-frame.<sup>719</sup>

Eels were an important additional source of sustenance for Ngati Rehia whanau. Piriwiritua Heihei described the method used by him and others to catch eels:

Our method of catching eels were always by hand mainly up Whatakao creek. It normally took us 10 -15 minutes to catch 4-5 huge monster sized eels. Other places we use to get eels was Pitau, Totoa and Purerua.<sup>720</sup>

There was also a profuse supply of several varieties of shell-fish available to Ngati Rehia over the early part of the twentieth century as Piriwiritua Heihei explained:

Kokota, Huwai, Karahu and Pupu were plentiful. These could be found from Whatakao to Patunui Bay, Wharengaere and Kaihiki.<sup>721</sup>

Huhana Epiha recalled the variety of shellfish located in lagoons and along the shore around Te Tii. She remembered oysters, but also paua, mussels and kina. She had memories of her father barbequing freshly harvested kina on the beach when she was a child in the 1930s. Another memory was of lunch breaks at school, when she and her brothers and sisters

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<sup>716</sup> Account by Summer and Ata Rihari; cited in Wiki, op cit, p.6.

<sup>717</sup> Account by Tiniwa Parangi; cited in Wiki, op cit, p.7.

<sup>718</sup> Account by Tu and Mari Kemp; cited in Wiki, op cit, p.7.

<sup>719</sup> Account by Arthur Hima Heihei; cited in Wiki, op cit, p.5.

<sup>720</sup> Account by Piriwiritua Heihei; cited in Wiki, op cit, p.4.

<sup>721</sup> Ibid

would run home, tear a piece off a piece of freshly baked bread, and go down to the rocks to eat oysters.<sup>722</sup>

Summer and Ata Rihari from Kaihiki Bay observed how in 1937: “We use to gather big round pipis (huwai) anywhere in Poukoura inlet and purewha was also everywhere.”<sup>723</sup> An account by Tiniwa Parangi also stated that “Huwai were everywhere” and “Tio (oysters) were in every bay”.<sup>724</sup> This abundance was also observed by Maraina Kemp: “We used to get Pipis (Huwai) by the dozens, all around and in every bay” and “From 1940 to 1950 Kutai were here, there and everywhere...”<sup>725</sup> Further comments from Rongo Subritsky also attested to the profusion of shellfish that were available to Ngati Rehia: “In the early days there was an abundance of pipi, oysters and purewha...This place was rich in kaimoana.”<sup>726</sup> Huia Heihei has commented that: “Purewha used to be thick...Even during the 1970’s they were plentiful, all stuck on rocks.” In addition, she recalled that they “used to get kina at Rangitoto.”<sup>727</sup>

Towards the middle of the twentieth century, some Ngati Rehia continued to preserve shellfish in traditional ways. Rongo Subritsky commented that “Purewha were always preserved. This was the easiest way to keep them.”<sup>728</sup> These methods of preserving shellfish were described by Tu and Mary Kemp:

In 1948, we use to prepare roma, We used to shell heaps of purewha for preserving. First they were cooked and then placed into containers made out of flax. It was made in such a way that it was sealed tight. Then they were placed in running water for about a week. This caused the kai inside to expand then they were hung up to dry. This tightens the food. It could then be left for up to one year. Paua is also done this way. Purewha was also, preserved or sown [sewn] with a thread of flax then smoked or could be steamed.<sup>729</sup>

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<sup>722</sup> Huhana Epiha, Aug 2007, Interview at Te Tii.

<sup>723</sup> Account by Summer and Ata Rihari cited in Wiki, op cit, p.6.

<sup>724</sup> Account by Tiniwa Parangi, cited in Wiki, op cit, p.7.

<sup>725</sup> Account by Maraina Kemp, cited in Wiki, op cit, p.6.

<sup>726</sup> Account by Rongo Subritsky cited in Wiki, op cit, p.6.

<sup>727</sup> Account by Huia Heihei; cited in Wiki, op cit, p.6.

<sup>728</sup> Account by Rongo Subritsky cited in Wiki, op cit, p.6.

<sup>729</sup> Account by Tu and Mari Kemp; cited in Wiki, op cit, p.7.

### iii. Depletion of Ngati Rehia fisheries over the twentieth century

Over the twentieth century Ngati Rehia fishery resources decreased dramatically in relation to a number of factors including over-fishing through commercial fishing and modern methods, and the effects of pollution from various sources. Many kaumatua and kuia contrasted the abundance available in terms of fishery resources in the past to the vastly reduced numbers by the late twentieth century.

Piriwiritua Heihei noted that in the late 1930s fifteen pound snapper were plentiful but that things had changed by the 1990s:

Nowadays snapper are very small. You'd be lucky to feed one family in two hours. To catch a five pound snapper today is a "good catch."<sup>730</sup>

Likewise, Arthur Hima Heihei compared the abundance of good-sized snapper in the late 1950's with the position in the 1990's: "Today you'd be throwing them back into the sea because they'll all be undersized." Plentiful gurnard supplies from the 1950's were also commented by him to be "just about all gone" by the late twentieth century. In addition he observed that: "The last time I saw a kingfish close in to Te Tii bays was around late 1970's". As for John Dory: "I doubt if you will see or catch them [John Dory] this side of Motuone." Shark which were once plentiful, were noted to be virtually non-existent in the area by the 1990s.<sup>731</sup>

This depletion was reflected in Tiniwa Parangi's observations in the late 1990s:

Not too long ago Henare and I went to "Kauri" normally a good fishing ground. Despite moving twice, we only caught one snapper the whole day.<sup>732</sup>

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<sup>730</sup> Account by Piriwiritua Heihei; cited in Wiki, op cit, p.4.

<sup>731</sup> Account by Arthur Hima Heihei; cited in Wiki, op cit, p.5.

<sup>732</sup> Account by Tiniwa Parangi; cited in Wiki, op cit, p.7.

She mentioned that it was often only parore that was now being caught. Likewise, Maraina Kemp remarked that while in the past they were able to catch more than they needed in a short time: “Perhaps if I went fishing today, I’ll probably only catch pakirikiri.”<sup>733</sup>

Piriwiritua Heihei commented on the introduction of commercial fishing in the early 1940’s and the negative effect this had on Ngati Rehia fisheries.

Early 1940’s commercial fishing started (**the big kill**). Long lines of 2,000 hooks and drag netting of 600 yard nets with their method of dragging was introduced, It took three settings to cover the whole inlet. From Tareha point to Te Tii. Unwanted shark, parore, kahawai and other species of fish were discarded overboard by the commercial fishermen, or left on beaches to rot. Nets were also set from Tareha point towards Kaihiki, Motuone towards Kauri, Dead Whale Reef towards ToaToa. It was taking up 2 to 3 weeks after each session for fish to replenish.<sup>734</sup> [Bold as per original.]

His account also highlights how the methods of these commercial fishermen often went against the traditions of Ngati Rehia that have been outlined previously.

Mahaina Kemp also remarked on the effect of commercial fishing in the area:

In the 1960’s commercial fishermen used to have nets running from Whakapu Point to Te Tarawa blocking off the Bay. They use to catch a sway of all sorts of fish.<sup>735</sup>

Flounder which had continued to form part of the diet for Ngati Rehia whanau over the early to mid-twentieth century were severely depleted in numbers by the late 1900s. Piriwiritua Heihei observed that where once he and others could spear a kit full of flounders in half an hour: “Today, you’d be lucky to catch the same in a net and in one tide”. In a similar way Arthur Hima Heihei compared spearing several dozen flounder in a fairly short time in the past to an expedition during Christmas 1991 when he “went out floundering and speared only one good sized flounder and 4 fairly small ones.”<sup>736</sup>

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<sup>733</sup> Account by Maraina Kemp; cited in Wiki, op cit, p.7.

<sup>734</sup> Account by Piriwiritua Heihei;; cited in Wiki, op cit, p.4.

<sup>735</sup> Account by Kuia Maraina Kemp; cited in Wiki, op cit, p.6.

<sup>736</sup> Account by Kaumatua Arthur Hima Heihei; cited in Wiki, op cit, p.5.

Ata and Summer Rihari of Kaihiki Bay observed that very few flounder were caught in their area whereas in the past there had been an abundant supply. They blamed commercial methods of fishing for this reduction: “It is through the modern methods used by commercial fishermen that this depletion has come about.”<sup>737</sup>

By the late twentieth century even eels, which had been abundant and “monster-sized” in the past, were reported to be “very small”.<sup>738</sup>

The oyster beds were depleted over the twentieth century. It was commented that whereas over the late 1930’s and 1940’s people had gathered 12 to 18 super sacks a week in the various bays of the inlet, “Today, you would be hard pressed to fill a super sack with rock oysters.”<sup>739</sup>

Other varieties of shell fish such as kokota, huwai, karahu and pupu have been virtually wiped out. Piriwiritua Heihei noted that this was particularly the case “...from Whatakao to Te Mumuhu where we used to collect Huwai the size of golf-balls now it’s the size of marbles.”<sup>740</sup> This information was echoed by Huia Heihei who commented; “Huwai seems to be dying before they reach the size of marbles.” Purewha once growing thickly on the rocks was later noted to only seem to grow on oyster farms and by the late twentieth century Huia Heihei observed that: “Now we have neither purewha nor oysters”. In regards to the past presence of kina at Rangitoto, she noted that: “Now nothing seems to be growing, not anymore.”<sup>741</sup> Tiniwa Parangi also remarked that once you would find shellfish in every bay but towards the end of the twentieth century: “All of these shellfish were gone.”<sup>742</sup> This was reflected by the words of Maraina Kemp who stated: “Today the search for pipi is in vain” and further noted: “By the end of the 1950s all mussel beds had been exhausted.”<sup>743</sup> Towards the end of the twentieth century Ata and Summer Rihari observed that: “Today when I was digging in the sand for pipi, all I found were worms which are 6 inches in length.”<sup>744</sup>

<sup>737</sup> Account by Ata and Summer Rihari; cited in Wiki, op cit, p.7.

<sup>738</sup> Account by Piriwiritua Heihei; cited in Wiki, op cit, p.4.

<sup>739</sup> Ibid

<sup>740</sup> Account by Piriwiritua Heihei; ; cited in Wiki, op cit, p.5.

<sup>741</sup> Account by Huia Heihei; cited in Wiki, op cit, p.6.

<sup>742</sup> Account by Ata and Summer Rihari; cited in Wiki, op cit, p.6.

<sup>743</sup> Account by Maraina Kemp, cited in Wiki, op cit, p.6.

<sup>744</sup> Account by Tiniwa Parangi; cited in Wiki, op cit, p.6.

A number of reasons were put forward by Ngati Rehia kaumatua and kuia as contributing to the drastic reduction in shell-fish. Piriwiritua Heihei commented that the introduction of modern boats which made for easier access to seafood had contributed to this decline in shell fish numbers.<sup>745</sup> Rongo Subritsky presented her view on the fate of some of the shell-fish in the area:

I believe the Marine Department destroyed large quantities of our purewha for reasons I will explain. ...The purewhas were scraped off the rocks by the Marine Department to clear them for oysters.

Perhaps these shellfish will never return.<sup>746</sup>

Tu and Mary Kemp made additional observations regarding the changes that took place in relation to the shell-fish beds over the second half of the twentieth century: “Kokota took over where huwai used to be. Pupu and karahu, you have to hunt for them these days.” They considered one of the reasons for this was the “influx of the pacific oysters”.<sup>747</sup>

Ata and Summer Rihari of Kaihiki Bay described how immense numbers of shell-fish died off during the 1960’s.

In the 1960’s vast pipi beds died off and in its place, kokota (flat pipi) grew. There were also oysters which seemed to have died in vast amounts. The depletion of the oysters and huwai did not result from over consumption, but I suspect some sort of poisoning.<sup>748</sup>

By the mid-twentieth century, Ngati Rehia fisheries, particularly the shell fish beds, were being devastated by pollution from a variety of sources. This was commented on by Piriwiritua Heihei:

By the late 1940’s to early 1950’s there were extensive top dressing which helped pollute the shellfish beds, that is agricultural run off from farms[,] also pollution from marinas...<sup>749</sup>

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<sup>745</sup> Account by Piriwiritua Heihei; cited in Wiki, op cit, p.5.

<sup>746</sup> Account by Rongo Subritsky; cited in Wiki, op cit, p.6.

<sup>747</sup> Account by Tu and Mari Kemp; cited in Wiki, op cit, p.7.

<sup>748</sup> Account by Ata and Summer Rihari cited in Wiki, op cit, p.6.

<sup>749</sup> Account by Piriwiritua Heihei; cited in Wiki, op cit, p.5.

Maraina Kemp also observed the negative effects of fertiliser spraying: “Fertiliser spraying contributed to the depletion of our shellfish stocks, especially when the fertiliser drifted out to sea.”<sup>750</sup>

Tu and Mary Kemp also spoke of the effects of erosion and silting in contributing to the dramatic reduction in pupu and karahu.<sup>751</sup>

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<sup>750</sup> Account by Maraina Kemp, cited in Wiki, op cit, p.6.

<sup>751</sup> Account by Tu and Mari Kemp; cited in Wiki, op cit, p.7.

## **B. NGATI REHIA IN THE 20TH CENTURY**

Aside from fisheries, the twentieth century would also be a time when Ngati Rehia would seek to utilise the comparatively small amount of land remaining in their ownership following the Old Land Claim and Crown purchasing processes of the nineteenth century. They would face a number of difficulties, however. Multi-hapu titles containing large numbers of owners, a relentless pressure to meet rating demands and a complete lack of access to land development finance all stood in the way of Ngati Rehia developing their land in the way that would have provided long-term benefits to their owners. Ngati Rehia communities, therefore, struggled to keep together as whanau had to roam away from their homes to earn a living. This dispersion of iwi members around their rohe, and outside of it too, militated against cultural and social cohesion. It also meant that Ngati Rehia were denied government sponsored services that other members of the community were receiving. For example, this subsection of the report will show that as late as 1900 Ngati Rehia did not have access to education in their home communities and that when it became available, for many years it was delivered in a format that provided little benefit to Ngati Rehia children.

Against the seemingly inevitable result of undermined communities resulting from underutilised land and the unavailability of economic opportunities, an unexpected and unique development arose in the years immediately after the war. Under the auspices of a spiritual revival, a significant Ngati Rehia community would come together at Te Tii in a very short timeframe united in their determination to create new possibilities for themselves. Initially determined to be self-sufficient, this community came to realise the huge resource needed to essentially create a land-based economic solution from scratch. It was at this point that they approached their Treaty partner. This subsection will document the way in which matters developed from this point.

*i. Ngati Rehia Land Titles*

Following the alienation of Ngati Rehia's interests in 40,436 acres that had been included in their pre-1840 land transactions and 55,413 acres from their involvement with the Crown's land purchasing programme of the 1850s and 1860s, the iwi had few lands left to provide an economic basis into the 20th century.

As a result of Papatupu inquiries held around the turn of the century, Ngati Rehia became included on titles for blocks in the Waimate District such as Whakataha and Wiroa. The titles, however, were multi-hapu with comparatively large numbers of owners. Any blocks that could be utilised were leased, thereby not really contributing greatly to benefit iwi members. Several Whakataha and Wiroa subdivisions were sold before 1930.

There were three blocks, however, that were in a different category. Located within some proximity to each other, the Takou, Otaha and Te Tii Mangonui blocks were of comparatively large size - large enough to be used commercially - and had the added benefit of comparatively few owners the vast majority of whom were Ngati Rehia. This Section, and the one following, will consider how these blocks were used during the twentieth century. Firstly, however, a brief outline of their title history will be presented.

*a. Takou East*

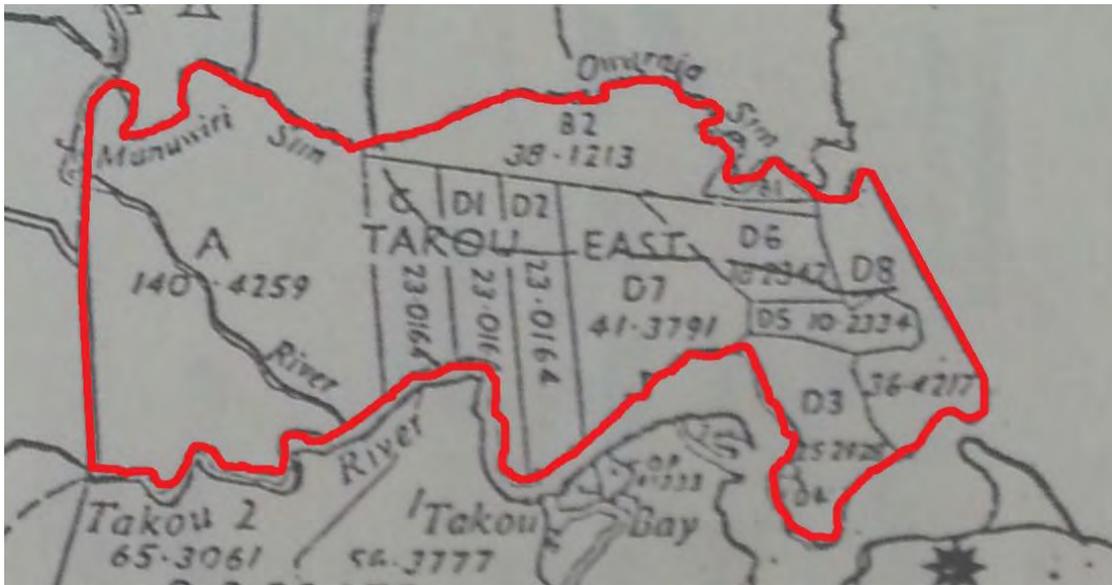
On 1 May 1875, under The Native Land Act 1865, the 1,237-acre Takou East block was brought before the Native Land Court for its investigation of title.<sup>752</sup> Erueti Te Kowhai appeared before the Court. He belonged to Ngati Rehia and resided at Takou. He claimed under his ancestor Te Wairua. The Court awarded a Certificate of Title order to Erueti Te Kowhai and eight others.<sup>753</sup>

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<sup>752</sup>MLC-Northern MB 1, pp66-67

<sup>753</sup> This entry, unless otherwise noted, is based on Tai Tokerau MLC Block files, Doc Bnk, Vol.17 pp10432-10462

*Figure 13: Takou Block*



On 27 October 1909, the Takou East block was partitioned.

BLOCK NO.	SIZE (a.r.p)	NO. OF OWNERS
A	637/0/00	45
B	120/0/00	11
C	66/0/00	1
D	413/0/00	33

These partitions subsequently were cancelled and on 5 March 1917, new partitions were issued.

BLOCK NO.	SIZE (a.r.p)	NO. OF OWNERS
A	347/0/00	44
B	101/2/38	11
C	56/3/20	1
D	413/0/00	33

On 7 March 1917, the Takou East B block was further partitioned.

<b>BLOCK NO.</b>	<b>SIZE (a.r.p)</b>	<b>NO. OF OWNERS</b>
B1	7/2/06	1
B2	94/0/32	10

On 5 June 1918, the Takou East D block was partitioned.

<b>BLOCK NO.</b>	<b>SIZE (a.r.p)</b>	<b>NO. OF OWNERS</b>
D1	56/3/20	1
D2	56/3/20	1
D3	62/2/00	23
D4	2/2/00	35
D5	25/1/06	1
D6	45/0/29	9
D7	102/0/00	23
D8	90/0/00	35

Between 1913 and 1932, the following alienations were confirmed.

<b>NATURE &amp; DETAIL OF ALIENATION</b>	<b>DATE</b>	<b>BLOCK NO.</b>	<b>SIZE (a.r.p)</b>	<b>PURCHASER</b>	<b>PRICE</b>
Purchase	26/3/1913	C	66/0/00	Lu te Ohu	£121
Purchase [part-50/2/06]	7/5/1918	D2	56/3/20	Hannah E. Mountain	£54.15
Purchase	9/9/1918	B2	94/0/32	Paora te Ohu	£120.7.4
Purchase	16/4/1919	D1	56/3/20	H.E. Mountain	£56.17.6
Purchase [part-1/2/30]	8/8/1919	D2	56/3/20	H. E Mountain	£2.2.1
Purchase	22/3/1920	B2	94/0/32	L.A. Hows	£135
Purchase [part]	2/2/1921	C	56/3/20	W.C. Mountain	£160
Purchase	21/11/1921	A	347/0/00	C.C. Hows	£375
Purchase [part-5/0/01]	20/3/1922	D2	56/3/20	H.E. Mountain	£6.16.6
Purchase	8/12/1922	B1	7/2/06	LO.A. Hows	£30
Purchase [part]	8/2/1932	C	56/3/20	C.C. Hows	£180

On 12 October 1972, Takou East D4 was set apart as a Maori Reservation for the purpose of a cemetery for the common use and benefit of the owners of the block, sometimes called Te Kowhai wahi tapu. (NZG 82/2292)

In 1975, the following alienation occurred:

NATURE & DETAIL OF ALIENATION	DATE	BLOCK NO.	SIZE (a.r.p)	PURCHASER	SALE PRICE
Purchase	10/9/1975	East D7	102/1/0	Tepene Tablelands Ltd	\$6000

On 4 May 1991, the Takou East D3, D5, D6 and D8, blocks were amalgamated with the Otaha 4E and 4H blocks to form a new Takou Block of 323.9320 ha which today remains in Maori ownership.

Today, the following Takou East block remains as Maori land:

- D4                      2a. 2r. 00p.                      1.0117 ha

*b. Te Tii Mangonui*

In 1904, the title details of this block of 921a. 0r. 32p. were heard by a Papatupu Block Committee. On 21 January 1919, the title was awarded in the following partitions:

BLOCK NO.	SIZE (a.r.p)
A	53/0/35
B	1/1/00
C	278/2/37
D	588/0/00

During the 1950s, the following partitions occurred, possibly as consolidated orders:

	BLOCK NO.	SIZE (a.r.p)
16 Mar 1951	D1	221/0/00
	D2	367/0/00
5 Mar 1952	C1	45/0/00
	C2	233/2/37
14 Apr 1955	A1	16/3/35

21 Nov 1957

A2	4/2/05
A3	31/2/35
C2A	5/0/00
C2B	228/2/37

On 28 February 1957, an area of 0a.2r.31.7p. was taken from Te Tii Mangonui A for roading purposes. (NZG 15/314) On 30 April 1959, the Crown acquired the C2A block for a Maori school site. (NZG 25/550)

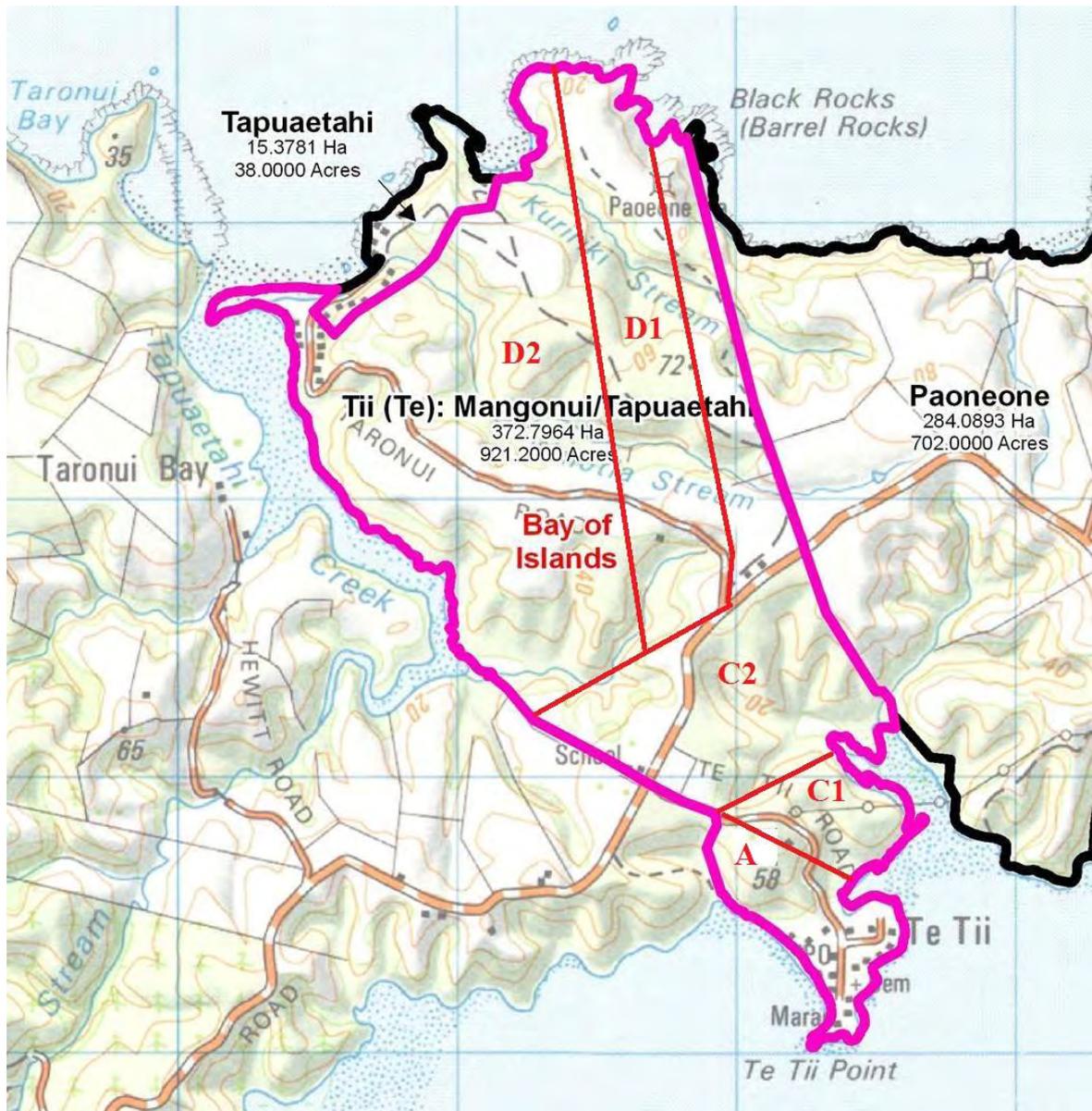
On 29 March 1965, the titles of Tii Mangonui C1, C2B, D1 and D2 were cancelled and amalgamated and incorporated to form the Te Tii Tapuwaetahi block which remains in Maori ownership today.

On 28 March 1974, Te Tii Mangonui A2 was set apart as a Maori Reservation for the purpose of a Marae site for the common use and benefit of the Maori people of Te Tii Mangonui. (NZG 27/570) On 21 April 1983, Te Tii Mangonui A1A was set apart as a Maori Reservation for the purpose of a Marae for the common use and benefit of the owners and their descendants. (NZG 53/1163). In the meantime, on 21 June 1982, the following partition occurred:

<b>BLOCK NO.</b>	<b>SIZE (a.r.p)</b>
A1A	0.4103 ha
A1B	6.4567 ha

Today, A1A, A1B, A2, A3 and B blocks remain in Maori title under the name Te Tii Mangonui.

Figure 14: Te Tii Mangonui Block



*c. Otaha*

As noted previously in the report, on 4 October 1894, fifteen persons of Ngati Rehia purchased the 1,400-acre Otaha 4 subdivision from John Wheeler King. On 13 December 1906, Otaha 4 was partitioned:

<b>BLOCK NO.</b>	<b>SIZE (a.r.p)</b>
4A	161.1.18
4B	563.0.15
4C	575.3.15

At some point thereafter, Otaha No.4A block was transferred to P. Studholme.

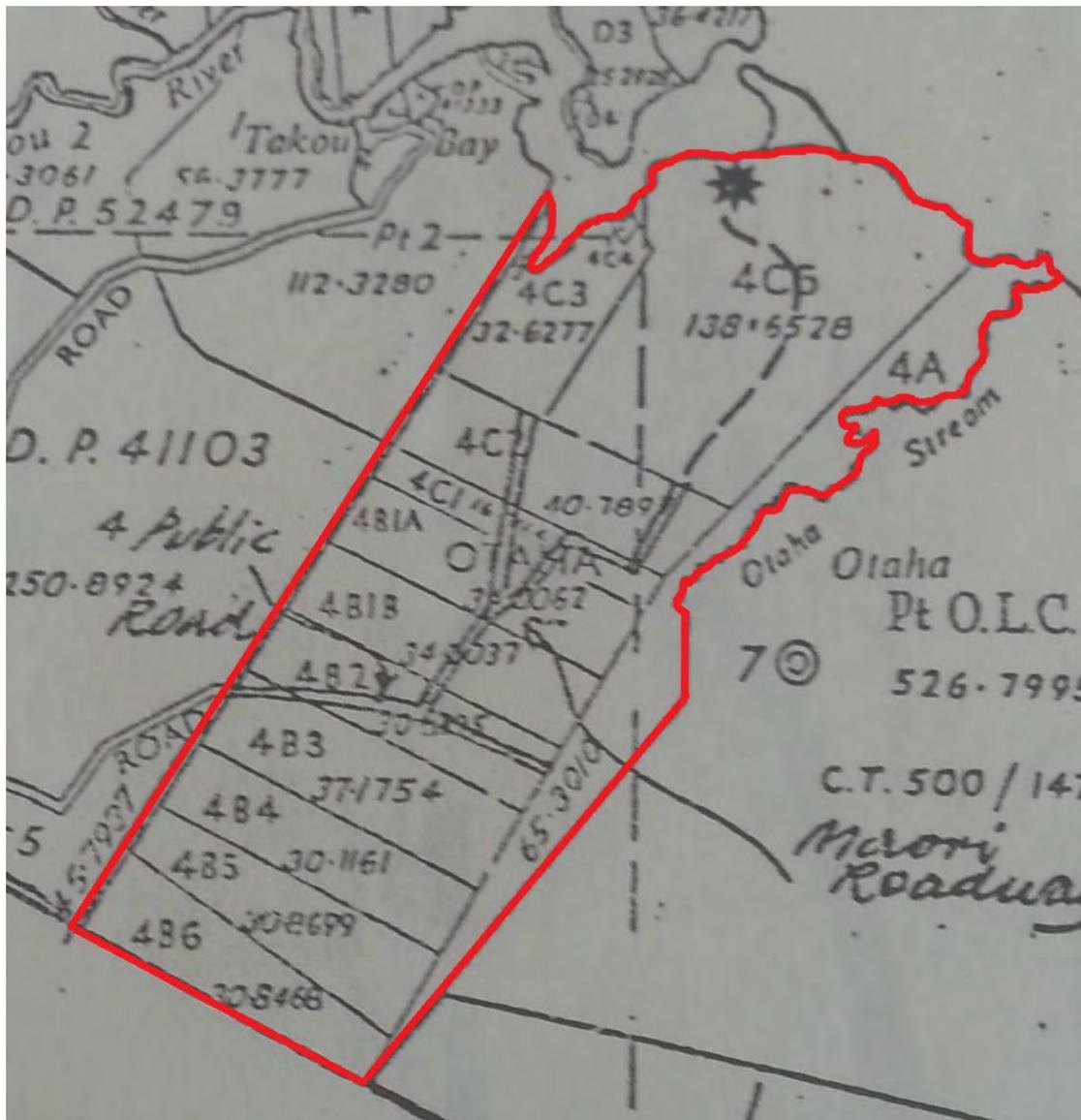
On 9 June 1915, Otaha No.4B block was partitioned:

<b>BLOCK NO.</b>	<b>SIZE (a.r.p)</b>
4B1	168.0.09
4B2	76.0.33
4B3	91.3.18
4B4	74.1.27
4B5	76.1.05
4B6	76.1.03

The following day, on 10 June 1915, Otaha 4C block was partitioned:

<b>BLOCK NO.</b>	<b>SIZE (a.r.p)</b>
4C1	40.1.11
4C2	100.3.7
4C3	80.2.20
4C4	1.3.28
4C5	343.2.19

Figure 15: Otaha Block



On 25 August 1915, Otaha No.4B1 was further partitioned into equal portions.

BLOCK NO.	SIZE (a.r.p)
4B1A	84.0.05
4B1B	84.0.05

On 9 March 1920, Otaha 4C2 and 4C5 blocks were partitioned.

<b>BLOCK NO.</b>	<b>SIZE (a.r.p)</b>
4C2A	40.1.10
4C2B	33.2.15
4C2C	26.3.22
4C5A	80.2.16
4C5B	20.2.00
4C5C	80.2.16
4C5D	169.3.27

Both sets of partitions were cancelled on 31 January 1963.

On 7 August 1973, Otaha No. 4B2 block containing 76a 0r 33p was sold to Toisie Haere Hill with the title being held as European Land.

On 31 August 1978 all of the remaining Otaha No.4 subdivisions, with the exception of 4C4 urupa, were re-partitioned:

<b>ORIGINAL BLOCK NO.</b>	<b>NEW BLOCK NO.</b>	<b>SIZE (ha)</b>
4B6	4D	76.1.03
4B3, 4B4, 4B5	4E	98.1614
4B1A, 4B1B, 4C1, 4C2	4F	125.1159
4C3, pt4C5	4G	35.7413
pt4C5	4H	135.5385

On the same day, the Court issued an order for lands Otaha 4E and 4H being vested in trustees.

On 29 June 1979, Otaha 4F was partitioned into 4I, 4J and 4K.

On 4 May 1991, the Otaha 4E and 4H blocks were amalgamated with the Takou East D3, D5, D6 and D8 blocks to form a new Takou Block of 323.9320 ha which today remains in Maori ownership.

*ii. Health and Education*

Comparatively little information has been located on the health of Ngati Rehia communities in the early 20<sup>th</sup> century. Ngati Rehia commentators have informed that rongoa was widely practiced during their childhood. A range of medicines were gathered from the bush including kawakawa leaves which were used for boil, kawakawa juice, kumarahou for colds and dock leaves for high blood pressure.<sup>754</sup>

Respondents have also supplied information on the illnesses with which the communities dealt. Many of those who grew up in the 1930s recall their parents and elders talking of a time when a great illness befell Te Tii that had affected many.<sup>755</sup> Those spoken to, recall their parents as becoming very worried when any of the children showed signs or symptoms of illness. They were afraid that the illness was coming back that in their time killed many people at Te Tii. This possibly is a reference to the 1918 influenza epidemic. As a result, there were burial places all over Te Tii and a mass grave too where people were buried who died of this illness.<sup>756</sup>

It is generally recalled that children would have various sicknesses that would require them at one time or another to have a day off school. Although an occasion when the whole school was closed can not be recalled, there are recollections of children with yellow jaundice being required to stay at home and be isolated. All spoken to remember tuberculosis as affecting many. It was generally felt that every whanau had at least one member who had TB.<sup>757</sup> Many people, possibly up to a third, were affected by tuberculosis and had to be kept in isolation; sometimes at their homes, sometime sin specially provided huts and other times in hospital.<sup>758</sup>

Compared with health, there is more information available in relation to education this coming both from oral material and official written sources.

In relation to the beginning of education, it is recorded that on 26 March 1899, Hare Te Heihei of Te Tii wrote to the Minister of Native Affairs asking for a school for his children and grandchildren who were 15 in number. These all lived at one kainga. Te Heihei added

<sup>754</sup> 7 May 2008, Group Interview at Otangarei

<sup>755</sup> August 2007, Group Interview at Te Tii

<sup>756</sup> 7 May 2008, Group Interview at Otangarei

<sup>757</sup> 7 May 2008, Group Interview at Otangarei

<sup>758</sup> August 2007, Group Interview at Te Tii

that there were other children from other Ngati Rehia kainga who were permanent residents in the district.<sup>759</sup> On 14 April 1899, a reply was forwarded to Hare Te Heihei from the Education Department which pointed out the need for a site to be given and enclosed forms to be filled in of the names, ages and residence of the children who would attend the school at Te Tii.<sup>760</sup> It appears from later correspondence that the place being suggested by Te Heihei for the school was Parangiora which Ngati Rehia was occupying at the time as it was near to the gumfields on which they were working. It appears that nothing further occurred as this time.

In the meantime, by 1904 a school was about to be opened at Takou although on a half-time basis only. A series of correspondence that arose at this time appears to be in response to rumours that another application had been made to establish a school in the vicinity of Te Tii. Several Pakeha respondents commented against such a proposal. On 26 July 1904, Mrs Mary L. Hows of Takou, (who possibly was the teacher at the Takou school), wrote to the Education Board suggesting that a school at Te Tii “is not necessary” and would be a “wasted time and money in building”. She lived in the district and stated there were schools all round Te Tii: “...the children who might go to it can come to the halftime school just opening at Takou or go to Purerua and Kerikeri.” She suggested that there really was only one family at Te Tii and that any school opened there would draw children away from the Takou school.<sup>761</sup> On 30 July 1904, Mr W.E. Judkins the teacher at the Otoroa School wrote to the Minister of Education noting that any school at Te Tii would “seriously interfere with both Takou and Purerua schools”. He also suggested that Te Tii was not a “homestead” but a “summer resort” primarily being used by Ngati Rehia for fishing purposes.<sup>762</sup> Another letter written on 30 July 1904 from Mr G.H. Adams, the teacher at the Purerua School complained against any suggestion that the children of Purerua might be compelled to attend any school built at Te Tii.<sup>763</sup> A letter of 4 August 1904 from Joseph Hare, who had been involved in the establishing of the Takou school, wrote that the Te Tii school “would only be on a gum field and not a native kainga at all”.<sup>764</sup> Finally, the local Member of Parliament Houston wrote on 12 August

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<sup>759</sup> 26 Mar 1899, Hare Te Heihei to Min of NA, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.239

<sup>760</sup> 14 Apr 1899, Education Dept [ED] to Hare Te Heihei, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.240

<sup>761</sup> 26 July 1904, M.L. Hows to ED, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, pp.241-242

<sup>762</sup> 30 July 1904, W.E. Judkins to Minister of Education [MoE], Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, pp.243-245

<sup>763</sup> 30 July 1904, G.H. Adams to MoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.246

<sup>764</sup> 4 Aug 1904, Joseph Hare to ED, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.248

1904, expressing his opinion that the establishment of another school would weaken those already in existence<sup>765</sup>

The response of Education officials essentially was to note that they had not received any further communication from Ngati Rehia of Te Tii since 1899 and the Department “would not likely entertain an application for the establishment of a native school at Te Tii”.<sup>766</sup>

It is likely that the many letters urgently sent on by local Pakeha was in response to some intention expressed by Ngati Rehia to have their own school at Te Tii. Within two years, the matter was officially raised again. On 24 May 1906, the Chairman of the Bay of Islands Maori Council wrote to the Minister of Education on behalf of the Ngati Rehia hapu living at Te Tii Mangonui who asked the Government to consent to the erection of a school at Te Tii. The conditions of providing a site for the school house were understood.<sup>767</sup> This was followed up by a 23 July 1906 letter from Hare Te Heihei to the Secretary of Maori Schools requesting a school for the 45 children of Te Tii. Te Heihei wished for the school to be erected midway between the Maori children of Purerua and of Te Tii.<sup>768</sup> Presumably this was a reference to the Parangiora site.

In response to the requests, the Education Department sent an official to inspect the area. On 5 August 1906, William Bird forwarded his report, He noted that an Education Board school was located at Purerua, half way between the Purerua gum camp and Te Puna. A total of 28 children attended of which 16 were Maori. About a mile from Purerua camp was another gum camp at which Te Heihei and his people from Te Tii were living. It was the view of Bird that to put a school there would be a waste of money. The proposed solution was to establish a halftime Board school at Purerua which would service the local children there and would meet Te Heihei’s present need. The Te Puna school would also then become a half-time school. It was expected, however, that objections would be raised as the Europeans at the existing Board school would get only three days teaching. In addition, as the proposed Purerua halftime school would be composed entirely of Maori, the Auckland Board of

<sup>765</sup> 12 Aug 1904, Houston to MoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.248

<sup>766</sup> 10 Aug 1904, Secretary of Education [SoE] to Judkins and 10 Aug 1904, SoE to G.H. Adams, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.247

<sup>767</sup> 24 May 1906, BoI Maori Council to MoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, pp.250-253

<sup>768</sup> 23 July 1906, Hare Te Heihei to SoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.254

Education may decline to take the matter up.<sup>769</sup> Therefore, when Hare Te Heihei wrote further on 11 September 1906 inquiring as to the result of Bird's inspection,<sup>770</sup> he was informed that a school would not be established Parangiora, but that the Auckland Education Board was making inquiries into providing a ferry service to take the Ngati Rehia children to the school already on existence near Purerua.<sup>771</sup> Subsequently, this arrangement was approved.<sup>772</sup>

On 25 January 1909, Ngawati Aperahama wrote to Minister of Education, advising that Hare Te Heihei was willing to give 3 acres of his own land to the Government for a school site at Te Tii rather than at Parangiora. Furthermore, it was suggested that this had always been the intention. The Purerua school was not viewed as being suitable for the smaller children from Te Tii as it was six miles away and required a river crossing. Aperahama noted that Te Heihei feared his children and grandchildren will grow up without education: "...if the Government continues to refrain from providing a school; this is the cause of the grief of this old man."<sup>773</sup>

The Education department sent another official out on an inspection. On 14 April 1909, John Porteous reported on his visit to Te Tii. There were 18 children present at the time. At this time, there was one large house in the settlement and another building being used as a kitchen. All the people who were present during the visit did not live at Te Tii but had come from Waitangi, Waimate and Purerua. Ngawati Aperahama lived at Waitangi, Kaiawe Aperahama lived at Waimate and Hiko lived at Purerua.

These people admitted this, but they all claim that Te Tii is their proper kainga and their idea is that the old women should remain and teach the children who could then attend school. Those of the people, Hiko in particular, who have had children attending Purerua school complain very much that their children are neglected and that they make no progress whatever. Very few of the children now attend school anywhere.

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<sup>769</sup> 5 Aug 1906, Inspector of schools report, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.255

<sup>770</sup> 11 Sept 1906, Hare Te Heihei to ED, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.256

<sup>771</sup> 27 Sept 1906, SoE to Heihei, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.257

<sup>772</sup> 5 Oct 1906, Alk Educ Brd to SoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.258

<sup>773</sup> 25 Jan 1909, Ngawati Aperahama to MoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, pp259-267

Although Te Tii Maori offered a good 3-acre site for a school, Porteous' recommendation was against a school being established at Te Tii.<sup>774</sup> On 27 April 1909, the Secretary of Education wrote to Ngawati Aperahama noting that in his view there had not been any alteration in the conditions observed in 1906 therefore the Government was not prepared to establish a school at Te Tii.<sup>775</sup>

Despite having put a plan forward for the education of their children at their own kainga, Ngati Rehia had been turned down twice in three years. For more than a decade, Ngati Rehia did not raise the matter again. On 4 November 1922, however, Wi Heihei and others again wrote to the Secretary of the Auckland Education Board wanting to establish a school at Te Tii noting that they had 11 children of school age and that their nearest school was 6 miles away.<sup>776</sup>

The initial response of the Director of Education was that, considering past inspection reports and the fact that the Education Board provided a ferry service to the Purerua school, there was not the slightest prospect of the application being successful.<sup>777</sup> Nevertheless, the view of the teacher at the Purerua School was sought. On 4 September 1923, the teacher noted that although the ferry services were still in place, the Hei Hei family lived about three miles from the crossing site.<sup>778</sup> Therefore a departmental inspector again visited Te Tii and reported on 23 March 1924. Over the last ten years, the settlement had grown. Now there were 21 children from eight families that had permanent homes were at Te Tii. Of these, 11 were of school age. None of these children were attending the Purerua school because of the distance. None of the children spoke any English. Several building sites were offered. One was for an in the papakainga or another of four or five acres about half a mile away. Also offered was two years use of the meeting house. Several houses were offered for the accommodation of a teacher but the inspector did not regard these as suitable. Overall, the inspector advised against the establishment of a school.<sup>779</sup>

<sup>774</sup> 14 Apr 1909, John Porteous, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.268

<sup>775</sup> 27 Apr 1909, SoE to Ngawati Aperahama, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.269

<sup>776</sup> 4 Nov 1922, Wi Heihei et al to Secretary, Education Board [SEB], Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.270

<sup>777</sup> 20 July 1923, Director of Education [DoE] to SEB, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, pp.271-273

<sup>778</sup> 4 Sept 1923, L. Gibson to SEB, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A

<sup>779</sup> 23 March 1924, G.M. Henderson to DoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A

Despite this, there was some empathy within the Department that something should be provided for the children of Te Tii<sup>780</sup> and ultimately it was decided to operate a half-time school at Te Tii, in tandem with a halftime school at Purerau. For Te Tii, the Department decided to accept the offer of use of the meeting house<sup>781</sup> on the understanding that it was on a basis of being “free of rent”.<sup>782</sup>

The Department informed Miss Plaw, the teacher at the Purerua school, of the decision asking for her to pass it on to Wi Heihei. On 31 July 1924, Plaw replied that Heihei was away picking oysters near Auckland and that he would be absent until October or November. She explained that the Maori meeting house which was going to be utilised served as a sleeping apartment for several persons. In addition it was used as a hospital "when illness is among them." As there was no accommodation available for the teacher, she proposed to ride to Te Tii each morning, returning in the evening.<sup>783</sup>

On 11 August 1924, having inspected the building at Te Tii proposed for use and having interviewed some of the people there, Plaw reported that there was no other building available that the meeting house but that this could be made suitable for school purposes. She noted that those sleeping in the meeting house would move out if it was confirmed that the school was to be established, and also provide sleeping quarters for themselves elsewhere”.<sup>784</sup> On 11 September 1924, Plaw wrote to Wi Heihei in Auckland, informing him of her requirements for the building and that he and his people would have to pay for the work.<sup>785</sup> On 16 September 1924, Plaw further reported that she had met with Maori at Te Tii where it was agreed that they would raise funds for the installing of windows and a door. When this work was completed and the building ready for use would the Board establish a school.<sup>786</sup>

Wi Heihei then applied to the Education Board asking for a grant for the required improvements that he was prepared at a later date to pay back.<sup>787</sup> On 31 October 1924 a grant of £35.12 was approved with officials noting that this was being provided "in lieu of rent" for

<sup>780</sup> 26 Apr 1924, John Porteous to DoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.278

<sup>781</sup> 9 May 1924, DoE to SEB, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.279

<sup>782</sup> 16 July 1924, SEB to DoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.280

<sup>783</sup> 31 July 1924, Miss Plaw to SoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.281

<sup>784</sup> 11 Aug 1924, Miss Plaw to SEB, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.282

<sup>785</sup> 11 Sept 1924, Miss Plaw to Wi Te Heihei, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 131308

<sup>786</sup> 16 Sept 1924, Plaw to SEB, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 131332

<sup>787</sup> 17 Sept 1924, SEB to Miss Plaw, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 131321

the two years for which the meeting house had been offered.<sup>788</sup> The renovations were completed and the school opened in April 1925.

On 22 June 1925, the Secretary of the Education Board wrote to Wi Heihei informing him that the Inspector of Schools reported that the lighting in the building used for school purposes at Te Tii was insufficient and that this should be improved.<sup>789</sup> Following this, Plaw wrote to the Secretary of the Education Board on behalf of Wiremu Heihei to inform the Board that the local community did not have to means to install another window to improve lighting in the Te Tii school building: "I beg to inform you that the Maoris of this district are very poor and merely exist. All their earnings are taken to cover debts of long standing and they live in a very primitive fashion".<sup>790</sup>

On 6 May 1926, the people of Te Tii forwarded a petition to the Chairman of the Education Board.

We, the natives of Te Tii hereby make application to you to authorise that the school be open for a full week. In our opinion it is a waste of a teacher's time to teach the children for three days only in the week. We therefore, strongly urge that you and your honourable assembly grant the wishes of your Maori friends.<sup>791</sup>

They also asked that the school be placed under the Native Schools Department.<sup>792</sup>

On 20 May 1926, inspector John Porteous reported on the progress of the halftime schools at Purerua and at Te Tii. The roll numbers were 11 at Purerua and 8 at Te Tii. Porteous expressed that the recent request from the communities that the schools become Native Schools was in his opinion "...prompted by their discovery that in the Native Schools all the books and school material are supplied free by the Department". Noting that the Te Tii meeting house had been made available as a school for two years only, Porteous believed that

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<sup>788</sup> 31 Oct 1924, DoE to SEB, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A 164935 Heihei was informed of this on 11 Nov 1924. [SEB to Wi Heihei, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 131347]

<sup>789</sup> 22 June 1925, SEB to Wi Heihei, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A

<sup>790</sup> 7 July 1928, Miss Plaw to SEB, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 131804

<sup>791</sup> 6 May 1926, Petition from Te Tii to Education Board [EB], Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A131823

<sup>792</sup> 12 May 1926, SEB to DoE, YCBD A688 5023, 1/1097/1, ANZ-A 165003

after this the Maori at Te Tii would expect the Department to build a school or at least pay rent.<sup>793</sup>

On 14 December 1928, Wiremu Heihei and others wrote to the Secretary of the Education Board that it was plain that a new school building was required at Te Tii which could be put on their land alongside the public road:

the present school building is very old and leaning to one side, which is more reason why the above proposal should be agreed to. The first arrangement was that the school should be held in the present hall for two years only which have already passed. The hall is certainly too old for a school building.<sup>794</sup>

The matter was referred to the Senior Inspector<sup>795</sup> who reported that the hall at Te Tii was “suitable for present requirements and that he was not prepared to recommend the erection of a new school building”.<sup>796</sup>

On 31 July 1929, Teihi Te Heihei wrote to the Secretary of the Education Board noting that they had been waiting for two years or more for a new school "and yet it is not done." They offer a site up by the main road and again requested that it be a Native School.<sup>797</sup> On 13 August 1929, the Secretary of Education Board replied that the Board has carefully considered the matter but because of the small number of children it was unable to accede to the request. As for any request that rent be paid for current use of meeting house, this could only occur where the school has a yearly average attendance of nine or over. At the time, eight children were attending the Te Tii school.<sup>798</sup>

The following year, in October 1930, school inspector Maurice Priestley reported that there was an evident lack of progress of the pupils at both the Purerua and Te Tii halftime schools.

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<sup>793</sup> 20 May 1926, J. Porteous to SEB, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, pp.285-287

<sup>794</sup> 14 Dec 1928, Wi Heihei to SEB, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 131441-131608

<sup>795</sup> 12 Feb 1929, SEB to W. Heihei, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 131616

<sup>796</sup> 27 Feb 1929, SEB to W. Heihei, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 131623

<sup>797</sup> 31 July 1929, Teihi Heihei to SEB, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 131632-131638

<sup>798</sup> 13 Aug 1929, SEB to Teihi Heihei, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 131650. See also request later in the year and the Board's refusal [25 Nov 1929, John Cohlle to MoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.288 and 19 Dec 1929 departmental reply, Supporting Papers, p. p.289]

Priestley was convinced "that halftime tuition is of no value to these Maoris". He added: "the schools are decidedly inefficient and it is difficult to blame the teacher."<sup>799</sup>

On 30 March 1931, Wi Heihei wrote to Mr Bird asking the Government to arrange for the children of Kaihiki and Wharengaere to attend school at Te Tii.<sup>800</sup> Again, an inspector was sent to Te Tii. On 10 July 1931, inspector Bird reported of his visit that the conditions had not altered since his former visit. The roll remained at 8 and, in his view, the children had made practically no progress. In not establishing a fulltime school, he noted: "The interests of the Maori children here have been sacrificed in the past to the interests of a few European children at Purerua, where there are now no European children." Bird felt that if arrangements were made to convey the children from Kaihiki to Te Tii, a fulltime school could be established as the roll would be 20 children.<sup>801</sup>

When the Director of Education wrote to Wi Heihei on 7 August 1931, he acknowledged that the Department was aware of "the great disadvantages under which your children are being taught." As a proposal, however, he noted that there was a new application for a school at Raupoto, which appears to be primarily a Pakeha settlement in the Kerikeri inlet. The Director wondered whether Te Tii children could be joined into this scheme.<sup>802</sup>

On 19 August 1931, Wi Heihei replied in regard to the proposal regarding the children of Raupoto. He noted there were no Maori people living on the Raupoto side and therefore again asked that the school be placed at Te Tii and that the Raupoto children could come across to them.

You must remember that this settlement is not a new one like Raupoto. We are permanent settlers of long standing. The best way, therefore, seems to be to board the children from the remoter parts. You have been many years amongst Maori carrying out these works and we have been asking the Government for this school for 30 years. We therefore depend upon you. Will you not therefore help us in our difficulty.<sup>803</sup>

<sup>799</sup> Oct 1930, Maurice Priestley to Senior Inspector, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.290

<sup>800</sup> 30 Mar 1931, William Heihei to Mr Bird, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.291

<sup>801</sup> 10 July 1931, Bird to DoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.292

<sup>802</sup> 7 Aug 1931, DoE to W, Heihei, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.293

<sup>803</sup> 19 Aug 1931, Wi Heihei et al to Inspector of Schools [IoS], Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.294

On 19 October 1931, Wi Heihei again wrote to Bird noting again the original arrangement for a halftime school in their meeting house was for two years only and yet 8 years had now passed. The community could do little for itself during a time of economic depression with many families having increased in size.<sup>804</sup> Having received this letter, on 13 November 1931, Bird wrote to the Senior Inspector of Schools regarding the school at Te Tii.

These poor beggars have been asking for a school to my knowledge for 32 years and they have always been blocked by the fact that there was a public school about 7 miles away at Purerua, the managers of which raise all sorts of objections to the establishment of a school at Te Tii. ...They are a very decent lot of people and quite reliable. I hope to be able to fix them up in some way or other.<sup>805</sup>

By the end of the year, Ngati Rehia were proposing that they would arrange themselves to bring other children to Tii from other places, if the Department would build a school.<sup>806</sup>

Having been again informed that a school would not be built, on 18 February 1932, Wi Heihei wrote to the Secretary of Education Board that they had not had their meeting house for a very long time which had caused a lot of inconveniences for the community. They therefore requested to be paid rent of 5/- per week from the day the department opened the school at Te Tii in April 1925.<sup>807</sup> On 4 March 1932, the Secretary of the Education Board replied that under existing regulations they could not pay rent for the use of a building for school purposes unless the school had a yearly average attendance of nine or more children. He also pointed out that in 1924 the Department authorised a grant of £35.12 for repairs and improvements in lieu of the payment of rent.<sup>808</sup>

On 4 May 1932, Teihi Heihei wrote to the Education Board informing them that their teacher and pupils have been transferred to another building at Te Tii as they needed the Meeting House. In addition, Te Tii now had nine children attending school, so they would also be

<sup>804</sup> 19 Oct 1931, W Heihei to Bird, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.295

<sup>805</sup> 13 Nov 1931, Bird to Mr Robertson, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.296

<sup>806</sup> 18 Nov 1931, Heihei to IoS, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A105208. See also 20 Nov 1931, Minute from Bird to Director, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.297

<sup>807</sup> 18 Feb 1932, Wi Heihei to SEB, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.298

<sup>808</sup> 4 Mar 1932, SEB to W. Te Heihei, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 131930

grateful if the Board would grant rent.<sup>809</sup> On 22 June 1932, Teihi Heihei again wrote requesting rent to pay rates for the house at 6/- a week.<sup>810</sup>

The Education Department informed him that the rent could only be paid after an average of nine children had attended the school for a year. The payment was therefore retrospective unless it could be shown that there were 11 persons for one term or 10 persons for two terms.<sup>811</sup> (Another request for rent made in August 1933 was again turned down).<sup>812</sup>

As if matters could not worsen, the Education Department was then lobbied by another Maori community to establish a school at Waitaraiti and a European community to establish a school at Taylor's landing in the Kerikeri Inlet. Both communities argued against a school at Te Tii. The irony of this challenge meant that the Department again examine the site at Te Tii. With the children from Te Tii, Purerua, and the other two communities, the viability of a fulltime school at one place was established. The question then became which was the best site. Following yet another visit, in November 1932 an inspector recommended choosing the Te Tii site that had been offered.

I consider that at Te Tii is very much superior to the others. It would provide a much better playing area. It is not more than 100 yards from the present school and slopes gently. It would be a good, dry site. There is a good landing beach at Te Tii, much better than at the other place. If it is decided to establish a consolidated school, I have no hesitation in recommending Te Tii. If a school is established, it should be a Native School as it is predominantly a Native settlement and it would, I think be well supported by the Maori".<sup>813</sup>

Further investigation were made. The site being offered by Teihi Heihei was 4 acres. The building of a school and residence would cost £1,334. The establishment of a launch conveyance system to bring other children in would be approximately £120 per annum.<sup>814</sup> An amount of £40 was allowed for fencing material: "Labour will no doubt be given free by

<sup>809</sup> 4 May 1932, Teihi Heihei to SEB, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 131943-131950

<sup>810</sup> 22 June 1932, Teihi Heihei to EB, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 132019

<sup>811</sup> 19 May 1932, SEB to Teihi Heihei, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 131958. See also 4 July 1932, SEB to Teihi Heihei, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 132026

<sup>812</sup> 17 Aug 1933, Wi Te Heihei to SEB, Te Tii School 1924-1961-YCBD A688 5023, 1/1097/1, ANZ-A 132049

<sup>813</sup> 18 Nov 1932, Inspection of Te Tii school site, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.299

<sup>814</sup> 2 Nov 1933, Lanborne to Minister of Education, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.300

Natives<sup>815</sup> On 20 Nov 1933, Wiremu Heihei was advised that approval had been given for the establishment of a Native School at Te Tii.<sup>816</sup>

The tribulations of the Te Tii community were not yet over. When Teihi and Wi Heihei wrote asking that locals be employed when building the Native School<sup>817</sup> they were informed that such an undertaking could not be given but that the successful tenderer of the contract might be willing to employ the Te Tii people.<sup>818</sup> Teihi Heihei also wrote to be given the job of ferrying of the children from Wharengaere, Kaihiki and Taylors to Te Tii. Although he had a boat, he would need a stronger engine for rougher weather and a tarpoline for cover.<sup>819</sup> He was merely informed, however, that his application would be taken into consideration when the job was contracted out.<sup>820</sup>

The next difficulty related to legal access. Although it was less than 100 yards from the landing place to the school, the Department of Education required to be given legal access to the new school site.<sup>821</sup> By June 1934, the Department wrote that failure to give this legal access was holding up the erection of the school buildings.<sup>822</sup> The required permission was given by Wiremu Heihei early in July.<sup>823</sup>

As departmental officials continued to plan for the school, a need was identified to have access to the Te Tii settlement from the main road. At the time a clay road only was in place.<sup>824</sup> They later explained: “It is thought necessary to have an access to the main road otherwise the teacher would be dependent upon launch service”.<sup>825</sup>

<sup>815</sup> 7 May 1934, DoE to SEB, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.304

<sup>816</sup> 20 Nov 1933, DoE to W Te Heihei, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.301

<sup>817</sup> 20 Mar 1934, Teihi & Wi Heihei to EB, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.302

<sup>818</sup> 29 Mar 1934, DoE to Teihi Heihei, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.303

<sup>819</sup> 7 May 1934, Teihi Heihei to EB, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, pp.305-306

<sup>820</sup> 11 May 1934, DoE to Teihi Heihei, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.307

<sup>821</sup> 1 June 1934, DoE to W Te Heihei, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.309

<sup>822</sup> 18 June 1934, DoE to Wiremu Te Heihei, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.308

<sup>823</sup> 2 July 1934, Wiremu Te Heihei to DoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.311

<sup>824</sup> 22 June 1934, Chief Surveyor to US of Lands, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.310

<sup>825</sup> 9 July 1934, DoE to US of Lands, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.312

On 16 August 1934, and Native Department Officer forwarded his report of his visit to Te Tii and a conference held with Wiremu Heihei and others regarding the legal access from the proposed school site to the Waipapa-Purerua road.

The community consists principally of Ratanas, and in my discussions with them it became apparent that they were against provision of legal access to the Settlement for fear of the tourists rushing the area during the summer months, and thus converting it into a seaside resort.

Nevertheless an agreement was reached that a legal roadline of no more than 40ft wide be laid off over the formed clay road without compensation but without cost to Natives for survey. Also “all work on this road being given to resident Natives only, and their relatives.”

On 10 November 1934, the Director of Education wrote to the Under Secretary of Lands advising him that all costs in connection with the survey would be met by the department. Communication had been made with the Public Works department with a view of securing the departments agreement to the Te Tii owners conditions that all work on the road was to be carried out by them and their relatives. He stated that as far as his department was concerned “it is not proposed that any formation or fencing work shall be put in hand”. All that was considered necessary was that there should be adequate legal access to and from the school site.<sup>826</sup>

On 16 November 1934, the Director of Education wrote to Wiremu Heihei that the site for the new school was practically settled the department was ready to proceed with the calling of tenders for the buildings but would like assurance that the number of children originally promised would still be available.<sup>827</sup> He later added that his department was “not prepared to erect the buildings until this list comes to hand”.<sup>828</sup> On 23 January 1935, Wiremu Heihei forwarded a list of children that would be attending the Native School at TeTii adding: “We do all hope that the new school will be erected quite soon”.<sup>829</sup> The school finally opened in 1936.

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<sup>826</sup> 10 Nov 1934, DoE to US of Lands, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, pp.313-314

<sup>827</sup> 16 Nov 1934, DoE to Wiremu Te Heihei, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.315

<sup>828</sup> 19 Jan 1935, DoE to Wiremu Te Heihei, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, p.316

<sup>829</sup> 23 Jan 1935, Wiremu Te Heihei to DoE, Te Tii School 1899-1935, BAAA 1001/622/a, ANZ-A, Supporting Papers, pp.317-320

Ngati Rehia commentators have recorded their first experiences of school at Te Tii. Huhana Epiha estimates that 40 to 50 kids went to the school when it first opened. She notes that children from other settlements would come in by launch and that even some adults attended for English language lessons.<sup>830</sup> When Huhana Epiha went to school at Te Tii, she, like the others, knew no English and the pakeha teachers knew no Maori. The teaching was in English, however. As Huhana Epiha noted, when she first went to school, even the chairs and tables there were unfamiliar things.<sup>831</sup> Although Ngati Rehia respondents remember teachers at Te Tii being kindly persons, others recall being caned for speaking te reo.<sup>832</sup> Piwika Taurua growing up in Kaihiki during the 1930s, went to school in Paihia and recalls that when any child spoke Maori they were given cod liver oil.<sup>833</sup>

When children left the small school at Te Tii, the attendance of secondary school also presented logistics that were difficult to overcome. The nearest secondary school was Kerikeri but there was no bus service from Te Tii at all. Most children, therefore had to go straight to work with some getting jobs that provided on-site training or apprenticeships. A snapshot of the choices facing schoolchildren at Te Tii comes from a 1953 report of what became of the eight children who passed out of the Te Tii school that year as reported by the Maori Welfare Officer:

...two of the boys took up low standard of work at Moerewa [freezing works], two of the girls took up nursing and one girl returned to school for another year and another girl managed to get private board to attend the College. The other two, a boy and a girl had to fall back to old communal life.<sup>834</sup>

The following year, the Welfare Officer strongly expressed his views that something should be done about the situation at Te Tii as follows:

Something has to be done for Te Tii settlement, a matter which should be referred to the Minister of Education for transport facilities to be made available. Other than that, the work of the Teachers at that

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<sup>830</sup> 8 May 2008, Group Interview at Te Tii

<sup>831</sup> 8 May 2008, Group Interview at Te Tii

<sup>832</sup> 8 May 2008, Group Interview at Te Tii & 9 May 2008, Group Interview at Takou

<sup>833</sup> 6 May 2008, Group Interview at North Shore

<sup>834</sup> 31 March 1956, Report, Toia, MA W2490 136 36/29/1 Pt 3, Wai-1040 A38(a), Vol.1, pp.357-62

school will be useless and the young people after leaving school will automatically fall back one more to the old communal life.<sup>835</sup>

It is notable that the welfare officer saw the importance of the need for education as being a key tool to remove young people from a communal life. However, any child which was to be sent to secondary school had to attend boarding schools and this often presented an insurmountable expense for Ngati Rehia parents.<sup>836</sup> Huhana Epiha stayed with relations in Kerikeri and bused to Kaikohe. By her second year at college, however, her father could no longer afford the extra expenses such as buying clothes and so Huhana Epiha had to leave and return to Te Tii.<sup>837</sup> When it was time for Winika Heihei to go to college, it was decided she could not go but was needed instead to stay at home and look after the four younger children in the family while her mother and father went to pick oysters.<sup>838</sup>

Piwiki Taurua stayed at school until Std 6. Although he wanted to go to college, his parents were not able to afford it. He went to work instead and had a number of jobs until he joined the Railways. The education he received, however, failed him as he was not able to read the textbooks to take exams. Eventually, however, other Maori boys who had been to secondary school assisted him and taught him to read English for his career to advance.<sup>839</sup>

On the other hand, most of Nau Epiha's older brothers and sisters had gone to secondary school sent there by the earnings of their father from fishing. Nau Epiha also went although he knew his father was broken hearted to lose his fishing partner and his mother would miss his assistance with his younger brothers and sisters. Nau Epiha went to Hatopetara, but he always looked forward to school holidays and his return home. He at least once deliberately missed the bus that he might stay a bit longer.<sup>840</sup>

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<sup>835</sup> Ibid

<sup>836</sup> Ibid

<sup>837</sup> August 2007, Group Interview at Te Tii

<sup>838</sup> 7 May 2008, Group Interview at Otangarei

<sup>839</sup> 6 May 2008, Group Interview at North Shore

<sup>840</sup> Nau Ephia, 9 May 2008, Interview at Takou

*iii. A New Era*

A number of persons interviewed for this report, have been able to describe the places at which Ngati Rehia whanau lived by the 1930s and the type of economy in which they were involved. By this time, Ngati Rehia families moved around in order to earn a living and in accordance with their circumstances and responsibilities at the time. Places Ngati Rehia families lived included Matauri, Purerua, Tapuwaetahi, Waimate, Takou, Te Tii and Kerkeri, especially, but Ngati Rehia whanau were living all along the coastline with closely related members of other hapu.<sup>841</sup> Another place that Ngati Rehia had a long connection with by the 1930s was Pukekohe where families worked in the Indian-owned market gardens. Although the money reputedly was quite good, the living conditions often were not.<sup>842</sup>

During the 1920s, Ngati Rehia families continued to work the gumfields at places like Purerua. Born on the Purerua gumfields in 1930, Huhana Epiha felt that it was a hard but good life. She has described that on the Purerua gumfields expectant mothers would have their children and then would soon be back working for gum, carrying their babies on their backs.<sup>843</sup> Gumdigging at Purerua remained a constant feature for Ngati Rehia families for some time continuing through to the early 1940s but ending at around this time.<sup>844</sup>

As noted above, Tapuwaetahi was another place where Ngati Rehia whanau lived. Huhana Epiha's family moved from the Purerua gumfields to Tapuwaetahi when she was very little. The family of nine lived in an old shack near the river. Huhana can recall gardens down by the beach growing kumara, corn, water melon and other crops. The people of Tapuwaetahi also lived off the sea. Of this time, Huhana Epiha has noted: "They were people of all trades. They can do anything. They do it in their own way." She remembers the way people helped one another. Although each family had their own gardens, whanaunatanga meant they would assist each other in working the land.<sup>845</sup>

Another place occupied by several families of Ngati Rehia through until the 1930s and 1940s was Takou Bay. Takou had always been a special place for Ngati Rehia. It was a good fishing

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<sup>841</sup> August 2007, Group Interview at Te Tii

<sup>842</sup> 7 May 2008, Group Interview at Otangarei

<sup>843</sup> August 2007, Group Interview at Te Tii

<sup>844</sup> August 2007, Group Interview at Te Tii

<sup>845</sup> August 2007, Group Interview at Te Tii

place where fish would come far up the river to feed. Those families living there had large gardens and many fruit trees. A large homestead was located there which even had a tennis court. There are no signs of this settlement now as these former sites now have pakeha housing on them.<sup>846</sup>

Kaihiki was another small settlement occupied by Ngati Rehia whanau. In the 1930s there were just four families although these were large families. Piwiki Taurua recalls there were about seven acres of gardens at Kaihiki when he was growing up.<sup>847</sup> Te Reo Powhiri Sakey, who was born in 1933, also grew up in Kaihiki with her father and two brothers after her mother died. Her father found work on neighbouring farms. This meant, however, him having to leave home at 4.30 every morning leaving the children to get themselves ready to catch the school boat.<sup>848</sup>

Of course, Te Tii had remained a major place of occupation for Ngati Rehia families although it appears that by the 1930s it may have been a smaller place than it was later to become. When Huhana Epiha's moved to Te Tii in 1936, she remembers that maybe a dozen large families were living there.<sup>849</sup> Although some lived permanently at Te Tii, others did not. Winika Heihei recalls her parents had used Te Tii as a summer base until they grew too old to travel about. Then they moved to Te Tii to live there permanently.

Gardening formed an important part of the domestic economy of Te Tii. During the 1930s, the gardens at Te Tii were located some way away from the settlement and those tending the garden would travel there by horse and sledge. The gardens were large. Each family had their own but the plots were worked together. Huhana Epiha remembers the families as all being one, how they loved one another and shared: "If someone has no potatoes then would give them some." The children helped in the garden. Huhana Epiha recalls that they were not told what to do, they watched the adults and learned. The settlement also had a lot of fruit trees such as apples and peaches.<sup>850</sup>

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<sup>846</sup> Nora Rameka, 9 May 2008, Interview at Takou

<sup>847</sup> 6 May 2008, Group Interview at North Shore

<sup>848</sup> 7 May 2008, Group Interview at Otangarei

<sup>849</sup> August 2007, Group Interview at Te Tii

<sup>850</sup> August 2007, Group Interview at Te Tii

Nevertheless, the community did collectively undertake some commercial activities as well. Te Otinga Roundtree remembers that all the boys from the village would go together across the inlet to cut wood for sale. On one occasion, when she was eight, her father asked her to take the big rowing boat needed to transport wood to where the workers were located across the other side of the inlet. She did so even though she was terrified.<sup>851</sup>

In addition, as noted above, the oyster fishery provided commercial opportunities for those at Te Tii. The commercial oyster picking season was for three months of every year: May, June, July. Ngati Rehia family groups would go oyster picking all around the Bay of Islands including Waitangi, Rawhiti and Opito. They would camp on the beach for two or three weeks at each site.<sup>852</sup> For certain whanau, the oyster picking was a major activity. Te Otinga Roundtree grew up at Te Tii during the 1930s in a family where there was 12 children and has noted: “I thought Dad did well looking after us.” Her father worked all his life as an oyster picker. She remembers that he went out “rain, hail or sunshine.” He and others went out to pick oysters in little dinghies. If anyone got caught out in bad weather or got into some difficulty, they would light a fire and help would come.<sup>853</sup>

As the former subsection has showed, by the 1930s, Ngati Rehia whanau lived at a number of communities the largest being at Te Tii. Their domestic and commercial economy was diverse but also somewhat locally centred. Over the next decades, this was to change greatly. However, one of the first reasons that Ngati Rehia persons went away from kainga such as Te Tii was associated with the Second World War. Many Ngati Rehia men went away to war and some did not return. A few of those that came back showed signs of shellshock. Others have noted that those who returned were changed from the experience of having seen a larger world which seemed to make them a bit bossy around the settlement.<sup>854</sup> After the war, however, greater change would develop within the community at Te Tii.

Ngati Rehia informants have noted that Te Tii had always been seen as a spiritual place. In addition, the immediate district around Te Tii also had a special history. Te Otinga Roundtree remembers being told of tapu places in the area. There were many over the hill from Kaihiki

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<sup>851</sup> 7 May 2008, Group Interview at Otangarei

<sup>852</sup> 8 May 2008, Group Interview at Te Tii

<sup>853</sup> 7 May 2008, Group Interview at Otangarei

<sup>854</sup> August 2007, Group Interview at Te Tii

to Wharengaere: "all of those places all known to have tapu." Moturoa was also known as a tapu site as it was a place where there had been wars.<sup>855</sup>

In 1945, a spiritual leader named Rapana came to Te Tii. After his visit, the local tribal Committee at Te Tii gave their support towards a proposal to invite Rapana to come back to Te Tii to form a community. Te Otinga Roundtree recalls that it was the old people who asked Rapana to come back to Te Tii.<sup>856</sup> Huhana Epiha has added that older people from all around the Bays supported Rapana going to Te Tii.<sup>857</sup>

On 12 February 1947, Hemirua Paora wrote to Peter Fraser, who at the time was both Prime Minister and the Minister of Maori Affairs, to introduce his newly registered church. The Absolute Maori Established Church of Aoteroa, Waipounamu and Wharekauri had been registered on 12 March 1946 Paora was the Secretary. In addition to the strictly religious tenets of the church, social tenets included abstinence from alcohol and the abolition of gambling as well as the aim "to uplift the race, both physically and spiritually." Four officiating ministers had been registered with two others soon to follow. Paora claimed that the church already had a membership of over 500 persons in the Auckland Province.

Having put in place the structure required for spiritual teaching, the church was now looking towards the "uplifting or betterment" of Maori. To that end, the Absolute Maori Co-operative Association had been formed which was to be governed and controlled by a board of directors periodically elected by its members. At the time, 50 families had banded together to undertake commercial gardening as their main means of livelihood. These families were currently operating at Te Tii, Matauri Bay, Waimate North, Waitangi, Wharengaere and Oromahoe. (The bulk of families involved at these places were of Ngati Rehia) It was hoped that eventually, each family would garden a two-acre section. The Board of Directors would be responsible for bulk purchasing of required goods, the purchasing of equipment, the storage and disposal of produce and the control of benefits arising from the gardening.

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<sup>855</sup> 7 May 2008, Group Interview at Otangarei

<sup>856</sup> 7 May 2008, Group Interview at Otangarei

<sup>857</sup> August 2007, Group Interview at Te Tii

In addition, the kainga at Te Tii had been selected to be the headquarters of the co-operative. It was intended to form a special settlement there and plans were already in place for several families to move there. The 11 families already at Te Tii would be joined by:

- 2 families of 10 members would come from Pukekohe
- 7 families with 25 members were soon to come from Auckland, with a further 5 families following later in year.
- 1 family with 5 members would come from Wellsford
- 2 families with 16 members would move from Matauri Bay
- a further family of 9 members would come from Takou.

Paora informed the Prime Minister that the Board did not wish to seek financial assistance but did seek various permissions presumably needed in a post-war environment where a number of restrictions were still in place;

- permission was sought to erect raupo and nikau huts so that the incoming families could come and get gardens established at the settlement by May. Paora assured the Minister that sanitation and hygiene requirements would be observed
- permission was sought for them to later build permanent houses according to their own plans
- permit for the use of restricted wartime materials such as cement
- to be permitted to build a temple of worship using local materials and according to their own design
- permission for the Co-operative, as a group, to be registered as growers for market or sale of produce (rather than each individual gardener)
- for arrangements to be made with Government to purchase all seed produced by the cooperative
- permits for bulk purchasing through their own merchants or other sources
- for a telephone service to be connected between Te Tii and the other areas noted above, using Government lines (rather than private party lines).<sup>858</sup>

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<sup>858</sup> 12 Feb 1947, Absolute Maori Co-Op Assn to PM, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, pp.236-238

Paora thanked the Prime Minister in advance, for any assistance he could give that would "help us to attain our object of leading our race to live a cleaner life, to make useful use of our idle lands, to assist in the food production of the Dominion."

On 3 April 1947, the Registrar of the Native Department in Wellington wrote to his Auckland counterpart. He recently had met with Reverend Hemirua Paora and Reverend Horomona Kapa and had learned of their proposal to establish a self-supporting Maori community at Te Tii. Already 160 people were in residence. The community was being maintained from a pooling of their Social Security Benefits. It was later intended that income from gardening and farming activities would support the community.

The Registrar had doubts that Te Tii was a suitable location for a self-supporting farming venture: "...the land is generally poor in nature and the areas of good land limited in extent." He was also unsure at this stage of the sustainability of the proposals and suspected that the community would always require the contributions of the Social Security Benefits.

However, it seems to be an effort by a section of the Maori people to do something for themselves and it would be unwise, it is thought, to discourage it and so stiffen the resolution of the people concerned to go ahead. On the other hand, on my present information, it hardly seems a case where the Department should give the movement its official blessing. The best course seems to be to watch events and assist where possible.

The Registrar informed Paora and Kapa that there were no objections to the various points they had raised regarding the building of raupo and nikau huts or their temple as long as health standards were maintained. The Registrar was informed that the building of houses had proceeded under the auspices of the District Nurse. Access to material could be achieved through usual trade channels and since writing the letter, suitable arrangements had been made with produce distributors. As for the phones, they were directed to approach the Post and Telegraph Department.<sup>859</sup>

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<sup>859</sup> 6 Mar 1947, Reg ND Wtgn to Reg ND Alk, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, pp.234-235

In addition, the Department's Auckland Registrar had sought a further report. On 21 May 1947, the Field Supervisor, having visited the settlement, reported that he had interviewed the Schoolmaster at Te Tii who spoke in "glowing terms" of the work being done in the settlement. The roll at the school had doubled from 35 to 70 with the expectation it would soon reach 100 pupils. A half dozen men had worked at the school putting down paths and clearing an acre of gorse. This had been ploughed and was ready for planting by the children, presumably to provide a school garden: "He informed me that the children were well dressed, well looked after and very clean..." The schoolmaster believed the movement was deserving of support."

The Field Supervisor had interviewed Mr Rapana and other community leaders. He reported that the community intended to undertake market gardening on a large scale. All resources, whether from social security, or the proceeds from sale of produce, would be pooled.

I must say that I have never seen so much activity in a Maori settlement before, for three teams of horses and scoops were employed taking the bends out of the road leading from the Te Tii Pureroa road down to the settlement, and I was informed that it was to be metalled this coming week with their own three ton lorry. Another gang was engaged in fencing, but here they were short of fencing wire. Others were removing boulders from areas that were to be ploughed, yet another gang were putting in kumara beds for the raising of early shoots. Between 40 and 50 men are employed altogether. Approximately 30 acres of hill country have been cleared of ti tree and ploughed ready for sowing in onions later in the Season.

I remember the settlement before Rapana arrived and it was then unimproved and dilapidated, fences were straggling everywhere. These have now been taken down and re-erected more in accordance with a good farming plan, and I must say that I have never seen such a transformation.

Later evidence reveals that the land being worked was Te Tii C2. In addition, 20 acres at Oramahoe were under cultivation and 15 acres at Kerikeri. Land at Matauri Bay was being brought into production.

The Field Supervisor had questioned Rapana as to whether the people approved of the scheme. He was informed that in fact all the work was being done in accordance with their wishes. Although resources and income were to be pooled, worksheets were being kept. The plan was

that at the end of year, after the produce had been sold, each workman would received a share according to his worksheet of labour. Rapana also noted that his people would be available to work for local Europeans and that 10 men were to be engaged in picking oysters when the season opened.

By this time there were now 200 people at Te Tii with an expectation that it would increase to 300 in the near future. The Field Supervisor expected that overcrowding would occur. He challenged Rapana that the Church had no "sound tenure" to the land but was informed "that there would be no question of ownership, and no disputes would arise for he [Rapana] felt that the divine being would guide him in these matters". Although some houses he had inspected were made out of sacking or raupo, the Field Supervisor confirmed they were kept "very clean and tidy and a credit to occupants".

Despite what he had seen, the Field Supervisor remained sceptical:

At present everyone is keen to work, but I am satisfied that this will not continue for I cannot believe that these people will be satisfied to continue to pooling their labour for the wellbeing of all the community. The lands that they are attempting to cultivate are too poor to obtain good results, and it is doomed to failure. At Te Tii there is only approximately 2 acres of flat the balance being hilly and tends to dry out very early in the Season. It is a poor porous clay and is really only danthonia country.

When he had put these concerns to Rapana, he was responded to with "other ideas which are too lofty for the average person". The Field Supervisor was not convinced:

In conclusion the scheme is worthy of success, but it cannot succeed owing to unsuitable locality, too much wastage of manpower and the anticipation that free labour will be content to remain and work for a mere pittance and religious beliefs.<sup>860</sup>

On 8 September 1947, Mr McIndoe, a departmental horticulturalist, reported further on the scheme after having visited Te Tii. He noted that the land under preparation for cropping covered 35 acres but described it as being of "poor quality". He reported that a good deal of good quality roading, fencing and ditching had been done. In addition, the site for a temple had been cleared and planted with shrubs and trees ready for grassing. There were plans for

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<sup>860</sup> 21 May 1947, Field Super to Reg ND, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, pp.232-233

further improvements including the reclamation of a portion of the foreshore and the erection of a meeting house.

Regarding the crops, four acres of potatoes and one acre of kumara had been planted with sufficient seedling onions being grown to bed out several acres. The intention was to concentrate on onions, potatoes and kumara. The horticulturalist, however, felt that the land would dry out early in summer, that kumara could not be grown in this soil type and that the potato crop would be low yield and not cover the cost of production. In his view, the success of the scheme depended on the success of the onion crop.

The present outlook of the inhabitants is very enthusiastic but it is hard to see how the present area will supply sufficient income to keep them all satisfied. ....The industry of these people is highly commendable and it is most unfortunate that a greater area of more accessible better quality land was not chosen...<sup>861</sup>

By November, following another visit to Te Tii, the horticulturalist reported that the crops of potatoes and kumera were very light but that the onions planted were becoming established slowly. Work was proceeding on the erection of a cook house and dining hall with tamped clay walls of 15 inches being used.<sup>862</sup> By January 1948, McIndoe reported that the community still had the support of the school teacher who noted "that nothing more could be desired in the way of co-operation from these people."<sup>863</sup>

During 1948 and through into 1950, departmental officials such as the horticulturist and the building supervisor visited the Te Tii community reporting on its successes and failures and providing advice and, at times, resources to assist.<sup>864</sup> During this time, community members erected their own store, purchased tractors and a 3-ton truck.<sup>865</sup>

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<sup>861</sup> 8 Sept 1947, Horticulturalist to Reg ND, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.231

<sup>862</sup> 3 Nov 1947, Horticulturist to Reg ND, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.230

<sup>863</sup> 20 Jan 1948, Horticulturist to Reg ND, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.229

<sup>864</sup> 28 Apr 1948, US ND to Reg ND; 6 May 1948, Reg to Reg Alk; 28 Jun/1 July 1948, Building report, minute Reg to US; 14 July 1948, Min of MA to US MA; 1 Mar 1949, Horticulturist to US; 16 May 1949, Building Supervisor to Reg Alk; 16 May 1949, Building Super to Reg Alk; 13 June 1949, Building Supervisor report; 25 Nov 1949, US ND to Reg Alk; 12 June 1950, US ND to Reg Alk; in Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, pp.220- 8

<sup>865</sup> 26 Jan 1956, Dis Off to Board MA, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, pp.180-184

*Figure 16: Housing at Te Tii, 1948*



*(Northern News, 5 April 1983)*

A number of Ngati Rehia persons recall their time as children coming to and living in the Rapana community at Te Tii. As noted above, when Rapana came back to Te Tii, there was an influx of people. Some of these were followers from other places but many of them were Ngati Rehia coming from places such as Matauri Bay or Waimate. In addition, however, people came from all round the Bay of Islands and much further afield. A lot of those who had been living in Auckland, at places such as the Pukekohe gardens, also came home at this time.<sup>866</sup>

Moewai Garland was one of those whose family came to Te Tii after the arrival there of Rapana. She can remember when she was 11 years old her family leaving Matauri, setting off at 5am and rowing all the way to Te Tii. Her parents, whose families had originally come from Te Tii, returned as several of the children were not well and Rapana had a reputation as a great healer.<sup>867</sup>

Huhana Epiha, who was already living at Te Tii when Rapana came, felt the settlement there grew four times larger. The people had to go to the bush to collect nikau and raupo to build new houses.<sup>868</sup>

Nau Epiha's large family came to Te Tii when he was four years old and during the time of the Rapana settlement. He estimates that there were five or six hundred persons living at Te Tii in three settlements. There was the original kainga of Te Tii, named Whitiroa, and two new settlements built to accommodate the influx of people. These settlements were named Nikau pa and Bagtown after the construction material used for housing. Those who lived in Bagtown were primarily from the Waimate area, those at Nikau pa from many other districts.<sup>869</sup> Nau's family lived at Nikau pa.

Moewai Garland's family also was one of those who lived at the Nikau pa. She remembers the small houses were built in a row arranged down a small street. Although the houses were built as one room houses, Moewai remembers relatives who partitioned their homes by tying ti tree logs together with flax to make internal partitions. The houses had open fires inside and

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<sup>866</sup> 7 May 2008, Group Interview at Otangarei

<sup>867</sup> 7 May 2008, Group Interview at Otangarei

<sup>868</sup> August 2007, Group Interview at Te Tii

<sup>869</sup> Nau Ephia, 9 May 2008, Interview at Takou

cooking was down with camp ovens. The new population was well supplied with two puna locate in Te Tii delivering fresh spring water.<sup>870</sup>

Those who were children during the years of Rapana's community remember it as a good time for them and the village. Huhana Epiha recalls: "We learned a lot of good things... How to look after the sick. Those that are in need, the sick and elderly. Learnt prayers and hymns. Loved that part."<sup>871</sup> The cultural aspects of learning included the learning of waiata, action songs and haka. No work was done on Sundays. Food had to be prepared the previous day, although lighting fires and cooking was permitted.<sup>872</sup> Rituals existed around gardening. Certain crops on new grounds were not harvested until the third year, the previous two years any produce being dug into ground. For vegetable crops, a portion of the harvest was left for the birds and insects.<sup>873</sup>

Te Otinga Roundtree recalls the Rapana years as being "...good for the time and it brought unity for the whole village."<sup>874</sup> Nau Epiha also recalls the experience of his childhood in glowing terms seeing Te Tii at time as a heaven on earth. He remembers the enjoyment of learning to karakia, the support in the community on all things, the sharing of resources and the way that all adults took responsibility for children at the settlement. For Nau Epiha, Te Tii was a safe place.<sup>875</sup>

People have also recalled how there were material benefits resulting from the new settlement. Of this time, Te Otinga Roundtree has noted: "When Rapana's time came, we were more well off then. He supplied quite a few things for the people.... He got the people to work together as whanau in every way." She particularly remembers gardening and cattle fattening.<sup>876</sup> Different persons were allocated different tasks; building, gardening, fishing. Several new commercial ventures were started. The existing gardens were expanded and a truck was purchased to take produce to market. Winika Heihei remembers that by the late 1940s, extensive gardens covered the flat ground at Te Tii.<sup>877</sup> A sailboat was acquired to pick up oysters that were being harvested as well as to fish from. Shark and mullet were caught and

<sup>870</sup> 7 May 2008, Group Interview at Otangarei

<sup>871</sup> August 2007, Group Interview at Te Tii

<sup>872</sup> 8 May 2008, Group Interview at Te Tii

<sup>873</sup> 8 May 2008, Group Interview at Te Tii

<sup>874</sup> 7 May 2008, Group Interview at Otangarei

<sup>875</sup> Nau Ephia, 9 May 2008, Interview at Takou

<sup>876</sup> 7 May 2008, Group Interview at Otangarei

<sup>877</sup> 7 May 2008, Group Interview at Otangarei

delivered to a local fish factory for processing. Woodcutting for sale was increased and barges used to transport the timber and firewood. Yet all this increased harvesting was being done in a way that continued to look after the resources such as oysters and the bush.<sup>878</sup> Others worked on farms at fencing or scrubcutting for wages.<sup>879</sup> Any money that came into the community, from the sale of produce, from wages or even social welfare benefits, went into a community chest for redistribution.<sup>880</sup> At the community, young persons were taught job skills never before considered such as waitressing.<sup>881</sup>

In June 1950, the Minister of Maori Affairs and his officials visited Te Tii. Whilst there, Rapana asked the Minister to make available to his community part of the Kapiro Block for the settlement of the Rapana followers. In addition, he requested assistance in the development of any land granted to them.<sup>882</sup>

On 13 July 1950, the Horticulturist and Field Supervisor investigated and forwarded their report following meetings with representatives of the community. It appears that the problem was that they need more land for the anticipated growth of the movement than the available land in the Te Tii block could provide. Furthermore, at Te Tii the community was living on land to which they did not hold title. Although many of those who had gone to Te Tii were Ngati Rehia living in other localities, they were not owners in the Te Tii block and the Church or Association itself did not own the block despite various church members probably being shareholders. The objective was to get land on which they could garden commercially as well as run dairy cows for their domestic requirements as well as dry stock. The Association identified around 1,100 acres as need for their requirements. It was also now interested in receiving specialist advice and supervision from the Department.

After some discussion, officials identified a block of 1,447 acres which was very close to Te Tii and therefore could be worked with the Association's present operation. The Association requested a lease of 50 years with a right of purchase as well as some financial assistance for purchasing necessary implements and machinery.

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<sup>878</sup> August 2007, Group Interview at Te Tii

<sup>879</sup> 6 May 2008, Group Interview at North Shore

<sup>880</sup> August 2007, Group Interview at Te Tii

<sup>881</sup> August 2007, Group Interview at Te Tii

<sup>882</sup> 15 June 1950, Min MA to US MA, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.219

They are averse to borrowing money, would not assign their assets as security and are not favourable to coming within the scope of development schemes. They have interpreted the remarks made by the Honourable Minister at Te Tii as meaning that a free grant would be made.

We also learn that the men from the settlement who do casual work for neighbouring farmers are held in high esteem. The present population of the settlement is 290 of which 160 are of school age and under. The school roll has increased from 32 to 102 and it is anticipated that next year will show a further increase.<sup>883</sup>

By August 1950, as officials continued to consider the proposal, it was noted that the Association was beginning to realise that they probably would not have the land granted to them free of charge. This they accepted but hoped that they would receive some subsidy or financial assistance and that they would commence preparations soon.<sup>884</sup> In the same month, the Minister indicated that he "was anxious that the people were assisted" and that a favourable leasing proposal would soon come forward.<sup>885</sup> Despite the enthusiasm of the Minister of Maori Affairs, the Northland Commissioner of Crown Lands Mr King was not so favourably disposed to turn over land under his administration to the community.<sup>886</sup>

By the end of August, a meeting of officials met with the community. It was revealed that although the community had no debts, neither did they have much money. Their main source of income was from the communal earnings of their young men who went out to work and paid their wages into the common pool. This produced about £300 per month. Out of these funds living expenses were paid after which there was a surplus of up to £150 per month. Officials suspected that Social Security benefits were also being pooled. The Association estimated that to date they had spent about £9000 on the present settlement. All officials at the meeting agreed...

....these people deserve some encouragement. The efforts they have made and the principles on which they are working are very praiseworthy. They may or may not succeed in their plans and aims, but at least they have made an effort.

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<sup>883</sup> 13 July 1915, Horticulturist and Field Supervisor report ,Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, pp.215-217

<sup>884</sup> 7 Aug 1950, Horticulturist report ,Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.213

<sup>885</sup> 15 Aug 1950, US ND to Reg ND ,Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, pp.211-212

<sup>886</sup> 25 Aug 1950, McIndoe to Roleston ,Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.210

It had been agreed that a grant of £500 from the Civil List (Maori Purposes) would be made available, paid to the Maori Land Board, from which the community could draw down as required.<sup>887</sup>

By October, however, the proposal had been watered down. Although the £500 was still available, the area being offered had been lessened to 583 acres. In addition, only a short-term lease of ten years was offered with an extension of term or the arrangement of a more permanent title being given if and when the success of scheme was assured.

On 8 November 1950, Rapana wrote to the Minister of Maori Affairs thanking him for his consideration of his request for land for a settlement of his people at Kapiro. Rapana explained that his intention was to build a settlement for all of his followers: "I wish to build houses for them of permanent materials, modern designs and up to date finish so that they can have homes as good of better than if they migrated to the towns." The problem, however, was in the terms being offered by the Crown - a 10 years lease to be reviewed at the end of the term and an extension or right to purchase if it was evident that the scheme was a success. With such a short term and with little security over the final outcome, Rapana noted that he could not begin to build a settlement or make improvements. He therefore proposed to buy the land outright: "Although the payment for the whole block in cash will somewhat cripple my progress I can and will pay cash provided the price of the land is reasonable". His original intention had been to lease the block and, from time to time, purchase one section after another over a three-year period. He now therefore requested to know the price of the land for purchase. Unless he could purchase, or get a secure lease, he would have to look for land elsewhere.<sup>888</sup>

In the meantime, on 11 October 1950, Teihi Te Hei Hei wrote to the Minister of Maori Affairs asking for assistance to develop 530 acres of their lands at Te Tii.<sup>889</sup> This request referred to Te Tii D. In response, the Minister of Maori Affairs wrote asking for additional information.<sup>890</sup> The matter appears to have gone no further.

<sup>887</sup> 1 Sept 1950, Reg to US ND, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.209

<sup>888</sup> 8 Nov 1950, Rapana to Min MA, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, pp.206-207

<sup>889</sup> 11 Oct 1950, Tei Te Hei Hei to Min MA, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.208

<sup>890</sup> 4 Dec 1950, MA to Teihi Heihei, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.205

By December 1950, when Rapana requested a payment from the £500 grant to buy a tractor, it was revealed that few of the local men worked at Te Tii anymore, with most being engaged on Government contracts away from the settlement. By May 1951, it appears that Rapana had proposed instead that the proposed village be established on Te Tii C block. He was informed, however, that "the Minister was most emphatic that the terms as originally laid down could not be varied." He was also informed that as the Lands Department was continuing with development in the area, the opportunity to occupy the land may not last indefinitely.<sup>891</sup>

It appears that within these circumstances, the lease was taken up. Research conducted within the timeframe available for this report has not located further detail on the leased land and its development. By mid-1953, however, things had fallen into disarray. The tragedy of the death of Rapana's wife, who had been a stalwart in organising community affairs, had caused the leader to lose his enthusiasm for the community. Finally, he had left Te Tii, with some of his followers. Those of his followers who remained, who were primarily of Ngati Rehia, were left scrambling to put the affairs of the Association in order. It appears that within these circumstances, certain covenants associated with the Kapiro lease were not fulfilled. Local interests, personified by the Kerikeri County Council and Member of Parliament, brought some pressure to bear urging the Lands Department to ensure that development on the block be in tune with that which was being completed around it.<sup>892</sup> By 11 September 1953, the Secretary of Maori Affairs informed Judge Pritchard that the Land Settlement Board on 5 August had decided that steps be taken towards forfeiture of the lease with the Crown resuming the land.<sup>893</sup>

It appears that the lease was forfeited. Subsequently, the remaining church community in Te Tii again tried to acquire a property outside of their land blocks. By June 1954, they were interested in purchasing a block of land 690 acres within Subdivision 1 of the Otaha block - the part between the Tohoranui and Tapueatahi Rivers.<sup>894</sup> Unfortunately they missed out on the opportunity as they found the land was already sold.

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<sup>891</sup> 28 May 1951, Reg to Rapana ,Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.204

<sup>892</sup> 8 May 1953, US to Dist Officer ,Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.203

<sup>893</sup> 11 Sept 1953 Sec MA to Judge Pritchard ,Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.201

<sup>894</sup> 11 June 1954, Dist Officer to Public Trustee ,Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.200

The next step was to again turn to the Crown. On 27 July 1954, H. Ngawati, Secretary of Absolut Maori Trust Board wrote to the Minister of Maori Affairs informing his that the group now comprised 50 adults and 100 children. Out of 50 adults, however, were nine men who were capable of working locally. Since the departure of Rapana, the remaining group had developed and brought into grass an area of 100 acres. The intention was to farm sheep and run dry stock. Ngawati feared, however, that the land they were working was insufficient to keep and hold their community together. There was a further 100 acres available in Te Tii C2 for development. They therefore sought financial assistance to develop the remaining 100 acres. In addition, it was noted that church elder Arana Ngawati Parangi would attempt to get further land for the community and assistance was requested for this.

The focus for the community's land purchasing remained on Subdivision 1 of the Otaha block which was adjacent to the Te Tii blocks. A departmental officer was despatched to investigate. On 1 September 1964, T. Rogers reported to the District Officer:

I consider that this is not a good proposition and that the people should develop their own lands first for they are a much better proposition, being better contour and we could gauge their ability without the purchase of private lands in the meantime.<sup>895</sup>

The Minister responded to Ngawati advising him that the government "could not agree to assist your movement to purchase further land while a large area of Maori land is still undeveloped."<sup>896</sup> Undeterred, Arana Ngawati pushed ahead. By February 1955, it was reported that he had paid a £200 deposit on the land with the rest to be paid off over a number of years.<sup>897</sup> The Crown was not finished, however. It appears that it was a usual requirement of the time for such land purchases to be approved by a Land Valuation Court. By April 1955, the Commissioner of Crown Lands was indicating his intention to oppose the community's application to purchase on the grounds of undue aggregation by the purchaser, Arana Ngawati, on the basis that he already owned land in the 279 acres of Te Tii C2.<sup>898</sup> Presumably, this occurred as there is no further mention of Ngati Rehia or the church owning the land in question.

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<sup>895</sup> 1 Sept 1954, Rogers to Dist Off MA, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A

<sup>896</sup> 13 Apr 1955, Dist Off to Comm Crown Lands, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.191

<sup>897</sup> 4 Feb 1955, Field Supervisor to Head Office, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.198

<sup>898</sup> 5 Apr 1955, L&S Dept to Dist Off MA, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.192

In the meantime, officials investigated the possibility of developing land held by Rapana church members within Te Tii. By 5 October 1954, the Supervisor of Maori Affairs reported that he visited the Te Tii settlement where he learnt that the 'Ngawati group' desired to have further time to consider the matter of development under the Department processes. Some of their members were away working and would not be returning to the settlement for some time. The owners wished to have a full discussion before committing the movement to anything. However, the gap between the priorities of a religious community and the lack of sensitivity of departmental officers is reflected in the following comment of the Supervisor:

Ngawati's group state definitely that they will not milk cows and would want to run sheep and cattle for it is against their religion to milk cows on a Sunday. I don't know how the sheep at lambing time would fare on a Sunday. I questioned them on this point and asked if the women had ever objected to cooking food on a Sunday for them, but I got no reply.<sup>899</sup>

(By May 1955, it was apparent that the Ngawati whanau owners were not agreeable to departmental development.<sup>900</sup>)

While at the settlement, the Supervisor also met with the Heihei whanau who owned a separate land block at Te Tii and who, in 1950, had previously applied for development assistance. This whanau indicated that they were agreeable to have their land developed in accordance with Departmental procedures.

On 4 February 1955, the Supervisor reported further on the possibility of developing Heihei whanau land. This would involve Te Tii D2, which the whanau completely owned, and a part of D1 - a total area of 407 acres. The Supervisor reported that although the blocks had been sown in grass at one time, this had all reverted to gorse with just small patches of grass remaining. Although the land was generally seen as poor, the Supervisor believed it could be worked as three dairying properties if care was taken. He noted that the agreement of owners was needed for the property to be taken over by the department, and interests consolidated that three settlers might occupy the developed land.

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<sup>899</sup> 5 Oct 1954, Supervisor report, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A

<sup>900</sup> 6 May 1955, Dist Off to Head Office, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, pp.189-190

I recommend this proposal for two reasons, It will provide work and a living for people that live in an isolated settlement and that will bring idle land into production, and if they are settled as sharemilkers for a number of years, we should be able to gauge their possibilities before committing the Department.<sup>901</sup>

After a further visit made in April 1955, at which the Heihei owners agreed to the terms and conditions of settlement, District Field Supervisor recommended that the matter be referred to Head Office for approval.<sup>902</sup> As part of this it was intended that at a later stage there be an amalgamated partition of all three Te Tii three blocks "so that the representatives of the Hei Hei group are located in one block and the representatives of the Ngawati group are located in the other block".<sup>903</sup>

When the matter went to Head Office, however, it was noted that in view of existing commitments to land developments in Tai Tokerau and that it was unlikely that there would be any increase in the Developmental vote for Maori Land Settlement in the foreseeable future, the Department could not commence development operations on these lands.<sup>904</sup>

Despite the June 1955 decision of Head Office that departmental assisted development could not proceed at this time, on 26 August 1955, a meeting at Te Tii was called by departmental officers and attended by owners of both the Te Hei Hei group and Ngawati whanau. The officers explained the Department's method of development and settlement. They proposed three economic single unit farms be established on the Heihei lands and one on Ngawati lands. The estimated cost of individual settlement would be about £10,000 per farm. The settlers put on the farm would have to be good enough to produce sufficient butterfat to repay the loan as well as rent to the owners. Nevertheless, the Department felt that development and settlement of the land would be successful and that the chosen settlers would repay the debts without any difficulty. The Field Supervisor then explained that it would be cheaper to develop all four farms together than each of them piecemeal.

The Ngawati whanau representatives acknowledged that the Department would develop the land quickly.

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<sup>901</sup> 4 Feb 1955, Field Supervisor to Head Office, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.198

<sup>902</sup> 30 Apr 1955, Dist Field Supervisor, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.193

<sup>903</sup> 13 Apr 1955, Dist Off to Comm Crown Lands, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.191

<sup>904</sup> 1 June 1955, Sec to Head Office, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.188

We have been trying to develop but owing to the difficulties have not been able to do it yet...At this stage we do not want any help from the Department for our development. If we are forced to abandon our own plans we may seek Departmental assistance later.

The Te Hei Hei whanau Group were agreeable to the development of their land by the Department because they did not have the resource to develop the land themselves. But they were reticent over the control of the Department and a concern they might never get their land back:

Although agreeable we do know there are certain parts under the Boards Development Policy which are disagreeable to us. The 75 per cent compensation clause in the lease to the settlers does not suit us very well as we have no money. If the Department could exclude the Compensation Clause in the lease we would say "thank you". If there is any way the compensation can be paid other than by the owners can you tell us how it can be done.

To this, the District Field Supervisor responded that the settlers go on to the land and pay rent for what is there now. As the Department puts on all new improvements and the settler buys them, in 42 years time, the owners are required to buy these improvements at 75% of their value. The only options open to the owners would be to borrow if they wanted to resume the land themselves or for another lessee to buy the improvements after which the owners would continue to receive rent.

Despite this explanation effectively meaning that the owners ran the risk that they may never get their land back, the Heihei whanau passed and signed resolutions for the development of their land in accordance with the general policy of the Board of Maori Affairs. They have also signed a consent to the amalgamation of their lands and repartition into one block.<sup>905</sup> However, on 8 December 1955, the District Officer informed Ihi Te Heihei again that there was no finance available for additional Maori land development in North Auckland up to the beginning of April the following year.<sup>906</sup> It does not appear, however, that development took place.

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<sup>905</sup> 26 Aug 1955, Meeting of Owners, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.187

<sup>906</sup> 8 Dec 1955, Dist Off MA to Ihi Te Heihei, Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, p.179

Instead, Ngati Rehia had to find a different way forward for the land. As at 10 March 1960, the Te Tii Mangonui D 1 block of 221 acres had 36 owners while Te Tii Mangonui D2 (307 acres) and 57 owners. A small adjacent 38-acre block named Tapuwaetahi had 20 owners.<sup>907</sup> On 9 May 1964, a meeting of owners agreed to amalgamate titles of all three blocks.<sup>908</sup> Subsequently the owners of C1 and C2B became part of the amalgamation and the block Te Tii Taupuaetahi came into existence. Under an order dated 3 June 1964, the owners of Te Tii Tapuwaetahi formed into an of incorporation.<sup>909</sup> On 29 March 1965, Te Tii Tapuwaetahi was partitioned to allow the formation of 53 seaside sections and a farm of just over 817 acres. Both sections and the farm were to be leased.<sup>910</sup>

#### iv. The 1950s to the 1970s at Te Tii

After the Rapana church came to an end at Te Tii, the followers began to drift away. At this time, a number of different churches came such as Jehovah Witness and Pentecostals.<sup>911</sup> By 1960 the local Maori Affairs Welfare Officer noted that the Tribal Committee serving Te Tii was not operating to its full potential because he felt there were too many religious organisations in the settlement.<sup>912</sup>

With the decline of the church the various commercial ventures also ended. New avenues to acquire income were sought with men beginning to seek work away from Te Tii. Initially work was local. In the 1950s, those who went out to work went scrubcutting on surrounding farms, working at a nearby quarry, weed spraying in the Kerikeri orchards, working in timber mills or at the freezing works or on the Opuia wharf. At this time women also began to work in the orchards in Kerikeri.<sup>913</sup> Women also remained a strong element within Te Tii especially when the men started working away from the settlement. They ploughed the gardens, cut firewood, went fishing and oyster picking.<sup>914</sup>

<sup>907</sup> List of owners and title of blocks, Tapuwaetahi Te Tii Mangonui D1&2, BAAI, A353, 7488, ANZ-A

<sup>908</sup> 9 May 1964, Minutes of meeting owners, Tapuwaetahi Te Tii Mangonui D1&2, BAAI, A353, 7488, ANZ-A

<sup>909</sup> c.1965, District Manager report, Maori Trust - Tapuwaetahi Incop, BBDL, 15/5/186, ANZ-A

<sup>910</sup> 20 July 1965, Clayton Thorne & Son to MA Dept, Maori Trust - Tapuwaetahi Incop, BBDL, 15/5/186, ANZ-A

<sup>911</sup> August 2007, Group Interview at Te Tii

<sup>912</sup> 8 Feb 1960, Pou, 'Annual Welfare Report', MA W2490 box 137 36/29/1 pt.6, ANZ-W, Wai-1040 A38(a), Vol.2, pp.1058-60

<sup>913</sup> August 2007, Group Interview at Te Tii. Also 6 May 2008, Group Interview at North Shore, afternoon session and 7 May 2008, Group Interview at Otangarei, morning session

<sup>914</sup> Nau Ephiah, 9 May 2008, Interview at Takou

Gradually, the settlement changed. The elders had always had a ban on alcohol being brought within one mile of the settlement. With the young men seeking work outside of Te Tii, they came into contact with other ways and this included alcohol use. Gradually, those of Nau Epiha noticed that the community began to live by other priorities. Tikanga Maori was observed less and the use of te reo declined.<sup>915</sup>

Despite these changes, Ngati Rehia wished to continue their lives at Te Tii. During the 1950s, however, Government involvement would actively work against this as during this decade, and the following decade, the emphasis of government policy was to relocate Northland Maori from settlements that the Government had deemed to be isolate and economically unsustainable. When the Department's welfare officers came in the 1950s and 1960s, it was recalled by Ngati Rehia informants for this report that the mantra of the day was to get out of the villages and into the towns where they were crying out for labour and where you would get better housing by going away. There was never any talk about the risk of impacts on the communities left behind. As Te Hurihanga Heihei, has noted: "All they would tell you [of the towns] is opportunities for work and to educate your children is there." The feeling that was left was that if you did not move away you were a bad parent.<sup>916</sup>

The process of relentless encouragement of relocation began from the early 1950s when the Maori Affairs Department conducted housing surveys of Northland Maori settlements. For Te Tii, it was noted that 38 families lived there with a total population of 228 persons. The survey, conducted in 1954, showed that all 38 families required new housing, 20 of them urgently.<sup>917</sup> Although the survey showed a very real need for better housing existed, officials noted that most of the residents were beneficiaries and therefore few had enough money for improvements. Te Tii, described by officials as being 'a religious settlement', was also described as being isolated and providing very little manual employment. The nearest steady employment was in the New Zealand Railways or further away.<sup>918</sup> One official expected that the lack of opportunity meant that Te Tii would probably break up over time. Nevertheless, he admitted that although the 'best families' already worked elsewhere, it was doubtful they would want to move. The Department, however, had different ideas and would spend the next decade trying to assist the breaking up process that officials predicted.

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<sup>915</sup> Nau Ephia, 9 May 2008, Interview at Takou

<sup>916</sup> 8 May 2008, Group Interview at Te Tii

<sup>917</sup> 28 April 1955, Souter to SMA, AAMK 869 W3074 Bx1015b 30/3 Pt 1, Wai-1040 A38(a), Vol.6, pp.3142-44

<sup>918</sup> 12 October 1954, Report, Toia, MA W2490 136 36/29/1 Pt 3, Wai-1040 A38(a), Vol.1, pp.533-34

The 1954 housing survey resulted in one new application for housing being submitted. The Department's Supervisor inspected two house sites for applicants.<sup>919</sup> Despite the desperate housing need, however, there was a reluctance for the Department to go ahead and meet the need. On 23 February 1955, the District Officer presented the survey that had been made of the housing position at Te Tii settlement. The conclusion was reached that 20 new houses were needed and that additions could be made to 14 existing houses.

The majority of the able bodied men have to work away from the settlement mostly at Portland and NZR Kaikohe. The only ones who work in or around the settlement are those in specific jobs, eg fishing and in charge of vehicles. It is possible that at times others find casual work on farms in the district.

There seems to be quite a few young men in the settlement who have no work at all and merely stay at home.

Of the 35 cases listed 14 have incomes from Social Security benefits only. Of the 21 cases where wages are earned two are working at the Te Tii settlement and the remaining 19 are employed out of the district.

There seems little doubt that eventually most of the younger people, at least, will have to leave Te Tii in order to find employment and a decision will have to be made on the housing which will be provided in the settlement.<sup>920</sup>

On 6 May 1955, the District Officer forwarded another report on housing. This report did not deal with housing associated with any land development proposal that might go ahead. It was noted that all of those who lived in the settlement had at least some interest, even if small, in the Te Tii land blocks. Noting the existing houses were merely shacks, the Officer also noted that Te Tii was an isolated settlement with little work nearby. On the other hand it was noted: "The Tii Mangonui is a religious settlement. – This is the reason why people live at Te Tii but work away." When assessing how to address the housing problem of Te Tii, the District Officer noted "there could be no question here of embarking on any town planned residential area." Instead, the District Officer recommended to approach those people who were working away from Te Tii with a view to persuading them to accept houses built near

<sup>919</sup> 12 October 1954, Report, Toia, MA W2490 136 36/29/1 Pt 3, Wai-1040 A38(a), Vol.1, pp.533-34

<sup>920</sup> 23 Feb 1955, Dist Officers report ,Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, pp.194-197

their place of work. In addition, it was felt that they could build houses at Te Tii for those people who had substantial land interests near the settlement.<sup>921</sup>

Early in 1956, the Government announced a new housing policy for the whole country which basically stated that Maori housing would only be supplied near centres of work and education. Following this decision, the people at Te Tii were contacted by the Department regarding moving to centres with available employment but it was recorded that a poor response had been received. Officials felt, however, that as the main income earners of at least half the 38 local families were already working outside the area the matter would resolve itself over time and that the settlement would ‘disintegrate’. Therefore, despite desperate housing needs having been identified, it was no recommendations were made by officials to build any houses at Te Tii.<sup>922</sup>

The following year, officials reported that their plans to persuade people to move from Te Tii were stalled as attempts to move the local families nearer to centres of employment had resulted in little progress with only two families having lodged applications. Departmental officials reported that a dozen of the main income earners in Te Tii were working in the Kaikohe district, another five in the Whangarei district, two in Auckland and one in Rotorua. Therefore, efforts would continue to get these people to agree to build near their place of employment.<sup>923</sup>

Over the next few years there was little change in the situation. Presumably people at Te Tii still needed improved housing and the government was not going to supply this. By 1960, therefore, the District Officer reported that at certain Bay of Islands settlements including Te Tii, there remained a “hard core who will not shift” about which he added the following:

They have all had the ...policy regarding building for them in these areas explained to them on numerous occasions but prefer to do the odd bit of fishing, casual work and live on the Family Benefit to obtaining a proper job and improved housing.

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<sup>921</sup> 6 May 1955, Dist Off to Head Office ,Te Tii 1947-55, BBDL, 1030, 2/117, ANZ-A, Supporting Papers, pp.189-190

<sup>922</sup> 30 Aug 1956, McKain to HO, AAMK 869 W3074 Bx1015b 30/3 Pt 1, ANZW, Wai-1040 A38(a), Vol, pp.3126-8

<sup>923</sup> 21 May 1957, McKain to HO, AAMK 869 W3074 Bx1015b 30/3 Pt 1, Wai-1040 A38(a), Vol.6, pp.3108-10

It was noted that a “lot of time and effort” had been put into these families and that whilst these efforts should continue it was felt “we have more or less reached an impasse”.

The Department would not let matters rest. The following year, when the annual report for the Bay of Islands on Depressed Areas, as settlements such as Te Tii were now categorised, it was noted that at Te Tii, interviews had been held with leaders and several residents to see if there were any families who desired housing assistance away from Te Tii and in particular in the vicinity of their respective job: “The residents are not however, anxious to take up residence in other areas.”<sup>924</sup>

During the 1960s, however, things began to change in the face of persistent departmental effort and a range of devices to encourage people to move. By 1963, officers reported as change at Te Tii was noted with some housing application coming forward, officials commented that this seemed to depend on the “influence exerted by those who are now prepared to build elsewhere”.<sup>925</sup>

To further encourage Maori to leave their rural settlements, by 1963 the Social Security Commission had approved capitalisation for Family Benefits. As a result, in Te Tii one of the families who were living under poor conditions had accepted assistance to move away and officials reported that efforts were now being made to persuade a second family to relocate. As the departmental officer noted of the opportunity to capitalise Family Benefits:

This should assist in breaking down the resistance to re-location for the remaining families in the settlement, the majority of whom are living under very poor conditions.<sup>926</sup>

By the following year, the Department reported ongoing success as four families had been persuaded to leave Te Tii and had been relocated to Whangarei. In addition, there were “strenuous efforts” being made to get building sections at Kerikeri: “Once we can get some sections at Kerikeri relocating these people nearer work will be much easier.” However, despite people beginning to move from Te Tii, the housing problem was not really being resolved.

<sup>924</sup> 15 Dec 1961, Waetford to HO, AAMK869-W3074-1016b-30/3, ANZW, Wai-1040 A38(a), Vol.6 pp.3165-6

<sup>925</sup> 21 Feb 1963, Pou to HO, AAMK869-W3074-1016c-30/3, ANZW, Wai-1040 A38(a), Vol.6 p.3188

<sup>926</sup> 2 Sept 1963, Paki to HO, AAMK869-W3074-1016c-30/3, ANZW, Wai-1040 A38(a), Vol.6 pp.3182

The problem being encountered in this area is the occupancy of dwellings by more than one family and it has therefore not been possible for the accommodation to be demolished as families move out.<sup>927</sup>

By 1965 it was reported that at least ten families from Te Tii had been resettled despite the settlement having been known as an area very antagonistic towards any efforts to have them housed elsewhere.<sup>928</sup> During that year, four or five young families moved from Te Tii-Mangonui to Kerikeri and Whangarei. It was said that those remaining in the settlement were mainly pensioners "...who will never move and who have not the income to meet housing repayments in a new area." It was also revealed that "The Public Nurse in this area has been a considerable assistance in persuading families to move."<sup>929</sup>

By 1966, there had been little change in the Te Tii settlement. It was report that a 'shack' had burnt down during the year and the family re-housed at Kerikeri as soon as the purchase of a section was completed. Although for a long time the Department had not been able to obtain sections in Kerikeri: "...there appears to be hope of a few more sections being available soon and this may be a factor in encouraging one or two families who work in the area to move."

Whilst the files of the Maori Affairs Department focus on the movement of people away from settlements such as Te Tii, there is little description of what became of those who moved away. While those who relocated did receive housing and employment, changes in the families were observed. Therefore, Ngati Rehia have seen how an increasing number of the children of the families that moved away to towns, became involved in troublesome activities in the town. This is always ascribed to the change in community, from a close knit kainga where support from uncles and aunts provided parents with support, to an environment where both parents are involved in having to work to keep up to provide the necessities of life in town. And when children or their families fell by the wayside, the system dealing with it was not empathetic as Te Hurihanga Heihei has noted: "I think there was a period... of complete ignorance to our culture. There was a domineering culture and that was the pakeha one. Teachers used to come here with that attitude, so did social workers... so did the nurses. So

<sup>927</sup> 18 Sept 1964, Thompson to HO, AAMK869-W3074-1016c-30/3, ANZW, Wai-1040 A38(a), Vol.6 pp.3180-1

<sup>928</sup> 26 Mar 1963, Pou, MA1-W2490, Bx138, 36/29/1 (4), ANZW, Wai-1040 A38(a), Vol.2 p.1257

<sup>929</sup> 7 Apr 1965, Thompson to HO, AAMK869-W3074-1016c-30/3, ANZW, Wai-1040 A38(a), Vol.6 pp.3178-9

did everyone who had a white face. That didn't start to break down until round about the early eighties...<sup>930</sup>

Reflecting on the change in community over the several decades after World War II, Ngati Rehia are keenly aware that their migrations away from their kainga occurred within an environment where there was little choice. Had Ngati Rehia been left with the resources to have developed as a community, the feeling is that the post-war urban drift would not have occurred to the extent it did or in the way it did which left damaging effects on those who went and those who stayed. Reflecting on what might have occurred had government assistance been directed at community development instead of relocation, Te Hurihanga Heihei has said: "They wouldn't have gone. I'm perfectly confident about that.... That's been the cruelty to us, not being able to capitalise on what we own so that we can advance ourselves into a better way of life. The decision making was that we were never allowed to make a decision for our own futures."<sup>931</sup>

Aside from the impact on those persons who moved away, Government regulation also impacted on resources that remained in the Te Tii area. This especially was the case in relation the oyster fishery where local Maori noted many anomalies in existence. For example, a local newspaper reported on the Te Tii Mangonui inlet rocks during the 1949 closed season:

It is strange that the rocks immediately below the pa at Te Tii are in Crown title, and, therefore, are not available to the Maoris for food, but they are able to gather their delicacies from the rocks on a headland half a mile across the bay.<sup>932</sup>

Requests were made for further reserved areas between 1951 and 1967. The first of such requests was in April 1951 by the Eastern Kaikohe Tribal Executive, who asked that the stretch of coastline near Te Tii Mangonui, including offshore rocks, be reserved as an oyster fishery for exclusive use by Maori.<sup>933</sup> The response from the Secretary for Marine was:

Since the present Maori Oyster Reserve has been neglected and is capable of being developed to produce a much greater quantity of

<sup>930</sup> 8 May 2008, Group Interview at Te Tii

<sup>931</sup> 8 May 2008, Group Interview at Te Tii

<sup>932</sup> *Northern Advocate*, 1 November 1949. Copy on Marine Head Office file 42/7/14. Wai-1040 A7(a), p.1553.

<sup>933</sup> Secretary Eastern Kaikohe Tribal Executive to Controller of Maori Social and Economic Advancement, 30 April 1951, attached to Under Secretary for Maori Affairs to SfM, 9 May 1951. Marine Head Office file 42/7/14. Wai-1040 A7(a), pp.1554-1556.

oysters than at present, I am not prepared to recommend to the Hon Minister of Marine that an additional area, on which public money has been spent on cultivation work, should be set aside as another Maori Oyster Reserve.<sup>934</sup>

According to Alexander, petitions arrived on the desks of Government officials throughout the 1951-1967 period, and again Maori were met with the same response.

Despite efforts to form a committee to manage the Mangonui Inlet reserved area between 1923 and 1934, no committee was ever appointed. It took until 1967 before Te Tii Maori took it upon themselves to appoint a committee of their own.<sup>935</sup> Concerns were raised as to past disagreements between inland and Bay-based Maori, but a representative of the Te Tii community revealed that all factions of the community were agreeable.<sup>936</sup> The Minister approved the Committee's appointment.<sup>937</sup> In February 1968, a letter was written to the Marine Department seeking an opinion on five resolutions newly passed by the Committee. These were:

- That Maori other than those residing in the neighbourhood of the reserve had first to obtain a permit from the chairman or secretary at Te Tii before approaching or going on the reserved area.
- That local Maori were allowed only one sugar bag of oysters per household per day.
- That Maori other than those residing in the neighbourhood of the reserves could with prior approval gather oysters for consumption at hui and tangi, the quantity to be gathered to be related to the numbers of persons attending.
- That all work on the reserve to improve production, such as removing seaweed, be carried out on a voluntary basis until the committee was in a financial position to employ workers.
- That the closing of the reserve be discussed at the next meeting.<sup>938</sup>

<sup>934</sup> SfM to Under Secretary for Maori Affairs, 17 October 1951. Marine Head Office file 42/7/14. Wai-1040 A7(a), p.1561.

<sup>935</sup> Secretary Maori Oyster Fishery Control Committee, Te tii, to CioF, 19 August 1967, attached to District Officer Auckland to SfM, 13 October 1967. Marine Head Office file 42/7/14. Wai-1040 A7(a), pp.1568-1569.

<sup>936</sup> Assistant District Officer Whangarei to Secretary for Maori Affairs, 26 October 1967, attached to Secretary for Maori Affairs to SfM, 6 November 1967. Marine Head Office file 42/7/14. Wai-1040 A7(a), pp.1571-1573.

<sup>937</sup> SfM to MoM, 15 November 1967, approved by Minister 17 November 1967. Marine Head Office file 42/7/14. Wai-1040 A7(a), p.1574.

<sup>938</sup> Secretary Mangonui Oyster Fishery Control Committee, Te tii, to Inspector of Fisheries Whangarei, 27 February 1968, attached to District Officer Auckland to SfM, 13 March 1968. Marine Head Office file 42/7/14. Wai-1040 A7(a), pp.1575-1579.

The Secretary for Marine believed that the provisions laid down by the committee were outdated, and advised that no ‘teeth’ should be given to the committee to enforce rules that might affect the provisions of the existing legislation. The Secretary stated:

It is understood that the Committee as appointed was elected by the community, and should therefore as representatives of the community be in a position to exercise, by such persuasive means as may be available, such satisfactory control over members of the community.<sup>939</sup>

With regards to comments concerning the lack of power given to the Committee, the Secretary was eager not to get involved and diplomatically referred them onto the Maori Affairs Department.<sup>940</sup>

Nevertheless, in 1969, at the request of the Committee, the local Inspector of Fisheries closed the Mangonui Inlet reserved area for the entire calendar year. The closure was due to the depleted numbers of large oysters and the need for the small ones to be left to grow to allow for the future of the reserve.<sup>941</sup>

Having considered the information available in relation to the oyster fishery at Mangonui and elsewhere in the Bay of Islands, David Alexander has noted that Maori saw oyster harvesting as their legitimate right under the Treaty of Waitangi. This caused untold confusion between Maori and the Crown and stood as the main reason behind the debate which spanned fifty years. The Crown was stoic in their interpretation of Maori needs and entitlements. Access was limited to food resources and economic development did not feature, nor did Maori commercial exploitation of the beds. Management practices put in place by the Government failed as a result of Maori and European licensed pickers over-harvesting, despite there being a closed period. Such led to the Government becoming more involved and in control through fear that if they did not do something, the longevity of the beds would be in danger. Such resulted in only two islands been reserved for all Maori within the Bay of Islands: the Mangonui Inlet, and one other reserved area at Whangaruru. This was made worse by restricting Maori from harvesting out of the vast areas allotted to the Crown and thus, with no

<sup>939</sup> SfM to District Officer Auckland, 21 March 1968. Marine Head Office file 42/7/14. Wai-1040 A7(a), pp.1580-1582.

<sup>940</sup> SfM to District Officer Auckland, 9 April 1968. Marine Head Office file 42/7/14. Wai-1040 A7(a), pp.1585-1586.

<sup>941</sup> District Inspector of Fisheries Whangarei to District Officer Auckland, 17 January 1969. Marine Head Office file 42/7/14. Wai-1040 A7(a), p.1587

Maori reserved areas in Kerikeri or Waikare, many Maori missed out on their quota through there having been insufficient crops.

In contrast to the restrictive nature of Maori 'entitlement' to oyster beds, the opposite prevailed when it came to the Crown's involvement in oyster harvesting: specifically in their desire to gain the maximum commercial and economic value out of the oyster harvesting. This mindset, Alexander thought, dictated the post-1907 actions of the Crown

According to Alexander, the natural environment of the foreshore and seabed also suffered as a result of the Crown's desire to maximize oyster production. Rock walls were erected, using sediment from other areas around the district. This revealed the Crown's disregard for any interests Maori may possess outside oyster harvesting as it went about controlling and exploiting the foreshore for its own economic benefit, operating in the capacity as 'absolute owner'.

The oyster fishery was not the only resource that was under pressure. During this time when many Ngati Rehia left Te Tii to go into town, former sites of occupation disappeared. Places such as Kaihiki or Takou did not have families living there by the end of 1960s. With Ngati Rehia away, a time developed during the 1970s where Pakeha began to more intensively settle around the Mangonui Inlet and other places formerly occupied by Ngati Rehia. As this progressed, further consequences were felt by those who had remained.

During the 1970s, with the camping ground at Takou in use and access allowed to the beach, pakeha campers or surfers would often come across ko iwi on the beach. They would always contact Ngati Rehia kaumatua Wiri Te Heihei to collect these which he would, perform the necessary ceremonies and rebury the bones in an appropriate location. As the recreational use of Takou rose, ko iwi from the burial caves at Takou were removed by Ngati Rehia and reburied at the appropriate places: "Wiri told me that when you went into those caves you always knew which one to pick up because they made themselves known to you. There were signs that told him, 'here we are, take us home.'"<sup>942</sup>

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<sup>942</sup> Nau Epiha, 9 May 2008, Interview at Takou

Pakeha also began to more intensively settle and develop the lands around the Mangonui Inlet. Aerial spraying of gorse or topdressing by pakeha neighbours has had an impact on kaimoana which used to be plentiful and accessible around Te Tii. Now these stocks have disappeared and people have to go further up the Bay to get supplies.<sup>943</sup> As Pakeha 'lifestyle' settlements have progressed, in the last 10 to 20 years where it has been noticed that the seafood is less plentiful.<sup>944</sup> This same process had brought indirect impacts. Foods and medicines that were collected from the forests are no longer there. It is said that they have been destroyed by the opossums which came to be noticed increasing in the area in the 1970s.<sup>945</sup>

v. *Ngati Rehia and Te Reo in the 1970s*

Despite te reo being in decline in many places around Northland, Te Tii remained one of those places where the language was kept up.<sup>946</sup> By the late 1960s, however, pre-schools were seen as a way of teaching English at an early stage. As noted from the following report in 1968, Te Tii residents did not think this an issue as belief in the strength of their continuance of speaking Maori had continued:

At Te Tii in the Bay of Islands district, an elder of the Te Tii settlement, Mr Arena Ngawati, who had always opposed any form of pre-school training and the teaching of English at pre-school level publicly admitted at one gathering he had seen the folly of his thinking. His grandchild speaks good English and he still has a good conversation with her in Maori when she returns home. "send them to pre-schools to master the English language early in life and you and I can still teach them their mother tongue in the home. English from 9 to 3 and Maori from 3 to bed-time". This is one of the many illustrations where even grandparents are gradually changing their thinking to fit with the times.<sup>947</sup>

In 1975, as part of a nationwide study on te reo among Maori communities, the results of the survey conducted in the Te Tii and Kerikeri areas was published. The report revealed that "more than half the people living in Te Tii and Wharengaere were fluent speakers of Maori, and two-thirds of them knew the language well. Among the school-age children, nearly a third

<sup>943</sup> 8 May 2008, Group Interview at Te Tii

<sup>944</sup> 7 May 2008, Group Interview at Otangarei

<sup>945</sup> August 2007, Group Interview at Te Tii

<sup>946</sup> 8 May 2008, Group Interview at Te Tii

<sup>947</sup> 22 Mar 1968, Pou, Annual Report, BAAI 1030/1058a ANZA

spoke Maori well and almost a half understood the language well. Less than a fifth of the people did not understand Maori at all, and most of them were under the age of 14.”<sup>948</sup>

The survey then looked at the use of Maori within the home. It suggested that there were 18 households with dependant children visited and in 5 of them communication was entirely or mostly in Maori. In 7 households both English and Maori were spoken for an equal amount of time, while in only 1 home, only English was used. In the remaining 5 household, more English than Maori was spoken. There was one childless household visited, and there both Maori and English were used equally.

Furthermore, the report discussed the use of Maori within the communities. It suggested that “Maori was the main language used by most people spoken to in Te Tii and Wharengaere, and by most of those in Kerikeri also. Many people spoke in Maori with neighbours, friends and Maori workmates, but spoke in English with non-Maori speakers.” Twelve out of 19 people who were interviewed preferred to use Maori on all occasions. Maori was also the main language used in most religious services, and especially in hui held on the community marae.

Attitudes toward the language were also evaluated. The researchers recorded that “although nearly a third of the school-age children spoke Maori well, people were concerned at the growing number of young people in the area who couldn’t speak Maori at all.” Much of the blame was placed upon the local play centre, because in its early stages, it had encouraged mothers to speak English rather than Maori to their children. Television was also blamed as having a bad effect on the Maori language in the homes of many. Because television, radios and newspapers were almost entirely in English, many Maori-speaking parents fought an uphill battle, as their children replied to them more and more in English: “Several people felt strongly that the language was an important part of Maori culture, and said they would speak it “to anyone who looked like a Maori”. Nine people told how they had been punished as children for speaking Maori at school.”

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<sup>948</sup> The Maori Language from Te Tii, Wharengaere and Kerikeri – 24 Survey carried out in January 1975. Pq499M 1982-SUR

## C. COMMENTARY

This Section of the report examines Ngati Rehia in the aftermath of a century during which most of their lands had been taken away from their control and access by the Old Land Claims and Crown purchasing processes. By 1900, more than three decades had elapsed since the Bay of Islands had settled into an economy which provided few opportunities for Ngati Rehia other than to seek waged or contract work or to work their land for domestic consumption. Much of the land in which they still held interests in Waimate North was held with many other persons from other hapu. As such, the titles were not well placed to attract finance and the people did not have sufficient capital to develop their own land. Remaining lands at Takou, Otaha and Te Tii Mangonui, that Ngati Rehia held as their own, were isolated. Without finance, the owners faced the same difficulties against bringing their land into production. Therefore a dependance arose within Ngati Rehia whanau on wages or low paid contract resource collection (such as gum digging). Increasingly, pursuit of this form of economic activity dispersed the Ngati Rehia population around and out of their rohe with members finding themselves living as far afield as Pukekohe where they worked in market gardening.

Early in the twentieth century, however, one opportunity arose that potentially provided Ngati Rehia with an alternative. In the decades after 1900, a commercial oyster industry grew up around New Zealand with one of the key areas for oyster picking centring on the Bay of Islands. In the face of increasing over-exploitation, the Government soon moved to regulate harvesting from natural oyster beds. Restrictions on amounts, places and seasons were all brought into effect at various times. The problem this presented Ngati Rehia was that the control over a property and resource which had been theirs and their responsibility from time immemorial, was assumed by the Crown without consultation or permission. Ngati Rehia, as with other Maori of the Bay of Islands, were left to scramble with appeals to have reserves set aside for their use. Limited reserves were granted by officials but on the basis that domestic use only could proceed. Ngati Rehia were locked out of the commercial use of their own resources and ultimately could only participate as contract workers rather than as owners.

This Section of the report has also examined education. As indicated in the previous Section, Wi te Hakiro of Ngati Rehia had sponsored a petition signed by several hundred others seeking to have an education system introduced for northern Maori that was sufficiently

flexible to cater for more than one objective. For older children who only spoke te reo and who continued to live in their kainga, the education proposed was one based in te reo. The education was to be of a nature that it would contribute to village life. In cases where whanau wished their children to fully participate in the Pakeha world, English immersion style education was suggested but beginning at a pre-school level. As the technical report on education presented to the Tribunal has indicated, this challenge was not picked up. In fact, Ngati Rehia from the turn of the twentieth century, struggled to get any type of education established for their children.

The saga of the three and half decades that Ngati Rehia fought to have a fulltime school established at Te Tii has been presented in this Section. Within the context of this report, this matter is examined purely from the effect it had on Ngati Rehia. Wider issues dealing with the equity of the Crown's policies and approach to providing schools for Maori in Northland are addressed in a technical report already presented to the Tribunal. At the level of the Ngati Rehia community, the effects are clear. Beginning from 1899, Ngati Rehia leaders wrote time and again seeking to have their children educated. When the first request came, some Ngati Rehia were living on the Parangiora gumfields. Their emphasis, naturally was the education of their children. The focus of officials was on resourcing. The officials were swayed in their decision at this time by a series of correspondence from Pakeha interest groups arguing against establishing a new school in the district as it was thought that it might in some way undermine existing schools. Comment from education officials three decades later, acknowledged that the education provision for Ngati Rehia children that was in place for 30 years - a ferry subsidy to take them to Purerua school, and a half-time school shared with Purerua - primarily had been shaped by prioritising the considerations of Pakeha. In not establishing a fulltime school, an official noted: "The interests of the Maori children here have been sacrificed in the past to the interests of a few European children at Purerua..."

When Ngati Rehia requests were made for a school, the immediate size of the school roll was always the decisive factor. A key point that Te Heihei and others were trying to make in several letters and meetings, was that if a school was established, the Ngati Rehia whanau, who were spread around the district as they pursued any opportunity to earn money, would return to a central point, the place where the school was located, and establish a community there. For Ngati Rehia, therefore, the school would not only bring the obvious benefits of educating the children, but it would be a nexus upon which a community could reunite. The

education authorities, however, would only approach the matter within a narrow parameter of counting the children located at one place at any one time so as to make decisions on the educational arrangements for those children. For Ngati Rehia this meant, prior to 1924, the provision of a subsidised ferry for children to travel to the Purerua school. From 1925 to 1935, it meant providing a half-time school at Te Tii. Both options failed Ngati Rehia.

It appears that while the ferry subsidy was in place, Ngati Rehia whanau moved from the Parangiora gumfields, that were closer to Purerua, and back to Te Tii. From that distance the subsidy assisted little as children faced a 10-mile return journey to get to school. Although it appears that the subsidy remained in place until 1924, it seems that the point was reached where Te Tii children were not attending the Purerua school. When the half-time school began, the teacher reported the Te Tii children as effectively not having been educated despite, in theory, almost two decades of schooling under the ferry subsidy system. The half-time school system did not work any better. When officials were taking the steps in the early 1930s to finally establish a full time school at Te Tii, they reported the half-time schooling approach to have been a failure at Te Tii, as elsewhere. A further decade of education opportunities had been wasted.

Yet the sacrifice to at least get the half-time school operating had been significant. For a full decade, the community's wharenuī - often named as a hall - was used. Those who used it for sleeping moved out, the building was modified, locked after school and not available for community purposes any longer. The building had been made available by Te Heihei as a temporary measure for two years to at least get a school into the community. The expectation was that a school building and full time school would follow. The Education Department, focusing only on school rolls and not considering other options, preferred to maintain the status quo for some time. For Te Heihei, however, the temporary arrangement had been changed and he therefore sought rent for the use of the marae. It is possible that the request for rent was hoped to spur the Department into reconsidering a better education option for Te Tii. The Department decided, however, it did not have to pay any rent. With the school roll staying a certain level, Te Tii was one pupil short of the criteria required for the Education Department to pay rent. So officious was the Department's approach, that even when the roll jumped past the level where rent could be paid, the Department pointed to their rule that required the roll to be at the higher level for a full year before rent would be paid. Eventually,

the brewing showdown over rent was avoided by education officials beginning to reconsider their position and adopting a move towards building a full time school at Te Tii.

Before the full time school was opened, Ngati Rehia had to supply the school site, a legal access to the school from the landing place and a paper road access from the main road in case the teacher required it. They were expected to volunteer labour for some establishment projects. When Ngati Rehia sought to be given contracts to support the establishment and continuance of the school (erecting the buildings, laying out the road, running the ferry service), the Department was non-committal inviting them to tender with others.

The success of the Te Tii school after it was established in 1935 has not been able to be considered in depth within the scope of this report. Several Ngati Rehia have provided evidence on the debilitating effect the school brought in the suppression of te reo. In addition, the technical reports dealing with education, and another providing an overview for the second half of the 20th century, provide comment at the broader level of the way in which education provision in Northland failed most Maori.

A decade after Ngati Rehia finally gained their school, they would have to go through another saga with Crown officials in their seeking of financial assistance for development. Just as the school had potentially provided a mechanism to bring the dispersed Ngati Rehia back to a focused community, the rise of an evangelical church movement in the years after World War II potentially provided the same hope. In 1946, the Absolute Maori Established Church of Aoteroa and an associated cooperative was established under the leader Rapana. As the majority of adherents were of Ngati Rehia, a connection was made with the leaders of Te Tii and a decision was made that a church community would be established there. Within a matter of months, adherents from Waimate, Takou and Pukekohe flocked to the new community. The Te Tii population suddenly rose to almost 300. Ngati Rehia will further inform the Tribunal of these times. Those who informed this report through interviews describe all that occurred at the time as being a wonderful thing to have happened. Through the mechanism of the new church, a strong Ngati Rehia community was brought together. In a strong spirit of cooperation resources were pooled and a number of community projects were quickly achieved. Furthermore, one of the tenets of the church was the development of people and land. A vision was held of a self-sustained community, based on commercial opportunities

provided by market gardening, and the development of a small settlement of houses using resources of the land.

While the vision was strong, the land resources that Ngati Rehia had been left with after the sustained acquisition of their tribal estate by Crown processes of the 19th century were insufficient to support the newly invigorated community. As Crown officials at the time repeatedly noted, the land was not of the right kind and in the right place to support the planned cornerstone of the community's commercial plan - market gardening. The choosing by the community of market gardening, presumably, was because of the low entry costs and the large role that labour played in the enterprise which the new community had in abundance.

Initially, Crown ministers and officials were guardedly supportive of the community. Advice, material and small grants were provided although officials often noted, with little empathy, the community had chosen the wrong land. There seemed no awareness that the community had little choice in the matter and that the inadequate land Ngati Rehia had retained was the result of previous Crown action.

Within a few years, it became apparent that another economic development model was needed to sustain the community and Rapana approached the Crown for the first time seeking significant assistance - namely, making available to the community neighbouring Crown land from the Kapiro block. The amount sought was around 1,100 acres. Rapana hoped it would be made available as a free grant. In the discussions between officials that resulted over what land should be made available and how, there is absolutely no mention that the land being discussed was that acquired by the Crown as surplus from a pre-1840 land transaction about which a section of Ngati Rehia had protested.

Aside from the irony of the Crown debating how best to return to a community of Ngati Rehia land acquired from them improperly, the decision eventually reached demonstrated a lack of good faith. A smaller piece of land of just over five hundred acres was offered as a ten-year lease only. Any possibility for a secure tenure of a longer lease or freehold, would be based on a vaguely expressed assessment by officials as to the success of community achievements on the land over the ten years. Rapana rightly protested especially noting that the land was not really being sought for full commercial exploitation, but to establish a settlement and the food resources to feed it. When Rapana tried to find an alternative and to gain officials' support for

the establishment of a settlement back at Te Tii on Maori land, he was informed that there was only the one offer available. The lease went ahead, but it appears that little proceeded at this time. When Rapana left Te Tii with some of his followers due to personal circumstances, the primarily Ngati Rehia community that remained and was trying to cope with greatly changed circumstances was not able to meet the commitments of the lease and it was forfeited.

The remaining members of the Rapana Church then sought to acquire adjoining private land on which to build their settlement. Requests for Crown assistance were refused with officials pointing to the land at Te Tii and directing that this first should be developed. When a church member continued with an attempt to purchase the private land, officials actively opposed the sale pointing to undue aggregation as a way to stop the sale being confirmed.

Thereafter, with few choices left, the various landowners of Te Tii reluctantly turned to the Crown to have their lands included under a departmental development scheme. The proposal that was made, while in accordance with departmental requirements, was not well regarded by Ngati Rehia owners. The proposal of dairying was out of step with requirements for religious observances by the Rapana group. The terms for returning any land under development, and the requirement to first pay for improvements, were not to the liking of the Heihei whanau who realised that this might mean that they may never get their land back.

In addition, the proposed scheme would have done little for the cohesion of the community. In accordance with usual practice, the several hundred acres available were simply going to be turned into three or four dairy units. How the bulk of the remaining population of Ngati Rehia, who would not be settlers or workers on the scheme, would be supported was not considered. In fact, the Department preferred that these people moved away and received housing assistance in places where work was available. A community that had suddenly come together in great enthusiasm and vision and that required an innovative solution from their Treaty partner to ensure their cohesion, was instead presented with policies that would allow and cause them to drift away again and lock their land up away from their control. Even worse, the reluctantly accepted development scheme did not go ahead as there was no finance available in the Tai Tokerau budget for several years after which the proposal appears to have been dropped. Over the next two decades, the Te Tii community shrunk with those remaining depending on work opportunities away from their homes or the support of social welfare.

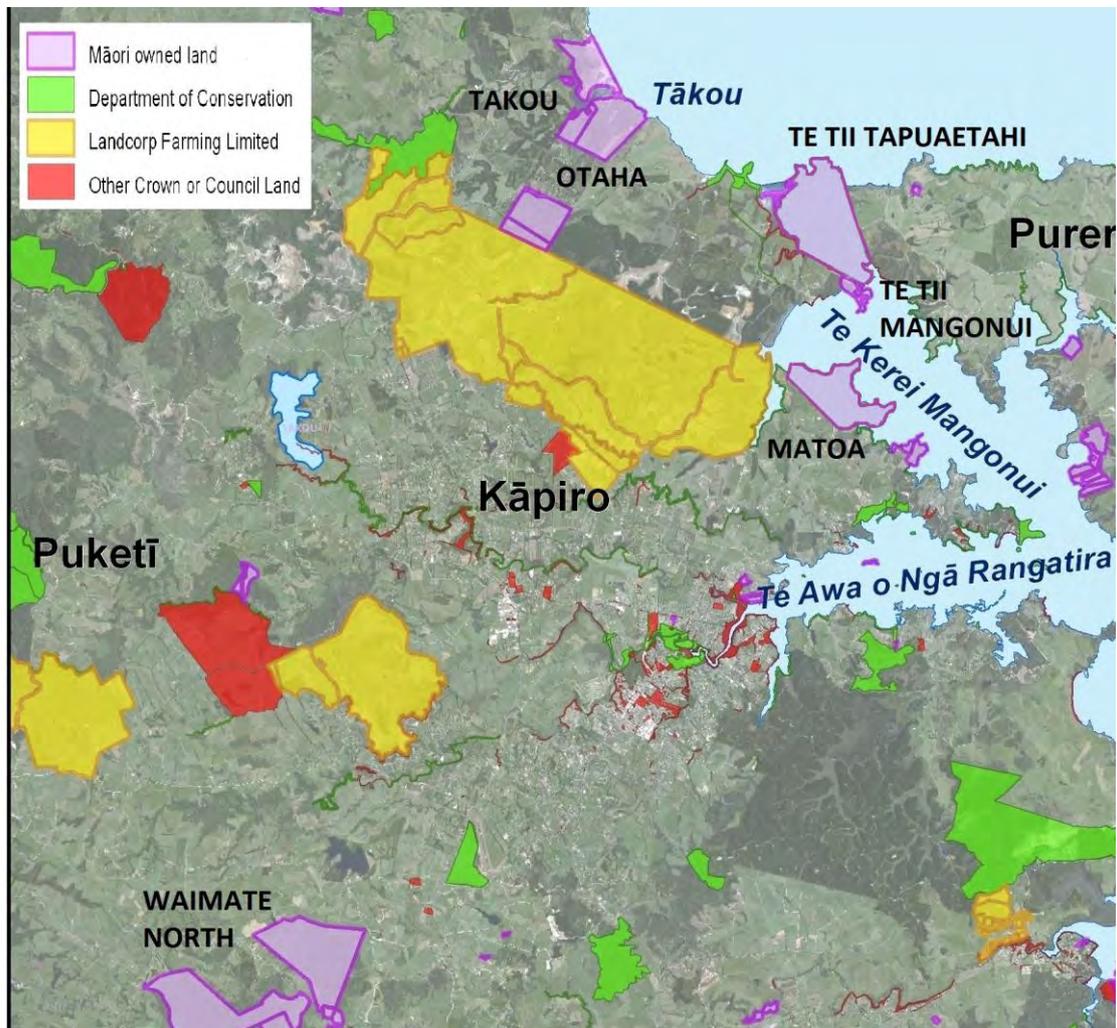
#### **Section IV RESURGENCE AND FRUSTRATIONS**

Following the demise of the vision that flourished for a short time under the Rapana church, and after a lull of several decades, the leadership of Ngati Rehia sought to again take control of matters and find a way forward towards the development of opportunity for Ngati Rehia whanau. This Section of the report examines developments from the 1980s through to current times. The objective is to record documentary evidence of a range of initiatives as a basis for evidence which Ngati Rehia witnesses will present to the Tribunal. Within the timeframe available for this report, and the breadth of activities that are presented in this section, there has not been the resource to fully research the evidence of all parties involved. The initiatives covered in this Section include:

- development plan for the Takou land blocks
- the establishment of papakainga housing at Takou
- the beginning of the Runanga
- papakainga housing at Te Tii
- Ngati Rehia efforts to protect part of their waters through taiapure
- Ngati Rehia's involvement in Kerikeri and especially Kororipo Pa
- Ngati Rehia unsuccessful attempt to establish a marine farming joint venture
- Ngati Rehia's role in resource and environmental management
- commentary from Ngati Rehia of foreshore and seabed matters

In this Section, material collected by Ngati Rehia of their experience in these matters has been compiled into a narrative to present a cohesive chronology of events and to give an indication of the various avenues which Ngati Rehia have explored in an effort to provide a solid developmental basis on which the tribe can move forward. In this way they are continuing the traditions of their tupuna rangatira who first sought to interact with incoming Pakeha society in order to achieve mutual benefit from which they as an iwi would prosper. As this Section will show, Ngati Rehia have had to battle a lack of resource, a wide range of regulation from myriad local and central government agencies and the sometimes conservative attitudes of their Pakeha neighbours in order to achieve their objectives.

Figure 17: Current Ngati Rehia Lands



## A. TAKOU BAY

Takou Bay is highly significant from an historical and cultural perspective.

...The Takou River [1]and is the resting place for the voyaging waka Mataatua from which originated the tribe of Nga Puhi which forms direct ancestral links with Tuhoi, Ngai Awa and Ngati Whakatoea in the Bay of Plenty.

The ancient historic Marae across the Takou River dates back to a settlement over 600 years ago and was the site of the historic hui of reconciliation between our ancestral tribes which was filmed in an award-winning TVNZ documentary by Selwyn Muru in 1985.<sup>949</sup>

This area was also the site of the former Rangihamama Pa and viewed as a spiritual centre.<sup>950</sup> The majority of the whanau left the area in the 1950s as part of the rural migration<sup>951</sup> and by the 1960s, Takou had been almost abandoned as a place of residence for Ngati Rehia. The area which was without access or electricity, became gorse infested.<sup>952</sup>

In 1979 some of the shareholders in Takou were saddened by the dilapidated state of the historic Te Whetu Marama marae. In 1981 this led to discussion among interested shareholders. The following year they approached the Labour Department in Whangarei for advice. This approach resulted in the Labour Department approving an application for a PEP scheme to renovate the Marae building.<sup>953</sup> This scheme provided funds for wages, tools, materials and staff. Donations were also made by shareholders. Over 1981 and 1982 a small team of workers mainly from Te Tii, successfully carried out the renovation of Te Whetu Marama.<sup>954</sup>

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<sup>949</sup> November 2004, Te Runanga O Ngati Rehia, Submission / Application to Lottery Grant Board.

<sup>950</sup> 26 Jan 1985, Proposed development of Takou Bay, Supporting Papers, p.129

<sup>951</sup> 2011, Ngati Rehia Housing Project, Supporting Papers, pp.66-73

<sup>952</sup> Ibid, Supporting Papers, p.57

<sup>953</sup> c.2009 Background paper of milestones met by Ngati Rehia in their Housing Development programme, Supporting Papers, p.74

<sup>954</sup> Ibid, Supporting Papers, p.75

*Figure 18: Takou Bay in the 1970s*



*(Te Runanga o Ngati Rehia)*

The renovation of Te Whetu Marama led the way to further resettlement of Takou. Over 1982 to 1983 more unemployed shareholders and their families were motivated to seek work there. The Trustees were successful in gaining an extension to the PEP scheme from the Labour Department to complete further work to develop the lands on Takou for horticultural purposes, develop the camping grounds, work on water reticulation and improve the access road on Otaha.<sup>955</sup> By 1984 to 1985, thirty of the Takou Shareholders were employed as well as some of the children of shareholders from Te Tii and Takou. However, at that stage there were no houses for them. Initially some people lived in tents or under the trees, while others slept in the Marae or stayed in the old Te Ohu homestead. Some of those working on Takou also rented in Waipapa.<sup>956</sup>

The first home built on Takou was established around 1985 when the supervisor on the Otaha side bought a transportable A Frame to house his family. Following this a garage was built on the camping grounds to provide shelter for employees and somewhere to store tools. However, around this time there was a change of Government policy and all PEP work schemes were closed down.<sup>957</sup>

*i. Development Plan 1985*

On 26 January 1985, a report was completed by Ngati Rehia on the proposed development of Takou Bay. This report considered several opportunities for development on land held by the Takou-Otaha Trust. It was proposed that the Trustees re-establish a viable papakainga at Takou to enable the return of some trust members and their families who wished to live on their ancestral land. It was recognised that the papakainga was dependent upon the availability of work or the creation of jobs through local investment or local enterprise. A number of opportunities were outlined as follows:

- Caravan park
- Camping ground
- Redevelopment of the Takou Marae site

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<sup>955</sup> Ibid, Supporting Papers, p.76

<sup>956</sup> Ibid, Supporting Papers, p.77

<sup>957</sup> Ibid, Supporting Papers, p.78

- Wilderness camping
- Horticulture
- Marae-based contract labouring for rural industries, particularly horticulture.<sup>958</sup>

This report described the some of the advantages offered by the Takou area:

The recreational attractiveness of Takou Bay rests in the beach, the ocean frontage and the river estuary of the bay. This asset is unspoiled, beautiful and wild. It is a popular area for surfing, diving and surfcast fishing. It boasts excellent kaimoana (seafood) resources. For the last few years, a cold water camping ground has existed on the flat area adjacent to the river and the beach. It is provided with an ablution building and a steep but well-formed access road.<sup>959</sup>

The land being considered as part of this development scheme comprised the following titles held by Takou Otaha Trust: Takou East D3 (25.2928 ha), Takou East D5 (10.2334 ha), Takou East D6 (18.2842 ha) and Takou East D8 (36.4217 ha).<sup>960</sup> The land was described as mainly grassland with areas of coastal bush around the stream valleys. This land incorporated a stretch of coastline, approximately 1.2 kilometres long, and also 1.6 kilometres of river frontage.<sup>961</sup>

On the southern side of Takou River the principal title was Otaha 4C5 (128.6528 ha). This title consisted of general grassland or reverting bush land with pockets of mature bush remaining in the stream valleys. It was noted that the coastal fringe was steep and covered in low maritime scrub with some pohutukawa. There was road access provided from the site entrance to the beach area. Access from the nearest public road, the Otaha road which connects to State Highway 10, 13 kilometres north of Kerikeri, was provided by legal agreement across various private land holdings which were formerly part of the Otaha block.<sup>962</sup>

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<sup>958</sup> 26 Jan 1985, Proposed development of Takou Bay, Supporting Papers, p.128

<sup>959</sup> Ibid, Supporting Papers, p.129

<sup>960</sup> Ibid,

<sup>961</sup> Ibid, Supporting Papers, p.130

<sup>962</sup> Ibid,

At the time the report was written in January 1985 existing buildings on the land included an old whareniui, some small cottages, a garage building and ablution block on the lower level with a small cottage near the site entrance.<sup>963</sup>

In terms of residential development it was proposed that flat land at the road entrance to the Otaha block (incorporating six to eight hectares) be used for papakainga. This was expected to provide for up to 15 families with separate accommodation for six to eight kaumatua. The location of the proposed kaumatua flats provided the starting point for the community. It was suggested that the arrangement of the houses should centre on a cul-de-sac street pattern with private space surrounding each dwelling. Common land and gardens could be developed between the dwellings.<sup>964</sup>

It was recognised that the economic survival of the Takou Bay community would depend on the development of contract work which would require buildings such as an office, machinery sheds, storage sheds and perhaps a workshop. At the time of the report, the question of a new marae associated with the papakainga was being addressed by trustees and trust shareholders.<sup>965</sup>

A number of sites were identified as being suitable for various camping activities. An area on the western side of the road incorporating about four to five hectares had been identified as a potential caravan park. This site was located approximately one kilometre from the beach and provided excellent views over Takou estuary and beach. At that time the site was in grass with some gorse cover and some site works were necessary to prepare the area to create “an attractive peaceful setting”. It was suggested that a dwelling be located near the entrance to provide a supervision and management service to the site. The existing beach and river front location (incorporating approximately 15 hectares) was proposed as a camping ground and campervan park for less formal camping with the site reticulated and serviced for campervans. Landscaping to provide shelter and some privacy for campers was required.<sup>966</sup> The report identified a need for a well-designed focal building which could house the manager’s accommodation, a shop, information centre and the garaging of the camping ground machinery. Further to this one or two small parking areas and beach front picnic spots were

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<sup>963</sup> Ibid,

<sup>964</sup> Ibid, Supporting Papers, p.131

<sup>965</sup> Ibid,

<sup>966</sup> Ibid, Supporting Papers, p.132

required for the day-trippers who would be attracted to the beach. It was considered that the lower area might also be suitable for some rental cabins that could be set well back from the immediate foreshore.<sup>967</sup> A further area for a wilderness, cold water camp was identified across the Takou river beyond the former Takou wharenui site of the former Rangihamama Pa where there was a significant area of coast, beach hinterland and some bush. Proposed facilities here were limited to an ablution building with a roof collection water supply topped up from a local stream if necessary.<sup>968</sup> The combination of coastline, esturine area and bush was also viewed as providing an opportunity for the development of scenic walks linking good views and historic points of interest.<sup>969</sup>

A further area of higher flat land within Otaha containing high quality soils was identified as suitable for horticulture. It was noted that these soils were reliant on good irrigation. It was considered that this would provide a source of supplementary income and food supply. However, it was acknowledged that it was unlikely that the horticulture could provide any economic viability because of the small amount of land available and the limited capital for investment in irrigation and equipment.<sup>970</sup>

The report commented on the tourism potential of the area with its special features of scenic beauty. It was considered that domestic and international tourists looking for campervan or backpack holidays could be targeted. There was also seen to be an opportunity to involve visitors in marae activities and Maoritanga including such things as carving, weaving, a marae powhiri (welcome) and some basis language instruction. Research had identified that tourists were interested in those kind of educational experiences.<sup>971</sup> Some buildings would be necessary for these activities.<sup>972</sup>

Job creation potential was limited to approximately ten to twelve positions that would cover skills in teaching, carving, weaving, general clerical, camp manager, cleaning and handyman skills (painting, carpentry and gardening). It was envisaged that that some of the jobs would

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<sup>967</sup> Ibid, Supporting Papers, p.133

<sup>968</sup> Ibid,

<sup>969</sup> Ibid,

<sup>970</sup> Ibid, Supporting Papers, p.134

<sup>971</sup> Ibid, Supporting Papers, p.135

<sup>972</sup> Ibid, Supporting Papers, p.136

be permanent part-time while others would be temporary and seasonal. It was not expected that any of the jobs would be full-time.<sup>973</sup>

Horticulture development was seen as having the potential to provide some cash income for a limited number of families through the local sale and central marketing of the produce. This development would require some expertise as well as rural labouring experience.<sup>974</sup> More importantly, it was hoped that the horticultural development could provide a teaching base for local people wanting to learn horticultural skills and then having developed a pool of skilled people, the papakainga take up horticultural and general rural contracting as a reliable employment base. It was considered that investment in spray, harvesting and general agricultural equipment would be substantial and would require planning to keep pace with the development of contracting business<sup>975</sup>

Over 1985 to 1986 the Trustees considered plans for a papakainga housing concept and discussed options for Licence to Occupy.<sup>976</sup> However, over the late 1980s, Ngati Rehia faced a number of obstacles to their papakainga plans. In April 1989 the Takou 438 Trustees decision prevented building on Takou D8. In October 1989, shareholders were involved in a Maori Land Court hearing to have housing proposals approved. However, following a visit to the land, Judge Spencer decided that D8 was not suitable for housing. The Judge directed the Takou 438 Trustees to explore the concept of amalgamation of all the Takou blocks.<sup>977</sup>

## *ii. Trust Activities during the 1990s*

Eventually, towards the end of the 1980s and early 1990s some progress was made in relation to housing in the Takou Bay area. In 1989 following a successful negotiation with Housing New Zealand, Kaumatua flats were transported into the Takou site from Marsden Point.<sup>978</sup> Ultimately, the Takou and Otaha blocks were amalgamated and all shareholders were able to build on the Otaha side under a 438 Trust. In 1991 this was agreed to by Shareholders at a

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<sup>973</sup> Ibid,

<sup>974</sup> Ibid,

<sup>975</sup> Ibid,

<sup>976</sup> c.2009 Background paper of milestones met by Ngati Rehia in their Housing Development programme, Supporting Papers, p.79

<sup>977</sup> Ibid, Supporting Papers, p.80

<sup>978</sup> Ibid,

Court hearing.<sup>979</sup> Over the 1990s there were nine applications for Licence to Occupy. One of these was in Tuatua Terrace. In 1997 an AGM of Shareholders passed a resolution amending the number of shares to enable a Shareholder to build in Takou from 200 shares to 50 shares.<sup>980</sup>

The Takou Trust Strategic Plan, developed some time around 1996, reveals the vision “To ensure that the utilisation and management of the land will provide equal opportunities for all the beneficial owners, whanau and Hapu”. The Mission Statement was recorded as being is “To create the opportunities for the beneficial owners to develop their individual potential, and acquire knowledge, skills and attitudes needed to contribute to the whenua, whanau and hapu.” Strategies to achieve this vision and mission were listed as follows:

1. To make a commitment to all Takou Trust beneficiaries, whanau and hapu which because of its geographical location requires specific and focused attention.
2. Improving the wellbeing of whanau and the Community, and through advice increase whanau and individuals participation.
3. To manage, provide and maintain services sought to build relationships.
4. A commitment to build effective whanau and hapu networks.<sup>981</sup>

The Takou Trust was responsible for managing and developing the camping area which was very important to the Trust as a source of income but the main source of income for the Trust came from day-trippers. The Trust also administered the kaumatua flats which had been built by Housing New Zealand.<sup>982</sup> Another significant step in Takou Bay was the planting of over 200 acres of high quality pinus radiata seedlings in relation to a major forestry development in 1996.<sup>983</sup> However, the persistence of high rating was a problem that dogged administrators. By the late 1990s, the Trust was paying some rates and seeking to procure a commitment from Council to look at a reduction.<sup>984</sup>

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<sup>979</sup> Ibid, Supporting Papers, p.81

<sup>980</sup> Ibid, Supporting Papers, p.85

<sup>981</sup> Takou Otaha Trust Board, Takou Trust Strategic Plan.

<sup>982</sup> 1 March 1997, Minutes of AGM of the Takou Trust.

<sup>983</sup> c.2000 Takou-Otaha Trust Development Proposal, Supporting Papers, p.57

<sup>984</sup> 1 March 1997, Minutes of AGM of the Takou Trust.

A key objective of the Takou Trust Board for some years was to build a much needed Marae that would function as a community centre. Plans were originally commissioned and carried out in 1997.<sup>985</sup> The old historic Whetu Marama Marae across the Takou River was inaccessible except at low tide. The building was small, remote and without power and facilities although it was preserved as a result of the new wave of resettlement.<sup>986</sup>

A report on the activities of the Takou Trust on 2 August 1999, noted that trust was seeking funding for six houses. The objective was to sell three houses to Shareholders and to rent out the remaining three. At that time the Trust was wanting to build a Lodge for tourism purposes on one of their blocks of land. They had also identified that they needed funding for a Community House – “The Takou Community is expanding as our people return to the land to live. We do not have the facilities that is convenient to hold hui and other activities.”<sup>987</sup> The possibility of the Fishing Commission granting funds from the fishing allocation to pay for a Community House was being looked into. The intention was to build a Marae in the future and plans and quotes had been completed for this. However, at that time the Trust did not have the 30% required to qualify for an Internal Affairs and ASB Grant.<sup>988</sup>

A further report completed around 2000 indicated that some of the previous proposals for Takou Bay had come to fruition. It was noted that over the 15 years from 1985 the Trust had brought in roading and access and opened up residential areas and beach access. They had brought back their people to live in the area and organised electricity and the construction of over 25 houses. The campground had been developed including the reticulation of water and sewerage, the building of an amenities block and they were able to gain commercial benefits from day trippers and campers. As well as the planting for forestry in 1996, additional clearing of land had taken place and the beginning of fencing for stocking and horticulture. However, they had also had to face difficulties over this time. It was felt that development had been at a slow pace and the potential of the resources in the area was not being tapped or utilised. The two primary problems identified were a lack of full time coordination leading to a shortage of time for leadership and guidance and lack of development capital<sup>989</sup>

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<sup>985</sup> November 2004, Te Runanga O Ngati Rehia, Submission / Application to Lottery Grant Board.

<sup>986</sup> c.2004, Brief historical background, Supporting Papers, p.54

<sup>987</sup> 2 August 1999, Report re activities of the Takou Trust, 153335

<sup>988</sup> Ibid

<sup>989</sup> c.2000 Takou-Otaha Trust Development Proposal, Supporting Papers, p.57

This report completed around the turn of the century focused on proposed resettlement and Marae development initiatives for the Takou East D3 block. The objective of the Trust at that time was to continue the resettlement programme at Takou. Another main objective was to make a physical gesture to acknowledge and cement the newly re-established connections between the descendants of Puhī and Toroa (Northern and Southern Mataatua) since the historic 1986 reunion.<sup>990</sup> It appears that this project was a result of a commitment made at the 1987 Mataatua Hui.<sup>991</sup>

### *iii. Continued Marae and Housing Developments*

In the early 21<sup>st</sup> century there was continued demand for housing from shareholders wishing to return to Takou. It was considered that complimentary developments for papakainga should focus on employment, recreation and food production. At that time funding for papakainga housing was theoretically still available through Housing New Zealand but it was becoming increasingly difficult to access. The additional potential of the area was summarised as follows:

The Takou Trust has highly valuable but as yet unlocked assets available to its people. There are over 800 acres of fertile land along the banks of the Takou River and the Pacific Ocean. The ocean front area of the property is extensive and covers several kilometres of some of the most scenic, historic and beautiful coastline in the entire country. We are only 20 minutes from Kerikeri and 30 minutes from the high tourist areas of Paihia, Waitangi and the Bay of Islands. Yet, with all these assets, we have as yet not been able to apply the considerable natural and human resources we have available to benefit our people.<sup>992</sup>

It was felt that further development would assist a number of groups including the 300 shareholders of Takou Trust Land and their whanau, Ngati Rehia Hapu, Nga Puhī Iwi, the unemployed residents of Takou Bay and the Eastern Bay of Islands and young people of Kerikeri.<sup>993</sup> At that time there were no other Tangata Whenua organisations or iwi groups working in the Takou Bay area except the Takou Trust.<sup>994</sup>

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<sup>990</sup> Ibid, Supporting Papers, p.56

<sup>991</sup> Ibid, Supporting Papers, p.57

<sup>992</sup> Ibid,

<sup>993</sup> Ibid, Supporting Papers, p.58

<sup>994</sup> Ibid, Supporting Papers, p.59

A further report completed around 2001 provided details regarding the Takou-Otaha Trust's plans for a full Marae complex including a multi-purpose Community House with an estimated cost of \$150,000. By this time there were 300 shareholders and tangata whenua resettled on the land at Takou Bay included more than 27 families with a resident population of around 75. It was also considered that the Ngati Rehia Hapu who numbered around 3,700 (many of whom resided around the Kerikeri and Bay of Islands) would benefit from this Marae complex. In addition, it was anticipated that the wider Takou Bay community would also benefit from this complex which they could utilise for many social and meeting functions as they had no community hall of facility available in the vicinity at that time. The burgeoning population in the Takou Bay general area and on the Takou Trust Maori land in particular over the previous four years had created an urgent need for this facility. It was pointed out that Ngati Rehia kuia and kaumatua had been unable to make the arduous journey across the Takou River to attend tangi or weddings.<sup>995</sup>

The status of the historical Whetu Marama Marae as a taonga to Ngati Rehia was acknowledged. However, this Marae was viewed no longer suitable for growing modern needs. In addition to the 27 families living on the Takou Trust land immediately adjacent to the development site there were many further Ngati Rehia living at Takou Bay, Te Tii and Kerikeri. It was estimated that in excess of 2000 people drawn from this population would use the facility.<sup>996</sup>

On 30 September 2001, Housing New Zealand reported back on the housing plan prepared by Poutama Arden and Partners Limited in conjunction with member of Takou Trust. They referred to two concerns in regard to the proposal following on from their examination of a breakdown of the Trust accounts:

1. The two year forecast show the Trust facing a liquidity issue in the first year of the proposed project and with cash issues that may need to be covered through the provision of an overdraft
2. The financial statements for the Trust for 31 March 2001 indicate that the Trust has liquidity issues, particularly in relation to council rates. The Trusts' outstanding liability appears to be

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<sup>995</sup> c.2001, Takou-Otaha Trust Development Proposal, Supporting Papers, p.55

<sup>996</sup> Ibid,

continuing to grow. Rates outstanding at March 2000 are \$136,319.<sup>997</sup>

In the light of this information it was considered that Housing New Zealand would probably decline a loan advance to the Trust. Housing New Zealand also expressed concern that out of the first ten families who had indicated that they wished to live at Takou Bay, eight were at that time living outside the Kerikeri area. Housing New Zealand had some concerns about the ability of these families to gain employment and an average salary of \$31,000 was needed if the housing project was to succeed. They were also concerned about the calculation of the suspensory loan based on the income levels of the ten whanau wanting to live on the land. Housing NZ considered that the proposal needed more development before it could gain their support and outlined the additional information that was necessary. Despite these concerns the representative from Housing New Zealand concluded:

I appreciate that the vision for Takou Trust is the development of the land at Takou Bay for the Takou trustees. If the above issues can be resolved then I believe we can together work towards making the Takou Trust vision become real.<sup>998</sup>

A later report suggests that there was some additional housing made available in Takou Bay in 2001 indicating that four new Housing New Zealand homes were opened by the Minister of Housing.<sup>999</sup>

By 2004 it was noted that as well as the 300 share-holders and 27 families who had returned to resettle at Takou Bay, many Ngati Rehia and Nga Puhi families were staying at the beach camp ground. In 2004 the trustees of Takou Bay trust who owned the land consented to a Community House being built to be utilised by Ngati Rehia as well as Pakeha and others of the Takou Bay-Kerikeri rural area. By this time \$28,000 dollars had been raised through their own efforts and they were seeking further funding through the Lottery Grants Board, ASB Trust and Far North District Council.<sup>1000</sup> Meanwhile, over the twentieth first century there

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<sup>997</sup> 30 Sept 2001, Housing NZ Report re Takou Trust and the housing plan prepared by "Poutsma Arden and Partners Limited" in conjunction with member of Takou Trust, Supporting Papers, pp.63-64

<sup>998</sup> Ibid

<sup>999</sup> c.2009, Background paper of milestones met by Ngati Rehia in their Housing Development programme, Supporting Papers, p.84

<sup>1000</sup> c.2004, Brief Historical Background, Supporting Papers, p.54

were further applications for Licence to Occupy on Takou land. In the years from 1989 to 2008 the 438 Trust received a total of 70 applications.<sup>1001</sup>

*iv. Recent Housing Developments*

Ngati Rehia housing needs were highlighted in a 2007 housing report completed by Te Runanga A Iwi O Ngapuhi. This report included a survey of Takou Bay, Matoa and Te Tii communities and resulted in the collection of valuable household information from 80 households. This information identified the following issues:

- Whanau have low affordability
- There were high levels of overcrowding
- A high number of whanau are using poor and temporary accommodation as dwellings
- Nine whanau were considered as high risk and in need of urgent housing.<sup>1002</sup>

The survey was completed by 200 individual respondents in 80 households. It identified that 75% of the households within the rohe of Ngati Rehia had some type of housing needs.<sup>1003</sup>

Many of the difficulties faced by Ngati Rehia in progressing with their housing solutions were not unique to them. In 2008, Ngati Rehia were included in a housing research project conducted by the Centre for Housing Research, Aotearoa, New Zealand (CHRANZ). The project investigated the indirect effects that impacted on housing and the barriers that limited Maori organisations from developing housing solutions on behalf of whanau.<sup>1004</sup> This was followed by further research in 2009 by Te Puni Kokiri on papakainga housing that identified the needs, effect and impact that Maori organisations experience in developing housing solutions i.e. finance, compliance, whanau dynamics, Maori whenua, affordability.<sup>1005</sup>

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<sup>1001</sup> c.2009, Background paper of milestones met by Ngati Rehia in their Housing Development programme, Supporting Papers, pp.82-83

<sup>1002</sup> 2011, Ngati Rehia Housing Project, Supporting Papers, pp. 66-73

<sup>1003</sup> Ibid

<sup>1004</sup> Ibid; see also 25 Sept 2009, Takou Bay, TRONR

<sup>1005</sup> 25 Sept 2009, Takou Bay, TRONR; see also 2011, Ngati Rehia Housing Project, Supporting Papers, pp.66-73

In May 2009 Ngati Rehia approached Te Puni Kokiri to request assistance to progress their housing project. A Kapohia nga Rawa was identified to work alongside the Trust. However this assistance ended in July 2009 and the project was slow to progress.<sup>1006</sup>

A few months later, on 16 August 2009, Te Runanga o Ngati Rehia (TRONR) with the support of the Te Runanga a Iwi o Ngapuhi (TRAION) made a further application in relation to their housing project in Takou Bay, however their proposal was declined due to HNZ funding policies regarding the maximum amount available to organisations. Te Runanga o Ngati Rehia continued to engage a consultant to produce an overall development sustainable housing plan for Takou Bay. As there was no current funding available, the consultant was doing as much as he could on a voluntary basis. At that time there were 10 Ngati Rehia whanau hoping to build at Takou Bay and three areas at Takou had been identified for papakainga housing use.<sup>1007</sup> A meeting between Ngati Rehia with TPK and Housing NZ had established that the way forward was to produce a plan that included a subdivisional plan, an infrastructure plan for sewerage etc., and finally a cost estimate. The plan required Te Runanga o Ngati Rehia to approach a number of consultant companies to provide cost estimates. Stage 1 was for Te Runanga o Ngati Rehia to apply to the Maori Land Court for a development. Stages 2 & 3 were to enable Te Runanga o Ngati Rehia to apply to Health for SWISS and TTAPS funding to assist with infrastructure costs and to apply to Housing NZ for loans in relation to the individual sites. It was anticipated that the completion of those stages would assist in Te Runanga o Ngati Rehia in developing a strategy for an overall sustainable housing development at Takou Bay. Te Runanga o Ngati Rehia was able to contribute Maori Freehold land for the housing project. It was hoped that once the project was completed for Takou Bay it could be used as a model for others to replicate within their communities.<sup>1008</sup>

A further report on the proposed housing project on 25 September 2009 outlined the various actions and the information that Ngati Rehia needed to compile to be granted approval by the Far North District Council.<sup>1009</sup> There were a number of Ngati Rehia beneficiaries who wanted to shift back to their turangawaewae but they were restricted/ prevented as there was no current management plan that will provide both the Trustees and beneficiaries with a fair, transparent and equitable process that will enable them to come back to their lands to build.

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<sup>1006</sup> 25 Sept 2009, Takou Bay, TRONR.

<sup>1007</sup> 16 Aug 2009, Application form from Te Runanga o Ngati Rehia, Supporting Papers, p.60

<sup>1008</sup> Ibid, Supporting Papers, p.61

<sup>1009</sup> 25 Sept 2009, Takou Bay, TRONR.

At that time Ngati Rehia was intent on producing a process that provided for this and proposed to achieve this before the Runanga's next Annual General Meeting in November 2009. However this report indicated that this was highly unlikely as it required patience and fortitude to enable Ngati Rehia to develop a workable process that has the majority approval from their shareholders and Trustees.<sup>1010</sup>

Over 2009 Ngati Rehia completed the following part of the process in relation to their housing project:

- Engaged consultants to identify specific housing areas within Takou Bay.
- Engaged consultants to survey the block, investigate sewerage, water, roading and services who provided a preliminary report to Ngati Rehia.
- Held a meeting between the Consultant with the Trustees and shareholders to explain the process to develop an overall housing development plan for Takou Bay so this could be approved by them.<sup>1011</sup>

The September report indicated that it was anticipated that the consultant would meet with the Trustee and the Shareholders again on 24 October 2009 to present the Development Plan for Takou Bay and to discuss and resolve any issues and concerns. It was planned that a final revised plan would come out of this meeting and this would be approved and passed by the Trustees and Shareholders at a further meeting that was to be held within two weeks. The intent was to utilise these plans to approach other funders to support community infrastructure development that will provide water, storm-water, power, communications and sewerage to enable the costs of housing in Takou Bay to be minimal. It was hoped that this would reduce or negate the costs of services, land and compliance and therefore enable low income whanau to build in Takou Bay.<sup>1012</sup>

Nevertheless, it appears that Ngati Rehia were not able to overcome the barriers to their housing project at this time. On 20 November 2009, Housing New Zealand wrote to Ngati Rehia thanking them for providing further information regarding the proposed project and for

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<sup>1010</sup> Ibid

<sup>1011</sup> Ibid

<sup>1012</sup> Ibid

meeting Housing NZ to discuss their submission to the 2009-2010 Maori Demonstration Partnerships fund. However, it was indicated that Housing NZ were unable to progress the Takou Bay proposal as they considered that Ngati Rehia had been unable provide evidence of experience with housing projects; the building and infrastructure costs were unclear and it was evident that they would not be able to build within the 12 months of approval.<sup>1013</sup> Therefore, Ngati Rehia's submission was not shortlisted to go through to the next stage of consideration in relation to 2010-2011 Maori Demonstration Partnerships Project as they did not meet all the eligibility criteria.<sup>1014</sup>

In 2010 Te Runanga O Ngati Rehia managed to secure funding from TPK and HNZ to develop a housing infrastructure project. This project provided the infrastructure and methodology to ensure that it had limited or restricted the barriers to building or developing Maori Land.<sup>1015</sup>

A report from 2011 indicated that Ngati Rehia were approaching Te Puni Kokiri to provide information and ask for funding to complete the Resource Consent process in relation to their housing project. It was noted that by this time the project was in the third stage of a five stage process. They were hoping to find a way to enable Ngati Rehia and Takou Bay whanau to build houses without the need to apply for separate resource consent for each of the 91 vacant house lots. Their long-term objective was the Takou whanau would be housed in premium affordable homes and experiencing a better quality of life.<sup>1016</sup>

By 2011 there were 18 homes at Takou Bay. The whenua was administered and managed by the Takou Ahu Whenua Trust. At this time Te Runanga O Ngati Rehia supported three existing Maori Trusts – the Takou Trust, Tapuwaetahi Incorporation and Matoa Trust to develop and support housing solutions.<sup>1017</sup>

Ongoing challenges faced by Te Runganga O Ngati Rehia in their mission to provide further housing in 2011 were largely related to a lack of funding. Funding was necessary to build the first 10 homes of a planned 98 house lots; pay for the full Resource Consent costs; pay for the

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<sup>1013</sup> 20 Nov 2009, Housing NZ to Ngati Rehia, Supporting Papers, p.62

<sup>1014</sup> Ibid

<sup>1015</sup> 2011, Ngati Rehia Housing Project, Supporting Papers, pp.66-73

<sup>1016</sup> Ibid

<sup>1017</sup> Ibid

consultancy costs to assist the council through the RC approval process and prepare a planning hearing; and pay for the MLC process. Options seen to be available for the Runanga at that time were to:

- Build credibility with Kiwibank to use the Welcome Home loans;
- Secure funding from Te Runanga A Iwi O Ngapuhi to support project and complete this stage;
- Submit this application to TPK for funding;
- Submit an application to Min of Health to fund part.<sup>1018</sup>

However, it was acknowledged that Ngati Rehia faced a number of obstacles including that Kiwibank did not have a process in place to loan to Maori to build on their whenua and there were 610 shareholders who had a shared interest in the Takou block and only 98 whanau would be able to secure a house lot. It was also noted that the Development Contributions were high and there was a need to keep the Development Contribution funds within the Takou block to build and develop its community infrastructure.<sup>1019</sup>

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<sup>1018</sup> Ibid  
<sup>1019</sup> Ibid

## B. SOCIAL DEVELOPMENT & KAITIAKITANGA

*NgatiRehia mata momoe*  
*NgatiRehia the sleeping giant*

*Ngati Rehia mata kaka*  
*Ngati Rehia when awoken faces all challenges.*<sup>1020</sup>

This whakatauki well describes the last two decades of history for Ngati Rehia . Despite the pressure from Crown agencies to relocate during the 1950s and 1960s and the increasing pressure during the 1970s and 1980s from increased Pakeha population in the Kerikeri and Te Tii areas, Ngati Rehia have taken advantage of opportunities to form a collective group and become actively involved in a range of issues associated with their role as tangata whenua and kaitiaki.

Today, Ngati Rehia describe themselves as a key hapu of Ngapuhi covering a geographic area from Oromahoe and Waitangi in the south to Te Tii, Takou Bay in the North, including the Bay of Islands and Kerikeri community.<sup>1021</sup> In the beginning of the 1990s, Ngati Rehia formed a runanga to advance their interests within their rohe. The Te Runanga O Ngati Rehia Trust was formed in 2002. since then, the Runanga has recorded their position as follows:

- Te Runanga O Ngati Rehia (TRONR) is the hapu authority of Ngati Rehia. Ngati Rehia hold Mana-Whenua and Mana-Moana over the traditional rohe of the hapu. TRONR acknowledges that such Mana Moana/Mana Whenua is not necessarily held exclusively. TRONR considers that overlaps in traditional authority between nga hapu o Ngapuhi are areas of “shared interest” rather than areas of conflict.
- Te Runanga O Ngati Rehia, on behalf of Ngati Rehia claim ahi-kaa and tangata whenua status over this rohe.<sup>1022</sup>

As of 2004, Ngati Rehia hapu were estimated to constitute a population of approximately 3,700, including those living at Takou and Te Tii as well as many residing around Kerikeri and the Bay of Islands.<sup>1023</sup>

<sup>1020</sup> Te Runanga o Ngati Rehia, Power point Presentation.

<sup>1021</sup> November 2004, Te Runanga O Ngati Rehia, Submission / Application to Lottery Grant Board.

<sup>1022</sup> Te Runanga o Ngati Rehia, Power point Presentation.

<sup>1023</sup> November 2004, Te Runanga O Ngati Rehia, Submission / Application to Lottery Grant Board.

*i. Early initiatives of the Runanga*

Over the 1990s, the Te Runanga o Ngati Rehia became involved in a range of activities including transport and services for the elderly, the establishment of training and tertiary education provision, partnership with Northland Polytechnic, housing and social service work.<sup>1024</sup> A few of these examples will be considered.

One of the earliest ventures in which the Runanga became involved was in relation to tertiary education. In 1993, after six months of having numerous hui in Te Tii and Kerikeri, Te Runanga o Ngati Rehia and the wider iwi gave support to set up a Private Training Establishment (PTE). As a result, in September 1993, Te Puna Wananga o Ngati Rehia became a registered PTE.<sup>1025</sup>

In association with this move, in October 1993, a personal approach was made to the Chief Executive of the Northland Polytechnic, Ray Thorburn, in relation to creating a partnership with Ngati Rehia people in relation to education. In December 1993, Thorburn went to Whitoria Marae and expressed the willingness of the Polytechnic to create a partnership to share facilities and resources and “to link Ngati Rehia students to the Polytechnic in terms of staircasing.”<sup>1026</sup>

During the initial stages of setting up, many unforeseen circumstances had arisen. In response, in May 1994, the Runanga Executive recognised that there was a need to establish an Education Management Committee to provide oversight for the PTE. Remarie Kapa, Nora Rameka, Walter Heihei and Judah Heihei were appointed to the Committee. Several months of restructuring then occurred.

In the meantime, the Northland Polytechnic purchased the land next to Kingston House and by early 1995 was applying for Resource Management. Over this time, the Ngati Rehia Education Management Committee had met continuously with the Executive committee and staff of the Northland Polytechnic. The Management Committee and the Polytechnic intended

<sup>1024</sup> November 2004, Te Runanga O Ngati Rehia, Submission / Application to Lottery Grant Board.

<sup>1025</sup> 25 February 1995, Ripoata ki te Runanga of the Educational Management Committee.

<sup>1026</sup> Ibid.

to work towards a charter and a strategic plan when the Ministry of Education allocated their funding. Further negotiations were continuing as part of this relationship

In the discussion with the Northland Polytechnic Executive, there has been suggestions by the Runanga Education Management Committee that land be put back into the ownership of Ngati Rehia. The issue will be progressed as negotiations happen.<sup>1027</sup>

On 23 May 1995, a Ngati Rehia representative attended a further meeting held at the Northland Polytechnic regarding the proposed Kerikeri Campus. There were discussions about how the development of the new site should fit harmoniously into the existing landscape and it was also noted that the Campus “should have some community profile particularly indicating the involvement of the Ngati Rehia”. In particular it was proposed that Ngati Rehia look at providing some input into the layout/design of the Foyer/entrance to the buildings to reflect the “partnership of two cultures”.<sup>1028</sup>

Ngati Rehia requirements for the proposed Campus included two full-size computer rooms with spaces for six students and a tutor per classroom as well as computer equipment. It was proposed that the Polytechnic and Ngati Rehia share the administration work space and reception and that there should be a ratio of six full-time Polytechnic staff to four full-time Ngati Rehia. Overall requirements incorporated eight tutor offices with six being for Polytechnic staff and two for Ngati Rehia.<sup>1029</sup>

It appears that by the following year Te Puna Waananga o Ngati Rehia considered they were ready to begin providing courses. On 11 January 1996, they wrote to the NZQA about their intention to purchase NZQA approved unit standards to be delivered to their students in the 1996 year. They informed NZQA that: “We have the ability to deliver the following courses to our students immediately” and noted that the acceptance of their registration for accreditation as a PTE would allow the enrolment of students in readiness for 8 February 1996. Te Puna Waananga O Ngati Rehia indicated that they intended to deliver Level 1 and 2 Courses in Communication Skills and Basis Computer Studies.<sup>1030</sup>

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<sup>1027</sup> Ibid

<sup>1028</sup> 23 May 1995, Meeting held at Northland Polytechnic regarding proposed Kerikeri Campus, Supporting Papers, pp.122-124

<sup>1029</sup> Ibid

<sup>1030</sup> 11 Jan 1996, Te Puna Waananga o Ngati Rehia to NZQA, 161330

However, it appears that Te Puna Waananga O Ngati Rehia had difficulty in finding the fees for registration. Over 1996, several letters were sent to Te Puna Waananga o Ngati Rehia from NZQA regarding an outstanding account of \$2139.37 which incorporated a deposit and work done on the PTE's application for National Qualifications Framework (NQF) Accreditation. On 25 February 1997, NZQA wrote to Te Puna Waananga o Ngati Rehia informing them that if no payment was made by March 1997, their registration would be cancelled.<sup>1031</sup> Their registration as a PTE was ultimately cancelled and this was confirmed in a letter from NZQA on 11 March 1997.<sup>1032</sup>

Another social service area in which the Runanga showed early interest was health. On 28 March 1995, the Chairman of Te Runanga o Ngati Rehia Tu Kemp wrote to the Chief Executive of Te Hauora o Te Tai Tokerau, Grant Bergan noting that on 25 February 1995, Ngati Rehia iwi had held a meeting and supported the proposal to set up a Hauora o Ngati Rehia Roopu to address the health needs of their people. Kemp outlined the intentions of Ngati Rehia as follows:

- Identify research and discuss the effects and the impact of T.B.
- Research and develop education programs for heart disease
- Community health nurse to visit kaumatua / kuia / whanau / tamariki me nga pepi in the Ngati Rehia rohe
- To set up systems to support out elderly kaumatua /kuia on health issues
- To develop a kaupapa on mental health for our iwi
- The rohe of Ngati Rehia is Takou, Purerua, Kaihiki, Wharengare, Kerikeri, Waipapa, Matoa, Parengaroa, Ohaewai and Wiroa.<sup>1033</sup>

The Chairman indicated that as they were in the initial stages of planning Ngati Rehia would like to discuss ways to achieve some of these goals.

<sup>1031</sup> 25 Feb 1997, NZQA to Te Puna Waananga o Ngati Rehia, Supporting Papers, p.175

<sup>1032</sup> 11 March 1997, NZQA to Te Puna Waananga o Ngati Rehia, Supporting Papers, p.176

<sup>1033</sup> 28 March 1995 [NB Date on letter was 1994 but contents indicated 1995] Chairman of Te Hauora o Ngati Rehia, Tu Kemp to Chief Executive, Te Hau Ora o Te Tai Tokerau, Grant Bergan.

On 29 April 1995, Kemp also wrote a similar letter to the Chairman of the Northern Regional Health Authority, Harold Titter. He noted that Ngati Rehia were aware of the health activities of different iwi groups in Tai Tokerau and he indicated his Runanga wished to avoid duplication of service by focusing on specific areas including community based mental health services, community based mobile Kai Awhina general health workers, the provision of home support services for their elderly kaumatua / kuia and the undertaking of research into the prevention of TB and heart disease.<sup>1034</sup>

Later in 1995, a letter to the Hauora Maori Unit at North Health referred to a hui held by Ngati Rehia on 28 October 1995, at Whitiara Marae, Te Tii which was attended by 30 people. During this hui, a working party was selected to formalise the Hauora of Ngati Rehia. It was decided that the health needs of the Ngati Rehia rohe could be assessed by a roving Nurse and Community Health worker and that a Hauora Centre could be established in Kerikeri. The correspondence to the Hauora Maori Health Unit indicated that Ngati Rehia had been informed that they had two options while in the process of establishing their Hauora. These were to work under the Ngati Hine Hauora or the Te Puna Roimata Trust. They were advised to consider working under Ngati Hine expertise until their own Hauora was established.<sup>1035</sup>

In their role as kaitiaki, Ngati Rehia have been active in watching over waahi tapu. One example of this comes from 22 June 1995, when Nora Rameka wrote on behalf of Te Runanga o Ngati Rehia to Owen Burns, Connell and Wagner in relation to the application by Bell South for the installation of telecommunications equipment on Mt Pokaka. A letter regarding this application had been tabled at a Runanga meeting on 6 May and elders had expressed their concern at the proposal. In her submission in response, Nora Rameka advised:

...it is with regret that the Iwi of Ngatirehia do not support the proposal to erect a Telecommunications [installation].

- (a) According to the verbal historical korero by the elders the maunga Mt Pokaka is tapu.
- (b) The tapu of Mt Pokaka is that there is an old Wahi-Tapu cemetery on the mountain.

<sup>1034</sup> 29 April 1995, Chairman of Runanga O Ngati Rehia, Tu Kemp to Chairman of Northern Regional Health Authority, Harold Titter.

<sup>1035</sup> Letter to Hauora Maori Unit, North Health [no date] , Supporting Papers, p.185

(c) Different areas of Mt Pokaka was a papakainga where our ancestors lived. It can be identified.

(d) Mt Pokaka is tapu in the oral tikanga which our elders chant:

Ko Pokaka te Maunga  
Ko Te Awa Rangatira te Awa  
Ko Kororipo te Pa  
Ko Ngatirehia te Iwi<sup>1036</sup>

## *ii. Taiapure*

In addition to dealing with matters associated with the land within their rohe, Ngati Rehia have also sought to maintain their role as kaitiaki of their moana. Beginning in 1993, Ngati Rehia were involved in working towards establishing a taiapure reserve in Te Puna inlet. On 5 August 1994, the Ngati Rehia Legal Advisor wrote to the Director General of MAF indicating that there had been meetings with a number of interested parties to discuss the wider implication of their proposal with non-Maori groups. These parties included Bay of Island's Watchdog Group, Kerikeri Cruising Club, NZ Oyster Fishermans Group, Department of Conservation – Russell, MAF Auckland and NZ Fishing Industry Board.<sup>1037</sup>

In August 1994 Ngati Rehia and Ngati Torehina lodged an application in relation to this proposed Taiapure.<sup>1038</sup> The essence of this application was described as follows:

The essence of this application for taiapure is to make in relation to Te Puna inlet fisheries waters (being estuarine waters) that have customarily been of special significance to Ngati Rehia and Ngati Torehina either: As a source of food, or For spiritual or cultural reasons, better provision for the recognition of rangatiratanga and the right secured in relation to fisheries by Article II of the Treaty of Waitangi.<sup>1039</sup>

The application considered the conservation and sustainable management of the fisheries resources<sup>1040</sup> and involved providing access to fisheries resources to the iwi of Ngati Rehia

<sup>1036</sup> 22 June 1995, Fax from Nora Rameka on behalf of Ngati Rehia to Owen Burns, Connell & Wagner.

<sup>1037</sup> 5 August 1994, the Ngati Rehia Legal Advisor to the Director General of MAF, Supporting Papers, p.141

<sup>1038</sup> Aug 1994, Application for Taiapure of Ngati Rehia and Ngati Torehina, Supporting Papers, p.142

<sup>1039</sup> Aug 1994, Application for Taiapure of Ngati Rehia and Ngati Torehina, Supporting Papers, p.144

<sup>1040</sup> Aug 1994, Application for Taiapure of Ngati Rehia and Ngati Torehina, Supporting Papers, p.145

and Ngati Torehina for personal consumption.<sup>1041</sup> It was noted that Ngati Rehia and Ngati Torehina believed that the solution to Crown-Maori fisheries coastal management should involve iwi authority and control over both the conservation and access to fisheries. Ngati Rehia and Ngati Torehina indicated their desire to fully participate in fisheries management within their tribal region.<sup>1042</sup>

The application provided information in relation to the history of commercial fishing in the area and the increased impact on fish resources as fishing methods changed over the years. In the 1920s there had been a fish factory located at Purerua. It was noted that the use of netting methods in the 1930s took its toll upon the fin fish. Longline fishing was introduced in the 1930s and at that time lines had 25 hooks. The 1940s were described as the start of the 'Big Kill'. By then longlines exceeded 2000 hooks and drag netting involving 600 yard nets was introduced. As time went on rock oysters were harvested in a commercial capacity. Further depletion of fish stock occurred later when fishermen began using helicopters to spot schools of fish and then used drag nets to take all fish regardless of size. The use of box-netting in the area was also referred to.<sup>1043</sup> The application admitted that the establishment of the Taiapure would result in a detrimental impact on commercial fishing in the area in the short-term. However, it was considered that in the long term it would be beneficial as the Taiapure would be able to sustain fisheries resources.<sup>1044</sup>

Land development in the area was also noted to have had a significant effect on the fisheries. Erosion had led to the silting of shellfish beds and witnesses gave accounts of the damaging effects of agricultural run-offs of fertilisers. Kuia and kaumatua recalled the over-powering smell of rotting shellfish in the wake of these run-offs.<sup>1045</sup>

The application provided evidence that there had been an awareness of the impact of overfishing on the resources in the area for a long time. As early as 1895 the Marine Department recorded its concern with the depletion of the grey mullet fishery of Northland. Over the years various remedies had been put in place. Fishing regulations had provided for controls on fishing gear, closed seasons, and closed areas. These directives had severely

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<sup>1041</sup> Ibid, Supporting Papers, p.146

<sup>1042</sup> Ibid, [For significance of fisheries to Ngati Rehia and Ngati Torehina, traditional, historical accounts, recollections, fishing species see, Supporting Papers, pp.146-153

<sup>1043</sup> Ibid, Supporting Papers, pp.153-154

<sup>1044</sup> Ibid,

<sup>1045</sup> Ibid,

limited fishing activity. In 1983 there was a moratorium on issuing new licences and from the following year small and part-time fishermen with catches under a certain amount or income from other sources had licences removed.<sup>1046</sup>

The importance of kai moana to Ngati Rehia and Ngati Torehina was highlighted. It was noted that they had always been fisherpeople. In 1920 at the time the land development schemes started they were virtually living at a subsistence level. They persisted with the land, in order that it might be retained, but depended on the sea to supplement their income. They were described as part-time fishermen "...leaving one foot on the land, the other in the sea".<sup>1047</sup>

The 1983 moratorium had a substantial effect on Ngati Rehia and Ngati Torehina. Some of their licenses lapsed while they were working away in Auckland or in freezing works of other factories. When these fishing licences were not recovered these people stayed away. Other Ngati Rehia and Ngati Torehina who hoped for a start in fishing on their own were likewise kept out.<sup>1048</sup> The programmes to reduce fishing continued through to 1987.<sup>1049</sup>

By the time of the Taiapure application in the mid-1990s Ngati Rehia and Ngati Torehina were only able to collect cockle, pipi, rock and pacific oyster as all green lipped mussel beds had been depleted and no longer existed.<sup>1050</sup>

A further ongoing issue relating to the Te Puna inlet in the mid-1990s was the damage done by the influx of a large number of recreational fishermen during the summer months from November through to March-April. Most of these fishermen came to the area by boat. Further harm also occurred in relation to the charter boats who came to the area to fish for species such as kahawai and kingfish which were classed as 'sport fish'. The fisheries were impacted by pollution from the discharge of sewerage, dumping of rubbish, and petroleum leakages by boat users. Furthermore, shellfish were taken in large quantities and it was considered by Ngati Rehia and Ngati Torehina that there should be restriction or closure due to spawning of various shellfish species. It was pointed out in the application that additional losses to the

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<sup>1046</sup> Ibid, Supporting Papers, p.154

<sup>1047</sup> Ibid,

<sup>1048</sup> Ibid,

<sup>1049</sup> Ibid, Supporting Papers, p.155

<sup>1050</sup> Ibid, Supporting Papers, pp.155-156

fishery resource were incurred by the way that finfish were also taken in large quantities as they made their way up the inlet to various spawning grounds.<sup>1051</sup>

The application explained that the impact of the Taiapure on recreational fishing would be through bag limits and seasonal closures. Despite the short and long term restrictions it was envisaged that recreational fishers would still be attracted to the area and it would also be appealing to sightseers who wished to see the progress of an area which had been declared as a Taiapure reservation. It was also predicted that sightseers would be attracted to the Te Puna inlet because of its status as one of the traditional areas in the Bay of Islands.<sup>1052</sup> It was noted in the application that the Taiapure did not incorporate controls and would not impact on current oyster farms within Te Puna inlet.<sup>1053</sup>

It was proposed that the management of the Taiapure be through a Management Committee with representatives of the local community including Ngati Rehia and Ngati Torehina to act as Kaitiaki and be responsible for the management of fisheries at the community level.<sup>1054</sup> The role of this committee was to:

- Respond quickly to local conditions
- Utilise traditional forms of conservation e.g. impose a rahui when required, seasonal closures, introduction of bag limits on recreational fishing, methods of monitoring and control of reseeded areas;
- Have access to scientific methods of monitoring and control;
- Educate the public regarding conservation;
- Liaise and work with MAF and DoC;
- Plan the long-term use, not abuse of fisheries;
- Monitor and control fisheries resources; and
- Liaison with Northland Regional Council.<sup>1055</sup>

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<sup>1051</sup> Ibid,

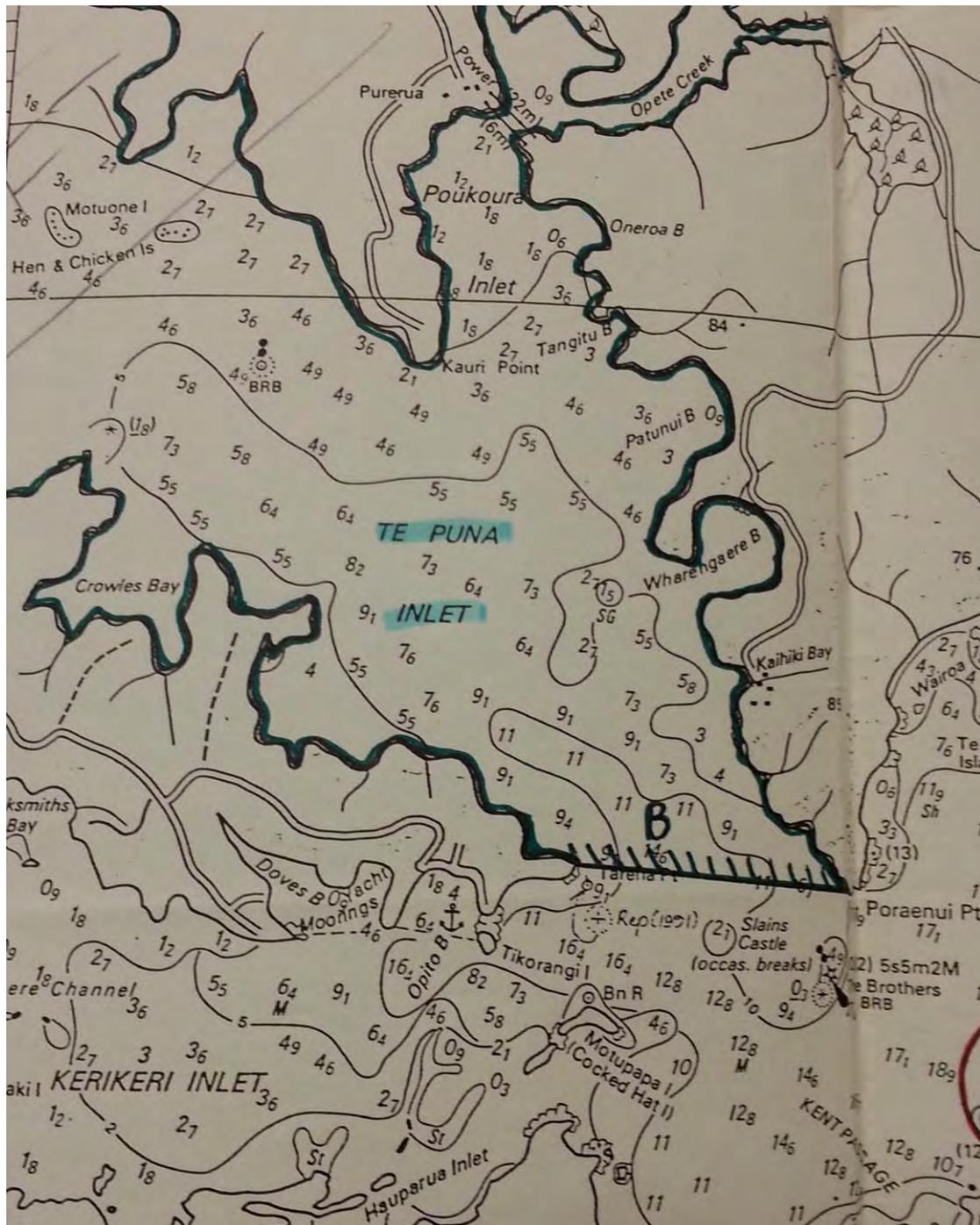
<sup>1052</sup> Ibid,

<sup>1053</sup> Ibid, Supporting Papers, p.156

<sup>1054</sup> Ibid,

<sup>1055</sup> Ibid, Supporting Papers, p.157

Figure 19: Proposed Taiapure, 1992



(Te Runanga o Ngati Rehia)

It was recognised that in order for the Management Committee to be effective it must earn credibility not only with tangata whenua but the community as a whole.

Some practical steps that needed to be taken to manage the fisheries in the Te Puna inlet were outlined in the application. The first crucial step was seen to be the reseeded of the shellfish beds that had been depleted. A rahui on commercial fishing in the Te Puna inlet was also deemed necessary and there was particular concern in relation to commercial drag netters and gill netters in this area. Temporary closures when re-establishing shellfish beds was also suggested as well as seasonal closures at time of spawning, and introduction of bag limits on recreational fishermen to allow the fisheries stock time to recover.<sup>1056</sup>

There were seen to be a number of positive factors associated with the ongoing development of the Taiapure. It was envisaged that there would be a rise in living standards as the conservation of the resource maintained a supply of kaimoana for present and future individual and communal use. The Taiapure would also elevate the status of traditional conservation values and methods and therefore the self-esteem of the Management Committee. Participation with MAF in conservation and guardianship activities was viewed as placing responsibility on the Management Committee to ensure successful management of the fisheries occurred, thus decreasing dependency on outside institutions.<sup>1057</sup>

It was envisaged that kaumatua from the local tangata whenua would be selected as Kaitiaki to monitor the health of the resource and advise on the making of regulations. The application considered that the role of and functions of Kaitiaki might be exercised through local honorary fisheries officers who had power to apprehend someone illegally exploiting the fishery in Te Puna inlet.<sup>1058</sup>

Ngati Rehia and Ngati Torehina also expressed their desire to exercise control over waahi tapu in the Te Puna inlet by the introduction of regulations to prevent fishing by everyone in these small areas, in accordance to their customary practice.<sup>1059</sup> Additional information was provided in the application about traditional fisheries management and the religious rites,

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<sup>1056</sup> Ibid, Supporting Papers, pp.157-158

<sup>1057</sup> Ibid, Supporting Papers, p.158

<sup>1058</sup> Ibid, Supporting Papers, p.159

<sup>1059</sup> Ibid,

symbolic acts and attitudes of respect that were involved. There were said to be conflicts between traditional and modern sea laws and practices in relation to such aspects as gutting at sea and fish dumping by those who profit from the sea. Differences of opinion on the nature and importance of breeding and migratory habits were also reflected in the different laws.<sup>1060</sup>

Ngati Rehia and Ngati Torehina highlighted the significance of the sea to their tribal identity and the importance of their relationship with water. They described how the sea is a central taonga to Ngati Rehia and Ngati Torehina and is referred to in tribal proverbs and waiata; is addressed in prayer and oratory; and is a source of spiritual as well as physical sustenance to them. In their tradition, the sea is a living entity, referred to as “te tiheru o Mataatua, bailer pertaining to the waka of Mataatua”.<sup>1061</sup>

It was proposed that this participation in the management of the Te Puna inlet and resources would be done through the provisions of the Maori Fisheries Act 1989 and Resource Management Act 1991.<sup>1062</sup>

By November 1995, the application received approval in principle from the Minister of Fisheries. Following this a notice had been put in the paper inviting the public to make submissions.<sup>1063</sup>

On 15 January 1996, a fax was sent to the *Northern News* in Kaikohe from Katrina Upperton who had been the secretary in relation to a public meeting held at Whitiara Marae, Te Tii on 13 January 1996 to consider the establishment of a taiapure in the area. It was noted that there had been a good turn-out of people. Upperton further reported that while the concept had full support, some details of the proposal needed clarification and further information on how a taiapure would be managed was also needed. At the meeting a steering Committee was elected made up of five iwi and five community representatives. The Committee would work on putting together a taiapure application to be sent to the Ministry of fisheries.<sup>1064</sup>

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<sup>1060</sup> Ibid, Supporting Papers, pp.159-160

<sup>1061</sup> Ibid,

<sup>1062</sup> Ibid,

<sup>1063</sup> 4 May 1996, Whitiara Marae, Te Tii, Notes of a Public Meeting called by the Te Puna Inlet Taiapure Steering Committee to discuss the issue statements which have been prepared.

<sup>1064</sup> 15 January 1996, Fax from Meeting Secretary, Katrina Upperton Kerikeri to Northern News, Kaikohe.

On 30 January 1996, the Ngati Rehia Chairman/Convenor of the Taiapure Fisheries Portfolio wrote to the Minister of Fisheries on behalf of Ngati Rehia and Ngati Torehina to advise that the Taiapure Proposal should be allowed to go forward and that no extension was required as previously requested. It was indicated that Ngati Rehia and Ngati Torehina were working with a steering committee over the proposals.<sup>1065</sup>

A further meeting of the Steering Committee was held in Kerikeri on 7 February 1996. A list was drawn up of issues that were of ‘outstanding concern’ to members of the Committee and needed to be addressed:

- Commercial fishing in the Te Puna Inlet;
- Policing of the Taiapure;
- Impacts on marine farming;
- Impacts on boating access;
- Use of Rahui or closures;
- Customary rights/Hui and Tangi permits;
- Possible proliferation of taiapure;
- Inclusion of Mataitai reserves;
- Local community role in taiapure; and
- Details of proposed regulations.<sup>1066</sup>

A public meeting was called on 4 May 1996 at Whitiara Marae by the Te Puna Inlet Taiapure Steering committee to discuss a draft statement of issues paper. Notes taken at meeting recorded the following:

Taiapure –

- offers local Iwi chance to be directly involved in fisheries management

<sup>1065</sup> Ibid, Supporting Papers, p.p.159-160

<sup>1066</sup> 7 February 1996, Meeting of the Steering Committee in Kerikeri, Supporting Papers, p.140

- taiapure if approved, management committee to advise Minister
- daily bag limits, methods, wide range
- can't discriminate on race.<sup>1067</sup>

Regarding the goal of the Taiapure, meeting notes emphasise that a partnership was needed between iwi and the local community in managing fisheries. It was noted that without the support of the local community, the Taiapure would not work. It was indicated that the Taiapure would bring management to a local level. A key aim of the taiapure was to ensure that fish and other marine life could recover to meet all needs in a sustainable way.

There was discussion over commercial fishing in the area and concerns were raised over the long history of commercial fishing. The Ministry of Fisheries' officer who was present expressed a view that commercial fishing had decreased in the Inlet over the last 10 years. During the subsequent discussion it was noted that sustainability was the issue and that commercial fishing should not be banned but controls put in place to limit impacts. These would apply to both commercial and recreational fishing. It was noted there was no desire to put people out of work, however it was also noted there was need to safeguard fishery resources. Various types of regulations, seasonal closures and the role of customary purposes permits were all discussed during the meeting. In addition the funding of the Taiapure was discussed. The Steering Committee was recorded as having strong views on this issue that the Government should fund the Taiapure so that it works properly. This was considered to be a difficult issue and a number of related factors were raised.

In relation to marine farming it was noted that Taiapure could not control marine farming as this was regulated under different legislation. There was further discussion regarding this including comment on the effects that oyster farms have on those pipi beds located directly below and on how they build up mud outside of the farmed areas. It was also noted that boating access and toilets in boats were not controlled by the Taiapure and the Regional Council was the body to approach on these issues.

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<sup>1067</sup> 4 May 1996, Whitiara Marae, Te Tii, Notes of a Public Meeting called by the Te Puna Inlet Taiapure Steering Committee to discuss the issue statements which have been prepared.

The issue of Rahui or closures was again discussed and it was recorded that there was some confusion among Pakeha regarding the meaning of the term. It appears that following discussion an understanding was reached by those who attended the meeting. It was also noted that it was in the hands of the iwi to identify sacred areas.

The role of the community in a subsequent Taiapure management committee was discussed. The need for a balanced committee comprising of 5 iwi representatives and 5 local community representatives was put forward. However, in relation to community representation it was also pointed out that there were only 22 people present at the meeting and they did not represent a cross section of the community. The need for the wider support of the community was noted and various methods of more widely publicizing further meetings were discussed.

On 25 May 1996, a further public meeting was called by the Te Puna Inlet Taiapure Steering Committee and held at the Whitiara Marae. A presentation was given of the work completed to date as well as future steps. It was noted that once a final version of the Issues Statements was completed, there would be a public tribunal hearing held by a Maori Land Court Judge following which the Minister of Fisheries would make the final decision. At the Whitiara hui there was further discussion regarding commercial fishing and the processes around rahui or closures.<sup>1068</sup> After discussions in relation to funding, a resolution was passed unanimously at the meeting that:

...the meeting recommend to the Applicants and Steering Committee that they communicate with the Minister pointing out the need for adequate funding to ensure the successful functioning of the Te Puna Inlet Taiapure.<sup>1069</sup>

There was further discussion regarding marine farming and hui and tangi permits. The following was noted:

- Account must be taken of the effect of commercial fishing, depletion of fish etc. when judging the impacts of customary fishing.

<sup>1068</sup> 25 May 1996, Whitiara Marae, Te Tii, Notes of a Public Meeting called by the Te Puna Inlet Taiapure Steering Committee to discuss the issue statements which have been prepared.

<sup>1069</sup> Ibid

- Local Maori rely on sea for kai. If an area is closed, then seafood must be protected in that area.
- At times, inland iwi will want seafoods permits issued. There are customary rights, but shouldn't come out of closed areas.<sup>1070</sup>

In relation to the Taiapure Management Committee, once again it was suggested that there should be five representatives nominated by iwi and five representatives nominated by the community at large, representing user groups. The following resolution was then passed:

That the meeting endorse the Steering Committee's "Issue Statements", subject to the comments recorded in the minutes.<sup>1071</sup>

The applicants were congratulated by the Chairperson, (Ministry of Fisheries' Officer, Bob Drey) for persevering with their proposals to conserve the fisheries resources of the Te Puna and for showing a willingness to involve the local community, despite all the delays which had occurred. The Community Representatives were also praised for their ability to overcome their original reservations and working together with iwi towards a consensus.

On 17 July 1996, the Ministry of Fisheries wrote to Te Runanga o Ngati Rehia enclosing copies of the Statement of Issues produced by the Te Puna Inlet Taiapure Steering Committee for distribution to iwi representatives on the Committee. It was indicated that the next stage in the process was for a Tribunal to be appointed by the Maori Land Court so that a public inquiry could be held into all the objections and submissions received. The Ministry did not know at that time when an inquiry would be held, and suggested the Runanga may wish to contact the Court in Whangarei.<sup>1072</sup>

The Statement of Issues from the Te Puna Inlet Taiapure Steering Committee outlined the actions that had taken place previously in relation to the proposed Taiapure. These commenced with the August 1994 joint application by Ngati Rehia and Ngati Torehina which had been made because of their concerns about the state of fisheries in the area. Initial approval in principle for the proposal had been given by the Ministry of Fisheries in 1995. Following this a number of public submissions and objections had been received with a number of concerns in the local community about the proposal. Two hui were then held which

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<sup>1070</sup> Ibid

<sup>1071</sup> Ibid

<sup>1072</sup> 17 July 1996, the Ministry of Fisheries wrote to Te Runanga o Ngati Rehia, Supporting Papers, p.162

resulted in the establishment of the Steering Committee. The first meeting of the Steering Committee had identified 11 issues relating to the taiapure proposal and these had been written up as a draft statement of issues and taken to Marae, clubs, organisations and other members of public. Two public meetings had been held to discuss these concerns.<sup>1073</sup>

In regards to this consultation, it was noted:

These statements bear testimony to the fact that Ngati Rehia and Ngati Torehina wish to work closely with the local community in order to ensure the ultimate success of the taiapure. It is also considered that this will be an important factor when the Tribunal makes its report and recommendations to the Minister of Fisheries on the matter.<sup>1074</sup>

The Steering Committee described the Taiapure as a “social contract between Maori and the rest of the local community in having a greater say in the management of this local fishery” and also made the point that the Taiapure would incorporate traditional Maori conservation practices into management.<sup>1075</sup>

The Statement of Issue also commented on recent developments in relation to commercial fishing in the Te Puna inlet. It was indicated that commercial fishing had declined over the previous decade and there were only two mullet fishers, a few seasonal bottom net fishers and an unknown number of dragnet fishers using the area. Long line fishers were said to be only rarely using the Inlet. It appears that by this time there was a self-imposed ban on mullet fishing during the three month spawning. The Steering Committee considered there was a place for commercial fishing in the inlet though controls and closure where necessary would apply to all sectors.<sup>1076</sup>

The Committee acknowledged there were social and economic, biological consequences which flowed from the imposition of any controls on fishing and that these would be a factor in gaining public support for these controls. However, it is also emphasised “that the bottom-line must be the sustainability of the fishery”. It was proposed that a fishery management plan

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<sup>1073</sup> Report of Te Puna Inlet Taiapure Steering Committee c.July 1996, Supporting Papers, pp.163-164

<sup>1074</sup> Ibid

<sup>1075</sup> Ibid

<sup>1076</sup> Report of Te Puna Inlet Taiapure Steering Committee c.July 1996, Supporting Papers, p.165

should be prepared for Te Puna Inlet to determine how much fish of each species could be taken from the area and what controls could be done on a purposeful and equitable basis.<sup>1077</sup>

There was also discussion on the issues of research and reinforcement. The Statement of Issues pointed out that there was a need for adequate funding by central government and that the Ministry of Fisheries would have an important co-ordinating role.<sup>1078</sup>

In relation to controls on marine farming it was pointed out that taiapure were established under the Fisheries Act 1981; whereas, existing farm licences and leases were generally administered under the Marine Farming Act and new Marine farms were established under the Resource Management Act RMA. Therefore, it was emphasised that no taiapure regulations could control marine farming as this was done under separate legislation.<sup>1079</sup> In addition, it was noted that fisheries regulations could not control boating access therefore it was not possible to exclude any boats from the taiapure area.<sup>1080</sup>

The use of rahui or closures was also discussed and it was commented that “...rahui is a Maori mechanism intended to control the harvesting activities of particular iwi or hapu, as the case may be. It has no legal effect on other members of the community”.<sup>1081</sup> However, it was pointed out that legal closures for sustainability reasons were possible through taiapure regulations and that the combining of a rahui and a regulated closure might have particular merit in some instances by combining the full force of traditional and statutory management mechanisms.<sup>1082</sup>

The Steering Committee addressed concerns that had been raised that the boundaries of the taiapure could be arbitrarily extended or that other taiapure could eventually cover the rest of the Bay of Islands. It was noted the Te Puna inlet Taiapure Proposal had clearly defined boundaries and that any extension to those boundaries would require the lodging of a new application. It was also pointed out that at that time there was no other proposal in the Waikare Inlet.<sup>1083</sup>

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<sup>1077</sup> Ibid

<sup>1078</sup> Ibid, Supporting Papers, p.166

<sup>1079</sup> Ibid, Supporting Papers, p.167

<sup>1080</sup> Ibid, Supporting Papers, p.168

<sup>1081</sup> Ibid, Supporting Papers, p.171

<sup>1082</sup> Ibid

<sup>1083</sup> Ibid, Supporting Papers, p.169

The Steering Committee made a statement in regards to the role of the community in the Taiapure as follows:

The Steering Committee recognises that Ngati Rehia and Ngati Torehina are the proposers of this taiapure and that their mana in this regard should be clearly acknowledged. However, it is also recognised that without wider community support the taiapure cannot be successful. For this reason it is important that there be strong community representation on the NgatiRehia/Ngati Torehina Taiapure Management Committee.<sup>1084</sup>

The proposal to have five representatives nominated by iwi and five members nominated by the community representing user groups was reflected in the statement of issues. The function of the management committee was described as advising the Minister of Fisheries on the making of fisheries regulations (controls) for taiapure provided they are consistent with the original policies and objectives in proposal.<sup>1085</sup>

In describing the ongoing process it was noted that this statement of issues was to accompany the written Taiapure proposal to the Tribunal hearing. The Tribunal was then to report on this to the Minister of Fisheries, who were to make the final decision.<sup>1086</sup>

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<sup>1084</sup> Ibid, Supporting Papers, p.173

<sup>1085</sup> Ibid

<sup>1086</sup> Ibid, Supporting Papers, p.174

### C. NGATI REHIA AND KERIKERI

Aside from social services, however, Ngati Rehia sought to find further ways to have their position as tangata whenua within their rohe recognised. A significant development occurred in February 1994, when Ngati Rehia kaumatua Tu Kemp and Wiritua Hei Hei called kaumatua and kuia from nga hapu of Ngapuhi to a hui at Whitiara marae to gain support for a proposed Waitangi claim for Kororipo Pa. This was to be a significant hui as those who attended, many of whom have since passed on, totally supported Ngati Rehia bringing forward such a claim. It was noted that kaumatua Mac Taylor from Hokianga said:

*“E Ngati Rehia tenei te tautoko to tonu mo nga hapu katoa o Ngapuhi, ko koutou te hapu kaitiaki o enei whenua. Tiaki hia mai nga whenua mo tatou katoa.”*<sup>1087</sup>

As was later noted by Ngati Rehia subsequently, “...the issue of which hapu holds mana and Ahi-kaa was re-affirmed by the kaumatua o nga hapu o Nga Puhi in 1994.”<sup>1088</sup>

When Ngati Rehia kaumatua Tu Kemp and Bill Heihei subsequently approached the Waitangi Tribunal regarding the claim to Kororipo Pa, they were advised to lodge a claim, and Wai-492 came into being of which the statement of claim was as follows:

I, Tu Kemp on behalf of Ngati Rehia of Te Tii Marae, Bay of Islands state that we are, and have been prejudicially affected through the actions or omissions of the Crown in the alienation of the Kororipo Pa site and adjoining lands at Kerikeri. Such actions and omissions being in breach of the spirit and intent of the Treaty of Waitangi.

On 25 February 1995, a hui of Ngati Rehia decided that the claim should be broadened beyond Kororipo Pa but to all Department of Conservation held land around the Kerikeri Basin including the moana and the Kerikeri inlet. This decision was partly influenced due to planning issues that were being developed by the Kerikeri Basin Management Task Group.<sup>1089</sup>

In 1996-7 a Ngati Rehia Wai Claims Committee was set up. There were early links with other claimants such as the Te Waimate–Taiamai Alliance. In 1997, however, Ngati Rehia decided

<sup>1087</sup> 4 August 2006, Chairman of Te Runanga o Ngati Rehia, Remarie Kapa to Sir Graham Latimer, CFRT.

<sup>1088</sup> Te Runanga o Ngati Rehia, Power point Presentation.

<sup>1089</sup> March 1995, Nora Rameka, Report on the Waitangi Tribunal Claim and Kerikeri Basin Project.

to keep their claim under their own kaupapa. Despite this progress, the fact that all members of the Claims Committee lived away from home, made it difficult to continue on and over time the Committee became inactive. During 1998, however, the Committee was re-established and has remained in place since.<sup>1090</sup>

*i. Kerikeri*

An ongoing area of involvement for Ngati Rehia and their Runanga has been in relation to the developments regarding the Kerikeri basin and the broader Kerikeri district. These have primarily become centres of pakeha population. Furthermore, the Kerikeri Basin is the site of 'heritage lands' which are administered by central Crown agencies such as the Historic Places Trust and the Department of Conservation. In addition, Kerikeri has been identified by local government as a key area of growth in the Bay of Islands and subsequently has come under close planning procedures. Since the formation of the Runanga, Ngati Rehia has tried to participate in all these forums and deal with all these agencies and interest groups.

A brief history of the area was presented by DoC as part of their Kororipo Pa-Kerikeri Basin Sustainable Development Plan in 2005. It was noted that in the 1960s thirteen acres had been sold to a developer called Veale to be subdivided into 108 residential sections. In 1969 the Society for the Preservation of the Kerikeri Stone Store Area (SPOKSSA) had been formed and they had negotiated with the developer to purchase the kainga. They had then commenced on an intensive fundraising campaign to meet the repayments. Ultimately half the cost of the land had been covered by this fundraising and the remainder was covered by loans and debentures. The Crown had agreed to pay the outstanding mortgages the society had incurred. In 1974, the Crown took over 2.4 hectares from SPOKSSA and in 1982 a further 5.2 hectares from Veale. The Crown had also obtained further properties in the Basin.<sup>1091</sup>

Following their formation SPOKSSA continued to maintain a lease in the Basin and to operate Rewa's Village and its visitor centre and the Discoverer's Garden on a voluntary basis. DoC commented that the society had also generously donated funds towards the upkeep of the

<sup>1090</sup> 4 August 2006, Chairman of Te Runanga o Ngati Rehia, Remarie Kapa to Sir Graham Latimer, CFRT.

<sup>1091</sup> Oct 2005, DoC Report, Sustainable Development Plan for the Kororipo-Kerikeri Basin, Supporting Papers, pp. 25-27

Basin over the years.<sup>1092</sup> In 1974 Kemp gifted the Mission House and 1.5 hectares to the people of New Zealand. In 1976 the New Zealand Historic Places Trust (NZHPT) purchased the Stone Store from Kemp. In 1982 Kemp gave a further 2.4 hectares and then in 1984 an additional 0.3 hectares to the people of New Zealand.<sup>1093</sup>

As noted in a previous section during 1994 a Treaty of Waitangi claim relating to Kororipo Pa was put forward on behalf of Ngapuhi hapu. This claim allowed Ngati Rehia to have a “stake in the ground in the Kerikeri Basin”. Other key stakeholders at that time were seen to be DoC, NZHPT, SPOKKS and FNDC.<sup>1094</sup>

On 25 November 1994, Nora Rameka attended the first meeting of the Kerikeri Basin Management Taskforce Group in Auckland. Those present at this meeting included representatives from the central government, Far North District Council, Historical Trust, Department of Conservation, World Heritage Trust and others. Rameka subsequently reported:

There was a presentation done of a suggested structure and the plan for the Kerikeri Basin but the Committee was aware that there was no input from tangata whenua. As Ngati Rehia’s representative as directed by Chairman Uncle Tu, I raised three issues:

- (a) The ownership issues of the Kororipo Pa
- (b) The consultation of tangata whenua processes
- (c) The groups vision needed to recognise tangata whenua have their own vision also<sup>1095</sup>

When reporting on this meeting, Nora Rameka raised the following concerns.

- (a) There was no recognition of tangata whenua structures and processes of consultation
- (b) They need to be aware that the whole area is under a Treaty of Waitangi claim by Ngati Rehia. The ownership of the lands needs to be addressed

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<sup>1092</sup> Ibid

<sup>1093</sup> Ibid

<sup>1094</sup> 2010, TRONR, Kerikeri Basin and Kororipo Pa Report 2010, Supporting Papers, p.18

<sup>1095</sup> March 1995, Nora Rameka, Report on the Waitangi Tribunal Claim and Kerikeri Basin Project.

- (c) That what was presented by the group, needed to be taken back to a Ngatirehia hui
- (d) The groups vision need to recognise tangata whenua have their own vision also.<sup>1096</sup>

A meeting was sought and held on 3 February 1995 at the local Member of Parliament, John Carter's office in Kerikeri. This was attended by Tu Kemp, Whiritua Heihei, Nora Rameka, two Department of Conservation representatives and Dr Partridge of the Far North District Council and John Carter. The objective of the meetin, as recorded by Nora Rameka was noted as being:

This meeting was to reaffirm with the Crown, that we would like the ownership of Kororipo returned to Ngatirehia as Caretakers. John Carter M.P. agreed that the land should be returned. Again it remains to be seen.<sup>1097</sup>

Rameka further noted that up to that time Ngati Rehia had informed the Kerikeri Basin Management Taskforce Group several times of the iwi's intentions in relation to claims and ownership.

On 6 March 1995, the Kerikeri Basin Management Taskforce Group held a community meeting at the St James Church Hall in Kerikeri. One hundred people attended the meeting including Tu Kemp, Bill Heihei and Nora Rameka. During the meeting, Ngati Rehia representatives voiced their position as being "...that we were not against proposals but wanted people to understand that there were issues Ngati Rehia wanted addressed."<sup>1098</sup>

Following the community meeting a further meeting was held of the Kerikeri Basin Management Taskforce group. This additional meeting was attended by key people from the Far North District Council, the Historic Places Trust, Department of Conservation, Community Board and other Community organisations. On behalf of the Ngati Rehia iwi, Bill Heihei and Nora Rameka noted that those issues associated with the ownership of the land needed to be addressed. It was also noted that as Ngati Rehia would be independently looking

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<sup>1096</sup> 1 March 1995, Nora Rameka to Hemi Rua-Rapata.

<sup>1097</sup> Ibid

<sup>1098</sup> March 1995, Nora Rameka, Report on the Waitangi Tribunal Claim and Kerikeri Basin Project.

into issues and as they were able to write their own reports then they should receive some of the funding set aside to pay consultants.<sup>1099</sup>

On 16 March 1995, Nora Rameka wrote to Denis Nugent, of Nugent Consultants Ltd, who was managing iwi consultation associated with the Kerikeri Basin Management Taskforce Group. Rameka informed Nugent that Ngati Rehia hapu had recently had a hui at Te Tii and elected a Ngati Rehia Consultant Group to act in relation to issues pertaining to the Kerikeri area. The Consultant Group consisted of Nora Rameka Ray Kapa, Walter Heihei, Kaumatua Tu Kemp and Wiritua Heihei. The Group was to be the point of contact for queries and consultation.<sup>1100</sup>

During March 1995, a draft Kerikeri Basin Management Strategy was completed. The proposed goal for the Strategy was expressed as follows:

To secure formal recognition of the Kerikeri Basin management area as a nationally unique and significant resource, so that its value can be better protected, managed and enhanced.<sup>1101</sup>

The Principal Objective was expressed as being:

To define a vision for the Basin which enables the establishment of a landscape appropriate to the historic significance of the area and an atmosphere reminiscent of the early contact period.<sup>1102</sup>

Eight draft objectives were outlined:

- 1) To obtain funding for early construction of the approved by-pass road and implementation of a Kerikeri Basin master plan (to be prepared in consultation with community groups, tangata whenua and statutory organisations.
- 2) To ensure integrated management of the Basin's resources, in particular the key historical buildings and their surround, Kororipo Pa, the Basin waters and public lands extending inland to Rainbow Falls (Waianiwaniwa), the roading network and other privately owned lands within areas of critical or moderate sensitivity.

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<sup>1099</sup> Ibid

<sup>1100</sup> 16 March 1995, Nora Rameka to Denis Nugent, Nugent Consultant Ltd.

<sup>1101</sup> March 1995, Draft Kerikeri Basin Management Strategy.

<sup>1102</sup> Ibid.

- 3) To ensure that planning and land tenure controls within the management area provide for activities which are consistent with the principal objective.
- 4) To provide high quality visitor facilities and programmes to enhance appreciation of the Basin's history, with particular reference to:
  - a) pre-contact Maori settlement of the Kerikeri Basin;
  - b) Church Missionary Society settlement during the contact period of New Zealand settlement;
  - c) the relationship between the indigenous and European cultures;
  - d) the context of events prior to the Treaty of Waitangi;
  - e) the roles of important Maori and European figures during the informative years of European settlement.
- 5) To present Kerikeri Basin as the premier location for an annual (national day?) celebration which focuses on events during the early contact period and growing partnership responsibilities.
- 6) To manage the Basin for passive recreation to a level which is in keeping with its historical and cultural significance.
- 7) To manage natural systems within the Basin according to sound soil and water conservation principles and to afford an appropriate level of protection to wildlife habitat and scenic values.
- 8) To identify and recommend an appropriate organisational structure representing both national and local interests in the future management of the Basin as a National Heritage Area.<sup>1103</sup>

On 6 April 1995, Nora Rameka, on behalf of the Ngati Rehia Runanga completed a submission to the Member of Parliament for the Bay of Islands, John Carter in relation to the Kerikeri Basin as follows:

Te Iwi o Ngati Rehia supports the proposal presented by the Task Group. But for that to proceed, Ngati Rehia would like these submissions addressed.

- (1) that the Crown in the first instance proceed [with] negotiations for the return of the Crown land in the Kerikeri Basin to Ngati Rehia iwi on behalf of Ngapuhi-nui-tonu.

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<sup>1103</sup> Ibid.

- (2) that the management of the Kerikeri Basin Development be equally managed with tangata whenua, Ngati Rehia at all levels.
- (3) the development of the Kerikeri Basin be in full consultation with Ngati Rehia through the elected Ngati Rehia Consultant Group, and that no individual organisations approach to isolate the kaumatua/kuia in decision making involved with the Kerikeri Basin Development.
- (4) that if the Crown supports and acknowledges this development and Ngati Rehia's submission, that the Crown put in place funding to keep the training and education of people, specifically iwi, to be able to be fully employed in the Kerikeri area.<sup>1104</sup>

On 20 April 1995, a further meeting was held of the Kerikeri Basin Management Strategy Taskforce group. Members of the taskforce group included representatives from the Far North District Council (FNDC), the Department of Conservation, the Kerikeri Community Board, the Regional Officer from the New Zealand Historic Places Trust and Nora Rameka from Ngati Rehia. Three further members of Ngati Rehia attended the meeting along with further representatives from the organisations above as well as the MP for the Bay of Islands, John Carter. There had been a public meeting held the previous day and it was noted that members of the Kerikeri community present at that meeting requested more direct input into the work of the Task Group/Steering Committee. The Taskforce also noted that:

Tangata Whenua have raised similar issues to those raised by the community members present at the public meeting on the 19<sup>th</sup> of April. It was agreed that the Northern Maori MP, Mr Tau Henare be approached to work in conjunction with Mr John Carter. Mr Carter agreed to take this matter up with Mr Henare.<sup>1105</sup>

The meeting went on to report on 'Vision Development' and Consultation Undertaken since 6 March 1995. It was agreed that each representative on the Taskforce group, in consultation with its constituent group, was to present a formal justification for the establishment of Kerikeri Basin Management Area as a proposed National Heritage Area. Each group was also to develop its particular vision for the Kerikeri Basin. Ngati Rehia was to assist in establish a process for ongoing and direct tangata whenua involvement.

<sup>1104</sup> 6 April 1995, Nora Rameka, Ngati Rehia Consultant Trustee to John Carter, MP, Bay of Islands, 'Submission for Kerikeri Basin'.

<sup>1105</sup> 20 April 1995, Notes of Kerikeri Basin Management Strategy Meeting.

It appears that from this process grew the idea of a national heritage park. Later in a 1995 a draft Bill was developed and presented in Parliament by Northland MP John Carter which aimed to put in place a Kerikeri National Trust which would develop heritage tourism within a Kerikeri National Heritage Park. This Bill went through its first reading in Parliament in 1995 but it was put on hold because of local concerns. Boaties feared that the wording of the Bill might result in a boat ban in the Basin while others were critical that the proposed makeup of the Trust would not allow enough input from Kerikeri people.

Subsequently, at a date that has not yet been determined by research conducted to date, the Far North District Enterprise Development Trust floated a 'Cradle of the Nation Heritage Centre' concept. The concept was based on legitimisation of the status of Tangata Whenua as beneficial owners of designated crown reserves at the Basin, under rights accorded by the Treaty of Waitangi. It called for bodies including DoC, NZHPT, SPOKSSA, FNDC, NRC, local iwi and private landowners to be unified to create a tourism asset and permanent employment for local residents. The concept included re-creation of Kororipo and Hongi's Pa with the land fully restored as an 18<sup>th</sup> century working pa manned by local iwi, with a fleet of waka. It was envisaged that all land on the Stone Store Hill should be consolidated to link with the present Polytechnic site, expanded into a satellite campus of a major university, linking educational and recreation facilities. The strategy recommended legislation to vest beneficial ownership of specified Crown reserves, including Kororipo Pa and the recreation reserve, to Ngati Rehia in consideration of settlement claims under the Treaty of Waitangi with the proviso that such lands be assigned in Trust to a trust board for appropriate administration purposes. This proposal did not come to pass, however. Matters would remain somewhat in abeyance until after 2000, when a central Crown agency would seek to take the lead in dealing with heritage matters within the Kerikeri Basin.

*ii. Department of Conservation*

Although Ngati Rehia had been key players in planning processes related to Kerikeri during the 1990s, in the following decade they would face new challenges as government agencies undertook consultation over Crown owned land in the Kerikeri Basin.

Over 2001 and 2002, the Department of Conservation, seeking to get Maori involvement over the management of Kororipo and Okuratope pa, held a series of consultative hui within Nga Puhi, Ngawha, Te Tii, Oromahoe and Te Kauri. As a result, Te Roopu Kaitiaki Mo Kororipo me Okuratope was formed, Representation on Te Roopu was via appointment of delegates from each of the marae. Initially, Ngati Rehia was represented on Te Roopu by Nora Rameka and Remarie Kapa. By mid-2004, however, Ngati Rehia withdrew from the group. The Department thereafter met separately with Ngati Rehia but the Te Roopu group remained in place. Planning towards a Draft Sustainability Plan proceeded.<sup>1106</sup>

Towards the end of 2004, Ngati Rehia expressed their dissatisfaction regarding the proceedings of Te Roopu Kaitiaki. They wrote to the Department of Conservation seeking information about the process under which Te Roopu Kaitiaki Mo Kororipo me Okuratope was formed. They also asked whether the Department of Conservation considered Ngati Rehia the resident hapu.

In response, Angelika Cawte wrote to Ngati Rehia that the Department of Conservation was required under Section 4 of the Conservation Act to give effect to the Principles of the Treaty of Waitangi when carrying out its conservation work. She noted that the Department of Conservation recognised Ngati Rehia as tangata whenua but added “other hapu however have a legitimate interest in these sites.” Despite the withdrawal of Ngati Rehia from Te Roopu, Cawte noted: “The Department is committed to maintaining a good working relationship with Ngati Rehia.” In relation to consultation with Ngati Rehia, Cawte indicated there had been several meetings with Nora and Remarie to try and work out a way forward. It was noted that

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<sup>1106</sup> Angela Cawte, Department of Conservation, Response to questions relating to Kororipo Pa and Te Roopu Kaitiaki.

“All parties (DOC and iwi) agree Ngati Rehia are Tangata Whenua and that other Hapu have a legitimate interest in the sites.”<sup>1107</sup>

The Draft Sustainability Plan eventuated in mid-2005. By August 2005 Te Runanga o Ngati Rehia Trustees, on behalf of constituent hapu, marae and whanau, completed a submission opposing the draft management Sustainable Development Plan for the Kororipo-Kerikeri Basin:

We consider that the document prejudicially affects the hapu and whanau of Ngati Rehia and the Iwi of Ngapuhi due to the inconsistency of tikanga, tika and pono processes.

Due to such actions and omissions it is in breach of the spirit and the intent of the Treaty of Waitangi.<sup>1108</sup>

They noted that an impasse had been reached between the agencies involved and Ngati Rehia, which was in their opinion due to initial flaws in the process chosen by agencies for involving tangata whenua. Although, according to Ngati Rehia, agencies had attempted to find a compromise once they realised a mistake had been made, this was seen as requiring a compromise of the mana of Ngati Rehia and this was not acceptable.

Furthermore, the proposed Plan was said to pose an unacceptable level of threat to Ngati Rehia's Treaty claims. Ngati Rehia indicated that they would seek intervention to the further development of the proposed Plan if it continued to be progressed in the same form, including a request to the Ombudsman to investigate the process used. They may also request an urgent hearing of the Waitangi Tribunal.

Specifically, Ngati Rehia concerns were that:

- The kaitiaki roopu referred to in the Plan is a group made up and empowered by the agencies for the purposes of this Plan. It is not a body that has been chosen by the tangata whenua nor is it a body that has been given any mana. This Plan creates an expectation that the mana bestowed on the roopu by the agencies will continue.

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<sup>1107</sup> Ibid.

<sup>1108</sup> c Aug 2005, Te Runanga o Ngati Rehia, Power Point Presentation of Submission to the Sustainable Development Plan for the Kororipo-Kerikeri Basin

- Te Runanga o Ngati Rehia represent those holding mana whenua for Kororipo-Kerikeri Basin. This was determined by nga hapu o Ngapuhi long before this project came along.
- The empowering of the roopu through this Plan is a direct challenge to the mana of Ngati Rehia and Ngapuhi. It has created tensions and conflict amongst nga hapu where there was none.
- It is also an attempt by the agencies to re-write the heritage the Plan is supposed to protect.<sup>1109</sup>

Ngati Rehia gave the opinion that the issues should have been resolved at the outset of the process and that failure to do this had resulted in a Plan that was driven by a project brief and not by realities. The failure to deal with the issues at the outset was seen by Ngati Rehia as resulting in a situation where subsequently their insistence on a solution risked them being seen as obstructive, unreasonable and the ‘baddies’. However, they submitted that their failure to challenge the situation would mean they had to abandon the steps taken by their kaumatua and their iwi to protect their heritage. The submission then described the processes used in 1994 and their prior involvement in Kerikeri Basin policies and issues.

Ngati Rehia raised a number of specific concerns in relation to the draft of the proposed plan. They noted that the plan had not been developed in consultation with tangata whenua and had been developed in consultation with an artificial roopu that the agencies had established for this purpose.

...it is essential that the principles of Treaty partnership and active protection of our rights – acknowledged in all departmental policy – is addressed before further work is done and further false expectation created.

The failure to do so is hampering the positive input that Ngati Rehia and Ngapuhi have to make to this project.<sup>1110</sup>

Ngati Rehia further noted that the Plan focused on recent heritage values from a selected period of their history. They pointed out that the period of European involvement is a recent

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<sup>1109</sup> Te Runanga o Ngati Rehia, Presentation of Submission to the Sustainable Development Plan for the Kororipo-Kerikeri Basin

<sup>1110</sup> Ibid

event and that the emphasis on recent history is not a sound basis for long term sustainable management of their heritage.

Regarding future planning, Ngati Rehia identified several immediate requirements:

We repeat that the most important one from our perspective is rectifying the governance matters.

The second most important is agreeing the level and manner of our involvement at all project levels.<sup>1111</sup>

Ngati Rehia objected strongly to the vision and mission statements in the draft plan and asked that they be replaced by those articulated by their kaumatua in 1995 and previously confirmed by nga hapu o Ngapuhi.

Ngati Rehia considered the research undertaken for the Plan. Whilst they recognised the rangatira included in the Plan they questioned the absence of many other Ngapuhi rangatira. They also asked what specific hapu research had been commissioned for the planning project: “any research related by tangata whenua will be undertaken by tangata whenua” :

...The practice of contracting external consultants to research “us” is not consistent with statutory requirements, is insulting of our skills and makes us feel like “laboratory rats”.<sup>1112</sup>

Ngati Rehia also commented on the section of the Plan relating to Commercial Activities:

- The history of Kerikeri is that we were alienated from our natural resource base and cheated from our land. As tangata whenua our ability to compete commercially has always been impaired.
- If there are now to be opportunities for commercial development based around our heritage, we wish to be a full part of that development. This includes the commercial activities of heritage management currently monopolised by DoC and HPT.<sup>1113</sup>

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<sup>1111</sup> Ibid

<sup>1112</sup> Ibid

<sup>1113</sup> Ibid

They sought an explanation of the Plan's statement that it acknowledged outstanding Treaty of Waitangi claims and pointed out that it risked exacerbating existing claims and giving rise to fresh ones. In relation to this they pointed out:

- Ngati Rehia were not part of the decision-making that led to Crown resources being applied to this project ahead of claims settlement. Now that the Crown has made that decision it must not allow a project to re-write our history or ancestral associations.<sup>1114</sup>

Ngati Rehia also raised concerns regarding the inequity of the resourcing of the proposed process.

- While the agencies are all resourced for their role and the consultants are presumably paid for their services, there is no realistic resourcing for tangata whenua in this project. It is assumed, as usual, that our contribution to this "partnership" will be *mo te aroha* or, at best, for koha.<sup>1115</sup>

In conclusion Ngati Rehia submitted that:

Ngati Rehia oppose the draft Plan.

Our concerns are as much to do with the process followed as the outcomes achieved.

We recognise the difficulties that a project of this nature creates for the agencies.

We trust you recognise the difficulties it creates for us.

We are committed to working with you in partnership – but this can not be at the expense of the mana of our hapu, our iwi, our tupuna, our kaumatua/kuia or our mokopuna.<sup>1116</sup>

However, Ngati Rehia remained unhappy with the process. On 28 October 2005, the Secretary of Te Runanga o Ngati Rehia, Nora Rameka completed a draft letter of complaint to the Ombudsman, Beverley Wakem. Rameka provided information regarding Ngati Rehia noting that it is a Ngapuhi hapu and that Ngati Rehia claimed mana whenua status over the

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<sup>1114</sup> Ibid

<sup>1115</sup> Ibid

<sup>1116</sup> Ibid

town of Kerikeri. This claim had recently brought them into conflict with the Department of Conservation.

The background to this conflict was provided as follows:

Some two years ago the Minister of Conservation announced a package of new Heritage protection initiatives which included, amongst others, the development of a sustainable management plan for the Kerikeri basin/Kororepo Pa complex of sites. As you may be aware, this includes the Kerikeri Stone Store and Kemp house. This area is seen as an important record of the contact period of history between Maori and Pakeha. I need hardly add that for Ngati Rehia it has a much longer and more detailed history and heritage than this and the contact period of our history is but a relatively new period in our association with this whenua.

The Department approached it[s] new job with gusto, assisted we suspect by the generous funding made available by the Minister for the project. Amongst their initial tasks, they established a working party and a “tangata whenua kaitaiki” body for which DoC shoulder tapped a number of individuals that in the Department’s opinion had the mana to represent tangata whenua. Ngati Rehia have objected to this process from the outset.<sup>1117</sup>

Rameka provided further information about the status of Ngati Rehia within the area and the consequences of Department of Conservation actions in ignoring the internal processes of Ngapuhi as follows:

In 1994 the hapu of Ngapuhi met at Te Tii and mandated Ngati Rehia to progress a claim to the Waitangi Tribunal over the lands still in Crown possession in Kerikeri. Despite being cognisant of this, DoC have ignored the internal processes of Ngapuhi in mandating a range of individuals and given them mana of behalf of a number of hapu. This action has had the effect of creating unnecessary tensions between and within our hapu where none previously existed. It is also in danger of having the unfortunate side effect of re-writing history.<sup>1118</sup>

She noted that Ngati Rehia had continued to try and bring their concerns before the Department of Conservation with little effect. Rameka noted that in August 2005 Te Runanga o Ngati Rehia made a submission to the draft Sustainability Plan and had requested a full

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<sup>1117</sup> 28 October 2005, Secretary for Te Runanga o Ngati Rehia, Nora Rameka to the Ombudsman, Beverley Wakem.

<sup>1118</sup> Ibid

breakdown of all expenditure on the project to date. Te Runanga o Ngati Rehia had yet to receive the information and one of their requests of the Ombudsman was for inquiry under the Official Information Act.

Their second request was of far greater importance and asked the Ombudsman to inquire into the reasonableness of the Department's actions. Te Runanga o Ngati Rehia's concerns were summarised as follows:

- The Department risks exacerbating our existing Treaty claims in regard to Kerikeri basin by mandating parties as tangata whenua that have not been recognised as such by Ngapuhi iwi.
- The Department, in mandating a “tangata whenua kaitiaki roopu” for their project has created tensions and conflicts between hapu in order to progress their own project.
- The Department is defining the heritage interest in Kerikeri Basin as only relating the contact period of history and ignoring our heritage that predates that time.
- By not actively protecting Ngati Rehia's interests in Kerikeri or our association with our ancestral lands and waters.
- The Department has not acted in good faith.
- When we have repeatedly raised our concerns with the Department these concerns have not been accorded a weight commensurate with our status as Treaty partner, tangata whenua and kaitiaki. Ngati Rehia has been forced to debate within a public arena matters that are really only the subject of a debate between Ngati Rehia and the Crown. The Department's “Plan” for Kerikeri Basin reduces Ngati Rehia to one stakeholder amongst many when we understand section 4 of the Conservation Act to give us a status of partner with the Crown.<sup>1119</sup>

Rameka pointed out that Ngati Rehia was supported in all these concerns by TRAION.

Ngati Rehia's experience with the Department of Conservation somewhat undermined their confidence of the position in which they have always seen themselves within their rohe. They began, therefore, to take action to stabilise matters. At one hui called by Ngati Rehia to which

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<sup>1119</sup> Ibid

they invited local government representatives, attendees were informed that the issue of which tribal authority holds mana in any area was an internal matter for the iwi and nga hapu to work out and that Ngapuhi had well established and comprehensive processes in this regard. It was pointed out that such processes should not be influenced or over-ruled by the various authorities and agencies of the Crown. Ngati Rehia representatives described the February 1994 hui of Ngapuhi kaumatua following which Ngati Rehia lodged WAI-492 to Kororipo Pa.

Ngati Rehia pointed out that since 1994 they have collaborated with nga hapu in the lodgement of additional claims and the progression of these claims. They added that such collaboration has not led to conflict between hapu over jurisdiction or mana. Recently, however, Ngati Rehia felt that the actions of the Department of Conservation in its processes for heritage protection have resulted in mandating others than those mandated by Ngati Rehia kaumatua as to issues of jurisdiction and mana. This was seen as mandating tangata whenua representatives outside of the tribal process. The impacts of these actions had led to conflict and division between nga hapu which had recently manifested in a challenge to the claim of Ngati Rehia regarding Kerikeri. Although Ngati Rehia had been content to advance their claim in collaboration and alongside nga hapu o Ngapuhi, matters were beginning to alter.

In 2010, Te Runanga o Ngati Rehia prepared a report on the Kerikeri Basin and Kororipo Pa area. The mission statement in this report was that Te Runanga o Ngati Rehia would develop a sustainable economic, social and cultural base for the continued growth of their hapu and whanau. It was noted that there had been several wananga held over 2010 to extend their historical and whakapapa knowledge of the Kerikeri Basin/Kororipo Pa. One outcome had been support for the return of Rewa's village back to hapu and further support for the establishment of a Tourism business unit. A stakeholders's meeting had been held and it was indicated that an agreement had been reached between DoC, SPOKKS and Te Runanga o Ngati Rehia for the return of Rewa's village in five years' time to Ngati Rehia and a draft agreement was in progress.<sup>1120</sup>

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<sup>1120</sup> 2010, TRONR, Kerikeri Basin and Kororipo Pa Report 2010, Supporting Papers, p.20

## D. MARINE FARMING

During the first decade after the establishment of Te Runanga o Ngati Rehia, the focus had been on involvement in social services as well as gaining recognition from wider Ngapuhi, local pakeha and government agencies of Ngati Rehia's role and position as tangata whenua. From 2000, however, Ngati Rehia set out to establish forestry, fisheries, housing and tourism ventures which would lead to the economic development, independence and self-determination of their people. The following subsection focuses on attempt that was made to get a entrance into marine farming.

### *i. The Beginning of a Joint Venture*

In January 2000 Ngati Rehia formed a partnership with Mussels Far North Ltd (MFN). This was noted to be a major, well-respected and significant commercial mussel farming company. As part of the planned project Ngati Rehia Fisheries Ltd (NFL) owned a significant part of the mussel farming and MFN owned a significant part of their proposed kai moana processing plant to be cited near Waipapa.<sup>1121</sup>

...The processing plant would generate substantial income to allow us to develop capital for other vital projects and would create 150 jobs for our district.

The relationship between MFN and NFL included the following elements:

- NFL will commission studies of the feasibility of establishing a processing plan to process farmed mussels from these areas
- MFN will carry out studies on feasibility of the proposed sites for farming mussels
- On construction of the processing plan, NFL will have the exclusive right of refusal to all production from the farm, at fair market price

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<sup>1121</sup> 28 April 2004, Remarie Kapa, Chairman and Nora Rameka, Secretary, Te Runanga o Ngati Rehia to NZ Prime Minister, Helen Clark

- NFL will take MFN mussels in priority to those of any other mussel grower
- MFN will make available a non-executive directorship to a nominee of NFL
- NFL will make available a non-executive directorship to a nominee of MFN
- NFL will have first right of refusal to purchase the shares of MFN should the shareholders wish to sell the mussel farm
- MFN will have first right of refusal to purchase the processing operation should NFL decide to sell. (Clement and Associates 2002, p4).<sup>1122</sup>

In March, 2000, Ngati Rehia Fisheries and MFN formally lodged applications for resource consents for a total of 112 hectares of mussel farming in the Te Puna Inlet, Ngati Rehia area. The location of the marine farm sites applied for by MFN were as follows:

- One site is located south of the headland between Rangihoua Bay and Whale Bay on the northern side of the Bay of Islands not less than 200 metres from the shore; and
- The second site is situated under the south side of Moturoa Island, approximately 600 metres from shore.<sup>1123</sup>

In September 2000 representatives of Te Runanga o Ngati Rehia and Fisheries Consultancy Services Ltd (FCS) (of which MFN are a part) signed a heads of agreement to form a conjoint partnership venture to develop a large mussel farming and processing venture in the BOI. Ngati Rehia's role in this venture was described as follows:

...Ngati Rehia Fisheries will provide the labour, the local knowledge and the guidance to assist FCS in their new venture in the BOI. We will also develop a complementary processing plant which will receive and prepare for sale all product from the large mussel farm in resource consent stages.<sup>1124</sup>

The heads of agreement between FCS Ltd and Ngati Rehia incorporated the following:

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<sup>1122</sup> 13 June 2007, General Manager of the Takutai Trust, Laws Lawson to Nora Rameka, Te Runanga o Ngati Rehia.

<sup>1123</sup> Ibid.

<sup>1124</sup> c.2001, Ngati Rehia proposal for feasibility research and development of export licensed seafood processing plant, Supporting Papers, p.87

- MFN Ltd will provide exclusively all its crop to Ngati Rehia's processing plant at negotiated market rates and will deal with no other trader or processor;
- Ngati Rehia will agree to process all of the crop from MFN Ltd that can be supplied<sup>1125</sup>;
- MFN Ltd will in partnership with Ngati Rehia and interlocking board directorship, enable direct access to its well established export markets.<sup>1125</sup>

The second objective of the project was to provide the planning and costs for an export licensed seafood processing facility.<sup>1126</sup>

Around 2001, Ngati Rehia completed a proposal in regards to feasibility research and development in relation to the planned export licensed seafood processing plant. Over the previous decade Ngati Rehia had been involved with a number of economic development initiatives in forestry, tourism, housing, education and agriculture. These initiatives had allowed Ngati Rehia to gradually move forward but it was noted that the Hapu had been hampered by a lack of capital to allow significant growth to occur. The 2001 opportunity for Ngati Rehia to join with a large and successful commercial company in a partnership of mutual benefit was anticipated to at last provide the needed stimulus for real growth for the hapu. It was expected that this level of growth would eventually provide the capital base needed in future years to develop and realise some of the potential of their considerable land and coastal assets for the benefit of Ngati Rehia.<sup>1127</sup>

Ngati Rehia considered that their long-term investments in forestry and tourism would benefit future generations. However, partnership with FCS was seen to offer a realistic and immediate opportunity:

This is a well-founded and concrete proposal to generate revenue, capital and employment for our people through a partnership with an

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<sup>1125</sup> Ibid, Supporting Papers, p.90

<sup>1126</sup> Ibid

<sup>1127</sup> Ibid, Supporting Papers, p.86

established and reputable major player in a growing and successful industry.<sup>1128</sup>

In regards to the timing of this project, Ngati Rehia commented that they were entering into a field that was already well established in New Zealand with rapid international demand growing: “NZ Green Lip Mussels are a major and growing export product which are unique in the world and markets are consistently expanding.”<sup>1129</sup>

By 2001, the resource applications and development actions in relation to the 112 hectare mussel farming operation in the Bay of Islands were seen to be on track.<sup>1130</sup> It was recognised that MFN would not be able to expand mussel farming in Northland without a processing facility nearby. Therefore it was noted that: “MFN are prepared to have an interlocking investment in the processing plant and have agreed to Ngati Rehia having a mirror and parallel holding in the farming operation”.<sup>1131</sup> NRF Ltd held 10% shareholding in mussel farming development and FCS Ltd (MFN) held 10% in processing plant.<sup>1132</sup>

The joint venture between Te Runanga o Ngati Rehia and FCS Ltd. involved three distinct stages:

- Feasibility study and investigations, costs and full business plan;
- Capitalising, Resource Consents, Construction, Equipment Outfitting, Launch preparation; and
- Operational launch.<sup>1133</sup>

FCS Ltd was to assist Ngati Rehia regarding an assessing the feasibility of the project, and Ngati Rehia were also going to seek analysis from other sources. The proposal was specifically seeking funding for this research.<sup>1134</sup> One of the objectives was to employ and engage Ngati Rehia personnel in the feasibility study preparation stage. The expected outcomes of the project were that Ngati Rehia would demonstrate the economic viability of an

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<sup>1128</sup> Ibid, Supporting Papers, p.88

<sup>1129</sup> Ibid, Supporting Papers, p.90

<sup>1130</sup> Ibid, Supporting Papers, p.89

<sup>1131</sup> Ibid, Supporting Papers, p.90

<sup>1132</sup> Ibid

<sup>1133</sup> Ibid, Supporting Papers, p.89

<sup>1134</sup> Ibid, Supporting Papers, p.91

iwi-owned processing plant in their area and be able to amass expertise and partnership to allow the venture to be successful, sound business plan. Ngati Rehia were also aware of the potential future benefits:

The most important flow on effects of the success of this venture will be the social and community benefits for our mokopuna that will arise from this venture and the successful enterprise it may spawn.<sup>1135</sup>

Ngati Rehia were seeking seed funding and support to take their project to the first stage.

*ii. Impacts of a Moratorium*

On 25 March 2002, however, the Government placed a moratorium on marine farming pending further investigation into the future of the industry in New Zealand.<sup>1136</sup>

Nevertheless, it appears that Ngati Rehia's plans continued to move forward. On 24 September 2002, the feasibility study on establishing a mussel processing plant commissioned by Ngati Rehia Fisheries Ltd. was completed. In regards to the implications for Ngati Rehia, the study commented that establishing a mussel processing business in the Bay of Islands would take several years and that it was likely that farmed mussel production in New Zealand would have substantially expanded by the time such a development was complete. However, it was also considered likely that market development and product would continue to expand international demand for NZ greenshell mussels. It was pointed out that NFL would enter market as a small producer in an industry dominated by a number of large companies with large financial resources. By time of first sales NFL would be producing less than 3% of total NZ production. The feasibility study considered that it would take time for NFL to develop a position in the market and that they would be constrained by limited funding. It was commented that NFL may need to consider developing a strategic marketing alliance with one of the larger companies in order to take advantage of their market presence and product development capability.<sup>1137</sup>

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<sup>1135</sup> c.2001, Ngati Rehia proposal for feasibility research and development of export licensed seafood processing plant, Supporting Papers, p.92

<sup>1136</sup> 25 March 2002, Resource Management (Aquaculture Moratorium) Amendment Act 2002, Public Act 2002, No.5.

<sup>1137</sup> 24 Sept 2002, 'A Feasibility study on establishing a mussel processing plant', commissioned by Ngati Rehia, Supporting Papers, p.108

By this stage, the local community were also becoming aware of Ngati Rehia's plans. A newspaper reported that Ngati Rehia's hopes of a joint venture with an aquaculture company would see the construction of \$6.4 million mussel processing plant and the creation of about 150 jobs for local people. Mike Fabish and his company (FCS) were said to have identified the Bay of Islands as the preferred site to farm green lipped mussels and Fabish was described as being delighted that Ngati Rehia were keen to join forces and move ahead with the project. It was expected that the planning process that was underway would take several years and involve the Northland Regional Council (NRC), Ministry of Fisheries and the Far North District Council (FNDC). Waipapa was being considered as a possible option for the factory. It was reported that the consortium had been working on the proposal since 1999 and Ngati Rehia had already commissioned and paid for a feasibility study. Ngati Rehia Fisheries LTD advisor, Gary Poole had told the reporter that, "...Green Lipped Mussels were unique to NZ and were a growing success story. The project was viable and would foster economic development of Ngati Rehia, using their own marine resources in a sustainable way." One of the Northland Regional Councillors described proposal as "...one of the most exciting opportunities for the people of the Far North". The location of the mussel farms depended on the identification of Aquaculture Management Areas, which were being considered by the NRC at that time and the lifting of the Government moratorium on marine farm applications. A Department of Conservation spokesman was quoted as saying that the project had a bright future. He further commented that "...when parts of the ocean were used for commercial activities, a balance could be created by development of Mahanga Mataitai (designated customary areas) to restore the natural values of the ocean." <sup>1138</sup>

On 27 August 2003, further information regarding Ngati Rehia Fisheries Ltd. and their plans was provided in a presentation at Whitiara Marae. The stated aims of Ngati Rehia Fisheries included fostering "economic development of our people through properly planned utilisation of our own marine resources." They also intended to plan, build and operate sustainable enterprises which would generate revenue and job creation for Ngati Rehia and stated that the wealth provided from successful enterprises would be for the benefit and self-sufficiency of all Ngati Rehia. <sup>1139</sup>

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<sup>1138</sup> c.2002, 'Multimillion dollar plan', newspaper article, Supporting Papers, p.93

<sup>1139</sup> 27 Aug 2002, Mission Statement of Ngati Rehia Fisheries Ltd. presented at Whitiara Marae, Supporting Papers, pp.96-99

Those at the marae were given further information about the agreement between Ngati Rehia Fisheries (NRF) and Mussels Far North (MFN) to develop a significant mussel farming operation and seafood processing plant to be established in the rohe of Ngati Rehia. It was commented that greenshell mussels had been selected because of their phenomenal export growth and well-established industry base. Further details were provided on the future potential of new products such as nutraceuticals and innovative export produce lines beyond standard frozen half shell.<sup>1140</sup>

At some stage, Te Runanga o Ngati Rehia made a request to Dover Samuels, the MP for Te Tai Tokerau, to help them progress their project, “We implore you to assist the people of Ngati Rehia to realise our economic plans for the future of our people in Northland”. They referred to the Crown’s appointment of Kaitiakitanga over identified coastal areas in October 2002. They sought Samuel’s support and assistance to help achieve their development vision and wanted Samuels to support fair and just processes in dealing with their aquaculture ventures. They provided Samuels with an explanation of their joint venture with MFN and explained that their resource consent applications were caught up by the Aquaculture Moratorium Act, the release of which had been delayed. They commented:

We feel the Government is sending mixed signals to us. Northland has been recognised by the Government as an economically depressed area and our people have a high level of unemployment. Ngati Rehia has worked hard on this project to provide some long-term sustainable employment for this region. A feasibility project is now completed.<sup>1141</sup>

Te Runanga o Ngati Rehia pointed out that by this stage a mahinga maataitai area had been gazetted and Ngati Rehia wished to ensure that their responsibilities under the provisions of the Fisheries Act were not eroded by the provisions of the RMA. They expressed their desire to establish their farms within the mahinga mataitai area that had been gazetted and urged Samuels to ensure that the two pieces of legislation (the Fisheries Act and Resource Management Act) would be properly integrated to allow them to pursue their vision. They requested Samuel’s support in getting them through the resource consent processes in as fair a

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<sup>1140</sup> Ibid, Supporting Papers, p.97

<sup>1141</sup> [no date] but after 2002 – TRONR to Dover Samuels, Supporting Papers, pp.120-121

way as possible. They concluded, ““We do not consider we should be held up further by the legislative delays but should be given an opportunity to proceed with our current consent””.<sup>1142</sup>

In November 2003, Dover Samuels gave a media statement supporting the joint venture between the Hapu of Ngati Rehia and Mussels Far North Ltd. Samuels commented, “I fully support Whanau and Hapu who have the drive and vision to create positive economic development models, as long as things are done right, this means having the right people in place to drive these initiatives”. By this stage the Bay of Island sites for Ngati Rehia’s proposed venture had been identified as including two blocks of mussel farm incorporating 72 hectares south of the headland between Rangihoua Bay and Whale Bay and another 40 hectares on the south side of Moturoa Island. It reported that once developed the mussel farm would support local land-based factory, which was expected to employ up to 70 people. While the business case for the factory had been completed the final location for the factory had not been decided at that time. The first step was to get the farm application through the resource management process. Dover Samuels concluded, “This is a chance for Maori to help themselves and develop a strong future for the youth in the region, it will also demonstrate that development and conservation can co-exist””.<sup>1143</sup>

A second round of Aquaculture Consultation began in Kaitaia on 1 December 2003. The Northland Regional Council had the task of identifying areas where marine farms might be based once the national freeze on new marine farm development expired March 2004.<sup>1144</sup>

On 31 January 2004, Te Runanga o Ngati Rehia wrote to Parekura Horomia, the Minister of Maori Affairs to follow up on issues raised at a meeting regarding the Seabed and Foreshore on 20 December 2003. Te Runanga o Ngati Rehia informed the Minister of the mussel farm and processing plant that they were working on as part of the development of an economic strategy. They explained to him about their company NRF and the joint agreement with MFN and commented that they had worked on this project for two years prior to the Aquaculture Moratorium being introduced. They pointed out that NRF had committed considerable time and finance into the project to date and were continuing to do so as the Northland Regional

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<sup>1142</sup> Ibid

<sup>1143</sup> November 2003, ‘Samuels Supports Aquaculture Developments’, Media Release, Supporting Papers, p.94

<sup>1144</sup> 14 November 2003, Media Release, Supporting Papers, p.95

Council proceeded with its AMA's planning exercise. They emphasised the importance of this project to Ngati Rehia as follows:

This is a business opportunity that is fundamental to the future of our people...The importance of this venture is to establish a viable business and sustainable economy to support the benefits for Maori and the wider community, in order to promote economic self-development in Northland.<sup>1145</sup>

The following month on 24 February 2004, the Minister of Maori Affairs replied to Te Runanga o Ngati Rehia commenting that he understood their frustration in relation to the moratorium on aquaculture in the coastal area that was in place at that time. However, he expressed optimism about the future and conveyed his support in regards to the intentions of Ngati Rehia as follows:

I am confident that the aquaculture reforms which are currently being progressed will provide fairer and more certain processes for the development of aquaculture and will secure the platform for economic opportunities in this important area of the seafood industry.

I support the intention of your endeavours, which I understand is to ensure that the Runanga has a strong economic platform for economic and social development. Although it is not appropriate for me to personally support your proposals, I endorse the work you have undertaken to date and wish you success in the future.<sup>1146</sup>

On 30 March 2004, Te Runanga o Ngati Rehia received a further letter from the David Benson-Pope, the Minister of Fisheries that was also responding to their 31 January letter to Horomia. The Minister of Fisheries expressed his strong support for Ngati Rehia's commitment to building a business that will promote economic self-development but indicated he could not give specific support as his role demanded he remain impartial. He commented on the review of the legislative framework that was underway and noted that the proposed new framework gave councils responsibility for identifying and earmarking areas for aquaculture development. He pointed out that if approval was given to them it would be one of the first attempts to commercially farm mussels in the Bay of Islands. He also provided

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<sup>1145</sup> 31 January 2004, TRONR to Minister of Maori Affairs, Supporting Papers, p.109

<sup>1146</sup> 24 February 2004, Minister of MA to TRONR, Supporting Papers, p.119

some advice on testing growing conditions; determining best farming and harvesting practices and designing the packhouse to match mussel supply from the farm.<sup>1147</sup>

Meanwhile, on 9 February 2004, a further request for support for the project had been emailed to Dover Samuels. The Ngati Rehia representative commented that it was hoped that as Samuels was Associate Minister for Regional development, the kaupapa of Ngati Rehia for the proposed Mussel farm in the Bay might get some extra attention and support for all the reasons that the government was advocating at that time.<sup>1148</sup>

The initial moratorium on aquaculture applications was extended until December 2004. During 2004, an Aquaculture Reform Bill was being drafted. Under the proposed new law Regional Councils would have the responsibility to create Aquaculture Management Areas (AMAs) and to allocate water space within them. Before the moratorium was lifted, the Northland Regional Council were required to have AMAs in their district identified.<sup>1149</sup> In the lead up to this occurring, however, several interest groups began to raise a protest against marine farming.

On 12 March 2004, the *Bay Chronicle* reported on a meeting held in Kerikeri in relation to marine farms. It was noted that:

A charged meeting in Kerikeri this week, called by the Bay of Islands Action Group, voted over-whelmingly to oppose any further development of marine farms in the Bay of Islands...

...The meeting, attended by about 120 people, further resolved to ask the Far North District Council to object to the Northland Regional Council about putting Aquaculture Management Areas (AMAs)<sup>1150</sup> in the Bay of Islands.<sup>1151</sup>

It was noted that guest speaker, Northland Regional Council deputy chairman, Peter Jensen, said that two parties had already indicated interest in establishing substantial marine farms off-shore and the council expected a number of applications when the present Government

<sup>1147</sup> 30 March 2004, Min of Fisheries to TRONR, Supporting Papers, pp.100-101

<sup>1148</sup> 9 February 2004, NR to Dover Samuels – email, Supporting Papers, p.110

<sup>1149</sup> 12 March 2004, 'The Background', *The Bay Chronicle*, p.2.

<sup>1150</sup> An AMA is an area zoned specifically to allow for marine farms – no new aquaculture will be allowed if it is not inside an AMA. AMAs will be defined, mapped and described in the regional coastal plans developed by each regional and unitary council. A resource consent is required for every marine farm in an AMA. [Information from Ministry of Environment Website.]

<sup>1151</sup> 12 March, 2004, 'Big NO for marine farming in the Bay', *The Bay Chronicle*, p.1.

moratorium was lifted in December. Jensen stressed that no decision had yet been made and he invited community input:

“We are faced with a complicated issue in which we play a key role in economic development while we are also guardians of the environment. How to allocate spaces is a total mystery. We require Government to give us a workable formula.”<sup>1152</sup>

One tourism operator speaking from the floor contended that it was tourism they should be looking to in terms of long-term gain and maintained that marine farming was in conflict with the values and vision which enhance tourism.

As noted above, by this time Ngatirehia Fisheries Ltd and Mussels Far North Ltd in partnership already had lodged a marine farming application for two tracts of water in the Bay of Islands but progress had been halted by the moratorium put in place in 2002. Therefore, at the Kerikeri meeting, Nora Rameka spoke as follows:

“We have lived here all our lives and we have not seen any of this money (from tourism). This is our chance and we have been working on it since 1999. Our parents and grandparents farmed oysters but they were rock oysters then and they worked for the Crown. The jobs offered will be for all of us. We have listened to your concerns and now invite you to our marae because you have not heard the other half. Let’s work on this together”.<sup>1153</sup>

The Far North Mussels Ltd Managing Director Mike Fabish then spoke and indicated that the two blocks had been chosen because they were good growing sites.

The article noted that a second Bay of Islands Action Group meeting was held during the week, this time at Paihia, which was also attended by about 100 people and resulting in a large majority supporting the resolutions of the Kerikeri meeting.

The Editorial comment in the same newspaper congratulated the Bay of Islands Action Group for taking a stand on the contentious issue and generating robust debate in the early stages of establishing Aquaculture Management Area (AMAs). However, the editor pointed out that the meeting was not well chaired and that those who wished to express different views to those

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<sup>1152</sup> Ibid.  
<sup>1153</sup> Ibid.

promoted by the Bay of Islands Action group were cut short. As a result, the meeting failed to get the full story. The editor pointed out that Ngati Rehia and their partner Mussels Far North might have given a different view at the meeting had they been given the chance. The editorial comment (which was titled “seeking balance”) went on to provide further information from the Mussels Far North managing director, Mike Fabish which had not been heard at the meeting:

“Mussel farming is not an activity that requires exclusive use of an area of water to the exclusion of any people *per se*. Our Coromandel experience is that mussel farms are magnets for snapper and the mussels farms at Wilson’s bay are one of the prime fishing localities in the Hauraki Gulf. We as farmers encourage this activity.

“Our method of mussel farming is a semi-submerged, single backbone system we have developed that assists our ease of farm management but additionally minimises the visual impact of the farms from shore. In the Firth of Thames, unless it is a calm windless day, the farms cannot be readily seen from the shore at all. Mussel farming is an environmentally beneficial activity and modern farming methods allow for the ready removal of mussel farms without leaving any long-term discernible effects on the benthic environment.<sup>1154</sup>

Fabish pointed out that all mussel farmers were required to comply with the Mussel Industry Operating Code of Practice which ensured that they were good corporate neighbours and sensitive to the needs of environment. He noted that the industry needed the cleanest water available in their strictly monitored activity in order to maintain export-licensing approvals. Further to this he indicated that marine farming is monitored by local health authorities, district and regional councils and various ministries. Fabish concluded:

“We ask that when considering our proposal and the placements of AMAs by the Northland Regional Council, the people of the Bay of Islands be fair-minded in their considerations. This venture can benefit all the local people, not just those with new jobs.”

He added “... The floats of marine farms upon the ocean are surely no more offensive than sheep or pine trees upon the hill side. Marine farms are the orchards of the sea and tourists are interested in what we do.”

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<sup>1154</sup> 12 March 2004, Mussels Far North managing director, Mike Fabish, quoted in Keri Molloy, Editorial Comment, ‘Seeking Balance’ in *The Bay Chronicle*, p.2; see also c.2004, Report from Mike Fabish of Mussels Far North Ltd, Supporting Papers, pp.102-105

Before you take a stand, at least seek balance.<sup>1155</sup>

Within the same edition of the *Bay Chronicle* a further article mentioned the lobbying by the Bay of Islands Action Group which was calling on local residents to oppose the establishment of any further marine farms in the Bay of Islands. This group maintained that the Bay of Islands was a fragile eco-system, containing estuaries that depend on unimpeded flow of tidal waters to move silt loaded storm run-off to sea.

On 28 April 2004, the Chairman (Remarie Kapa) and Secretary (Nora Rameka) of Te Runanga O Ngati Rehia wrote to the Prime Minister, Helen Clark to seek an urgent meeting with her to request her direct intervention and assistance. The letter described how in 2000 Ngati Rehia set out to establish forestry, fisheries, housing and tourism ventures which it was hoped would lead to the economic development, independence and self-determination of their people. However, Ngati Rehia found that they had "...directly hit a stone wall which has been place before us by an inherently unfair, unbalanced and biased post-colonial system".<sup>1156</sup>

... For generations our people have gathered, nurtured and harvested kai moana including the native greenlipped mussels that grow abundantly in our rohe the Te Puna inlet of the Bay of Islands. Looking around the rest of the country, we saw how commercial companies have benefited and grown wealthy from developing the native green mussel industry into the second largest seafood export. Although the spat for these mussels comes from Tai Tokerau, it could not escape our notice that we had missed out to Marlborough, Coromandel and other areas where predominately Pakeha commercial operators had been allowed to set up vast farming areas.

We did our homework. We did everything by the book and did it correctly. We commissioned professional feasibility studies which took a hard look at commercial viability, costs, cashflow, siting, resource management requirements, markets, management, and multiple issues. Some of this work was supported by government departments, and for good reason - the economic self-development of Maori. We held hui, we held community consultations, we planned, we struggled, we voluntarily worked long and hard.<sup>1157</sup>

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<sup>1155</sup> Ibid

<sup>1156</sup> 28 April 2004, Remarie Kapa, Chairman and Nora Rameka, Secretary, Te Runanga o Ngati Rehia to NZ Prime Minister, Helen Clark.

<sup>1157</sup> Ibid

The Ngati Rehia representatives provided information on the setting up of their venture and lodging of applications in 2000 and the imposition of the moratorium. Following this they waited patiently and went through the required processes:

...We went through the hearings, the consultations and all the rest of it according to the rules. Then, very recently we were caught by surprise and dismayed to see the level of orchestrated political opposition mustered by the wealthy landholders and yachting fraternity to native greenlipped marine mussel farming in the Bay of Islands. To make a long story short, the prejudiced staff recommendations of the flawed AMA process have completely excluded our project from any possibility of even consideration. The reasons given in their report were spurious, inaccurate and the process was clearly flawed, and lacking in integrity.

We are severely disadvantaged and it would be impossible for the Tangata Whenua to match the might of the wealthy landholders and yachting enthusiasts who would seek to stop our project for economic self-development dead in its tracks. What we do have on our side, however, is natural justice and absolute dedication that will allow us to persist and eventually prevail in the face of overwhelming odds.<sup>1158</sup>

This process was noted by the Ngati Rehia representatives to be flawed and to have substantial consequences for Ngati Rehia as follows:

...The flawed process by which the AMA areas were recommended and which will be rubber-stamped by the nod-nod-wink-wink confirmation of the Regional Council of flawed staff recommendations would scuttle our project. This cannot and will not be allowed to stand.

The potential consequences of such an unfair and devastating outcome should not be underestimated. To add further injury, this has come at time when our people feel such rising anger at the confiscation of our ancestral rights and resources guaranteed in Article II of the Treaty of Waitangi. Is it any wonder that our young people are talking of civil disobedience? Here, we have had a pending application in the pipeline for over four years and which was first delayed by moratorium and then eliminated by stealth.

It would seem that every time our people attempt to move forward, we get kicked in the teeth. In the present instance, the stakes are high. How could we sit back and allow this to happen as we watch all our struggle and hard work wash away with the tide?<sup>1159</sup>

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<sup>1158</sup> Ibid  
<sup>1159</sup> Ibid

They asked the Prime Minister for redress and for her direct help.

...Please advise your officials that we do not want placating words or to be diplomatically fobbed off to other ministers or portfolios. We know we risk being accused by demagogues of requesting 'special treatment' but all we want is the natural justice which is being denied. At such times it is necessary and appropriate that we turn to the Prime Minister for redress.<sup>1160</sup>

They indicated that that they hoped to meet with the Prime Minister in the near future.

On 31 May 2004, David Benson-Pope responded to Te Runanga o Ngati Rehia on behalf of the Prime Minister as the matter fell within his portfolios as Minister of Fisheries and as Associate Minister of the Environment. He emphasised that resource consent applications would not be accepted by the Council in areas outside of AMAs. He pointed out that the NRC had undertaken several consultation rounds as part of process of setting up AMA. It had sought proposals from industry and others for potential AMA sites, and had shortlisted the 125 proposals down to 19 which were to be taken further. The Minister referred more directly to the Council's decision as follows:

In making its decision the Council considered that some of the area you were interested in would have adverse effects on the ecology and the recreational use of the area and would impede navigation. Designating AMAs will always be a balancing act between the needs of the aquaculture industry and others who value an area for different reasons. I am confident that the Council has worked hard to involve the community and balance the range of needs.<sup>1161</sup>

The Minister outlined a number of potential future options for Ngati Rehia:

- Request an expanded AMA from the Council prior to the plan change being notified;
- Seek resource consent for marine farming in an approved AMA elsewhere;

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<sup>1160</sup> Ibid

<sup>1161</sup> 31 May 2004 – Minister of Fisheries to TRONR, Supporting Papers, pp.117-118

- Seek a private plan change on your proposed sites. However, the Council can reject this request if it dealt with a similar proposal in the previous two years. You will still need to go through the public consultation process and obtain resource consent
- Seek to have the Council progress some additional areas as AMAs at a later date.<sup>1162</sup>

He recommended that Te Runanga o Ngati Rehia should continue to talk to the Council to find a way forward.

Meanwhile, on earlier in the month on 11 May 2004, Dover Samuels had written to Mark Farnsworth, the CHO of the Northland Regional Council regarding the allocation of AMAs. He commented that “Sustainable development encourages our people to be innovators and to use the comparative advantages that our regions offer in order that as regions, we can find ways to grow both economically and socially”. In the light of this, he expressed his disappointment that the application made by representatives of Ngati Rehia had been declined and their area zoned as E – not to be considered further. Samuels had viewed the public submissions and pointed out that it appeared that the only opposition came in the form of objection by virtue of recreational use of these areas by the local yacht clubs. He further expressed his dissatisfaction with the result as follows:

I am disheartened and disappointed that an opportunity such as this may be lost. The Ngati Rehia mussel farm proposal, which has taken two years to be developed and which I fully support, has positive implications for sustainable economic development, sustainable social development where aspects of health and employment issues can be addressed, and this was the kind of proactive action government wants to see promoted in Northland.

I believe the application offers sustainable economic and social benefits for the local district, as well as Ngati Rehia, which outweigh the inconvenience caused to recreational users. I believe that solutions can be found to ensure the area has its recreational and economic and social development advantage maintained.

I believe this raises an issue about whether the NAC is making a recommendation to the NRC that dismisses the contribution of aquaculture to Northland’s social and economic future and, in turn, the contribution this project can make.<sup>1163</sup>

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<sup>1162</sup> Ibid

<sup>1163</sup> 11 May 2004, Dover Samuels to Mark Farnsworth, CHO of the NRC, Supporting Papers, pp.111-112

Despite the activity during 2004, it appears the matter went into abeyance the following year. The Runanga became concerned “that no further information as to the proposed plan changes was forthcoming” whilst the Northland Regional Council awaited the outcome of the Aquaculture Reform Bill.<sup>1164</sup> Later information suggests that during 2005 NRFL were allocated 36 hectares but this was viewed as not enough to establish a viable business.<sup>1165</sup> In the meantime, at some time around August 2005, Te Runanga O Ngati Rehia wrote a letter to the Editor in response to an article written on 2 August in the *Northern News and the Chronicle* headed “Do we really need more marine farms?” The Runanga commented on Ngati Rehia’s marine farming application:

The Hapu of Ngati Rehia considers it as our right as Kaitiaki to utilise the resources that we have been denied through law and different legislative means.

The proposal of a Mussel farm was one viable economic proposal for our hapu and also meant it was in our own backyard.

It appears to us again that one section of the community again wants to sway the public to oppose to the detriment of the hapu / iwi with serious social economic implications for Northland.

The yachting fraternity has a wealth of resources to rally around noisily to influence and politically threaten council members. Much song and dance was made in 2004 they had gathered 3500 odd signatures, those signatures were in fact very odd as they were gathered as a result of an advertising campaign containing categorically false information, and were given prior to the signatories having had the opportunity to hear the other side of the argument.

That petition in Ngati Rehia opinion is therefore invalid, a contention certain to be supported at any judicial review.<sup>1166</sup>

The letter commented on the article’s inclusion of what were viewed as ‘false arguments’ that marine farms were unsightly and were navigation hazards that silted up and ruined bays. They also pointed out that pictures used in the article showed oyster farms which did not portray the true image of the marine farming of mussels:

<sup>1164</sup> 24 March 2006, Chairman of Te Runanga o Ngati Rehia, Remarie Kapa, Submission by Te Runanga o Ngati Rehia in relation to ‘Northland Regional Council Draft Coastal Plan Change 4 (Policy and Regulatory Regime for AMAs).

<sup>1165</sup> 3 May 2009 –Comments by TRONR on Draft Northland AMA project plan, Supporting Papers, pp.113-116

<sup>1166</sup> Te Runanga O Ngati Rehia, Letter to the Editor.

For the hapu of Ngati Rehia the biggest threat to the Bay of Islands is not Marine farming, but the sewage that is being pumped into our sea.

The benefits of a Mussel farm for the hapu of Ngati Rehia is not for the few but for the hapu / iwi / whanau and all the people of NZ.<sup>1167</sup>

### *iii. Dealing with Planning Requirements*

In the meantime, the Northland Regional Council (NRC) had determined that the invited private plan change (IPPC) approach set out in the Resource Management Act 1991 was to be the primary mechanism for the establishment of AMAs in Northland. Under this approach the NRC would invite by public notice any person to submit a plan change request to establish an AMA. The NRC chose not to exclude areas (these are areas where invited private plan changes cannot be made) in Northland. Under this process the private party funds the cost of the planning process up to the point at which the council formally adopts the plan change. Following the establishment of an AMA through the plan change process, the RMA requires that a further coastal permit must be obtained to undertake the aquaculture activities within the AMA.

On 24 March 2006, Chairperson Remarie Kapa completed a submission on behalf of Te Runanga O Ngati Rehia in relation to the Northland Regional Council Draft Coastal Plan Change 4 (Policy and Regulatory Regime for AMAs). This submission was made in response to a request by Northland Regional Council (NRC) for public input to a draft Plan Change to the Coastal Plan to introduce a new policy and regulatory regime for Aquaculture Marine Areas (AMAs).

Information regarding the background to Ngati Rehia's interests in this area was provided as follows:

Ngati Rehia is a Ngapuhi hapu who exercise mana moana over the seabed and foreshore between Takou Bay and Rawhiti, including and have lodged a claim over this rohe with the Waitangi Tribunal. Ngati Rehia acknowledges that there are others who also claim such status

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<sup>1167</sup> Ibid.

within this rohe and consider such overlaps as matters of shared interest rather than competing claims.

Ngati Rehia are one hapu of Komiti Kaitiaki Whakature i Nga Taonga o Tangaroa. This committee has responsibility of managing customary fisheries issues within the gazetted rohe moana. Ngati Rehia's tangata kiatiaki tiaki [sic] are statutorily recognised by the Minister of Fisheries as having tangata whenua status within their rohe moana.<sup>1168</sup>

Kapa presented information on the history and ongoing involvement of Ngati Rehia in fisheries management within this rohe. The establishment of oyster reserves for Maori in 1910, in which Ngati Rehia had played a key role, was suggested to be “arguably the earliest AMA in the country.”<sup>1169</sup> In addition, the history of Ngati Rehia's marine farming application was presented. The expected benefits and opportunities that were hoped to be generated from this proposition were noted as follows:

... The joint venture considered that such a programme could be established with no more than minor environmental effects while generating significant social, cultural, economic and environmental benefits. TRONR saw this as a key opportunity to enter into a sustainable business with a responsible partner that maximised their natural asset base while generating employment and career opportunities to attract Ngapuhi families back to their ancestral kaianga.<sup>1170</sup>

Te Runanga o Ngati Rehia further commented on the process leading up to the present Draft Plan Change:

Without further consultation NRC has now announced a totally new direction for providing for AMAs, namely those in its draft Plan Change 4. TRONR are concerned that no consultation or information was provided in respect of this new proposal prior to Plan Change 4 being announced. TRONR also note that this submission does not comprise a full analysis of the proposal – such analysis would require greater resources than those currently available.<sup>1171</sup>

Despite not having resources to complete a full analysis Te Runanga o Ngati Rehia made a range of specific comments in relation to Draft Plan Change 4. It was noted that while

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<sup>1168</sup> 24 March 2006, Chairman of Te Runanga o Ngati Rehia, Remarie Kapa, Submission by Te Runanga o Ngati Rehia in relation to 'Northland Regional Council Draft Coastal Plan Change 4 (Policy and Regulatory Regime for AMAs).

<sup>1169</sup> Ibid

<sup>1170</sup> Ibid

<sup>1171</sup> Ibid

growing social and economic benefits of aquaculture had been identified by the Council there was a failure to also identify the cultural and environmental benefits.<sup>1172</sup> It was also felt that the proposed plan did not take into account or allow for Maori developmental issues:

This proposal is made at the expense of small operators and cultural interests. For Maori, iwi authorities empowered with Treaty settlement assets are likely to be the only groups capable of financing such an initiative. This means that hapu will be required to either risk significant land or financial assets or to enter into joint venture operations with a dominant financial partner to proceed with any proposal.<sup>1173</sup>

Te Runanga o Ngati Rehia questioned the process that had been used in formulating the draft plan noting that recent amendments to the RMA provided for greater provision to be made for iwi and hapu at the “front-end” of local authority decision-making processes. However, this proposal had been put forward without any consultation with Ngati Rehia or other hapu. Te Runanga o Ngati Rehia expressed concern that they wanted to ensure they were involved in further processes to progress this proposed plan change before the proposal was taken further. In conclusion Te Runanga o Ngati Rehia made the following comments:

TRONR appreciates the opportunity to make submission to the documents provided by NRC. While we acknowledge that NRC has offered to meet us in regard to its proposals, we also note that this meeting will occur after the close of these submissions – this is unfortunate. TRONR has attempted to participate to the extent of its resources in the various processes NRC has initiated regarding aquaculture over many years. We would like to see far greater clarity as to how the participation of Ngati Rehia and all other hapu are to be included in future process before this proposal is taken further.<sup>1174</sup>

Also on 24 March 2006, Ngati Rehia Fisheries Limited (NRFL) sent in a submission to the Northland Regional Council on Draft Coastal Plan Change 4. Explaining their joint venture with Far North Mussels Limited to develop aquaculture, NFRL wanted to know how such applications would be dealt with under the proposed plan.<sup>1175</sup> Overall NFRL were...:

... disappointed that their application remains on hold while the Council proposes another plan to manage AMA’s in the region. There

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<sup>1172</sup> Ibid

<sup>1173</sup> Ibid

<sup>1174</sup> Ibid

<sup>1175</sup> Ibid

is no information within this proposal that acknowledges the applications currently before Council, and the transfer of the costs of an application for both a plan change and a resource consent application to applicants without any guarantee of a successful outcome will appear to be a significant barrier for applicants and particularly hapu and iwi applicants.<sup>1176</sup>

Within this context, Te Runanga O Ngati Rehia wrote to Te Ohu Kaimoana regarding assistance with a risk assessment in relation to proceeding with a venture they were involved in. In addition to the complications arising from the NRC's coastal planning process, there was the rising matter of Treaty fishery settlement assets to consider. Ngati Rehia were unsure whether to proceed with their application in its current position, and under the current plan or wait further for NRC to clarify its approach the management of marine farming.<sup>1177</sup>

In short we are finding it difficult to assess the risk of proceeding with a farm in this site and would appreciate some assistance with this prior to making the significant financial commitment to proceed.<sup>1178</sup>

...On the basis that we have already contributed significant time and resources into investigating the best option within our rohe for the farm to be located and given the above assessment, we would then appreciate help in preparing a suitable AMA application.

Again there seems to be conflicting information as to what is required for an AMA application as opposed to a resource consent application.<sup>1179</sup>

On 27 October 2006, the NRC wrote to Te Runanga o Ngati Rehia informing them that the following day the NRC would publicly notify Proposed Change to its Regional Coast Plan. They advised them of a Resource Management Act process which allowed formal adoption of Proposed Plan Change 4 (Policy and Regulatory Regime for Aquaculture Management Areas) into the Regional Coastal Plan and set the stage for invited Private Plan Changes (IPPC) from industry. The NRC encouraged Te Runanga o Ngati Rehia to make submissions on both.<sup>1180</sup>

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<sup>1176</sup> Ibid

<sup>1177</sup> Te Runanga O Ngati Rehia proposal to Te Ohu Kaimoana.

<sup>1178</sup> Ibid

<sup>1179</sup> Ibid

<sup>1180</sup> 27 October 2006 – NRC to TRON, Supporting Papers, pp.106-107

On 13 June 2007, the General Manager of the Takutai Trust<sup>1181</sup>, a Maori Commercial Aquaculture Settlement Trust, wrote to Te Runanga o Ngati Rehia regarding the Marine Farm Application. Takutai Trust had met with representatives from Ngati Rehia at Whitiara Marae in September 2006. At this meeting Ngati Rehia had shared information regarding the joint aquaculture venture. Takutai Trust now prepared a provisional response to explain key aspects of the aquaculture reforms and to provide Ngati Rehia with information for going forward. They recommended the engagement of independent commercial and legal advice on these issues. Takutai Trust suggested that there were some key questions the proposals that needed to be considered. They noted that the successful outcome indicated by the feasibility study depended on establishing markets, favourable exchange rates and prices and access to sufficient quantity and quality of product.

A further key issue was the planning process. The Northland Regional Council (NRC) had determined that the invited private plan change (IPPC) approach set out in the Resource Management Act 1991 was to be the primary mechanism for the establishment of AMAs in Northland. A major risk considered was the high potential for public opposition that increased the risk of litigation and associated costs. Takutai Trust understood that many of the submissions received by the NRC opposed aquaculture development. It was pointed out that there was the risk that the MFN would not gain approval for the whole area and indeed there was no certainty that the area would be approved as an AMA. The potential involvement of the Environment Court was also raised. It was noted that there would be further costs involved in further research to fulfil council information requirements before notifying a plan change around application sites.

Finally, developments that had occurred in relation to Treaty fisheries settlement assets meant that the Trust now favoured consideration for marine farming be done as a pan-hapu or even pan-iwi approach rather than by specific hapu.<sup>1182</sup>

In 2009, around a decade after Ngati Rehia had commenced on their project to farm and process mussels they continued to be frustrated and disappointed by the ongoing obstacles they faced and expressed a desire to have more inclusion in the decision-making about coastal

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<sup>1181</sup> Te Ohu Kai Moana Trustee Ltd is the corporate trustee for the trust that initially receives settlement assets under the Maori Commercial Aquaculture Claims Settlement Act 2004 (the Aquaculture Act). Takutai Trust is the working name of that trust.

<sup>1182</sup> 13 June 2007, General Manager of the Takutai Trust, Laws Lawson to Nora Rameka, Te Runanga o Ngati Rehia.

activities within their rohe. On 3 May 2009, Te Runanga o Ngati Rehia commented on the Draft Northland AMA project plan. They pointed out that as tangata whenua, kaitiaki and a Treaty partner, they sought to be included as one of the parties to participate in changes to create AMAs. Te Runanga o Ngati Rehia raised a number of concerns in regards to the Plan Change No.4. They noted that there was no process in the plan that described how areas of interest or significance to Maori would be identified or who would be consulted to provide this information. Furthermore, the plan did not explain how their application would be dealt with in respect of this allocation or how NRC policy promoting social and economic benefits for Maori are to be provided for. They commented that the draft plan focused on the development of oysters and finfish and identifying aquaculture locations suitable for both. They submitted that mussels should be included in the range of species to be farmed within the AMAs identified, enabling Ngati Rehia to continue with their planned venture.<sup>1183</sup>

Ngati Rehia's primary concern with Plan Change 4 was the absence of a process that would determine how areas of special significance to Ngati Rehia will be identified and protected where necessary. They asked for a closer liaison with the Ministry for the Environment to work on these issues:

We ask that Ministry for the Environment work closely with TRONR to develop processes and procedures that will help identify places of significance to Ngati Rehia. Once these processes are in place, TRONR and Ministry for the Environment will be better placed to determine how these areas will be treated and utilised if appropriate.

TRONR wish to promote and enhance the relationship between Ngati Rehia and the Government and its agencies. This relationship should be based on mutual trust and respect. Given our status as tangata whenua, kaitiaki and Treaty partner, we submit that Ngati Rehia be given the opportunity to actively participate in aquaculture planning and the decision-making process, as these decisions will have a major impact on our hapu, values and taonga. TRONR will consider requests to participate in such processes in a collective forum of other tangata whenua on a case by case basis.<sup>1184</sup>

Te Runanga o Ngati Rehia commented that they supported the concept of marae-based aquaculture provided that the space for it is in addition to AMA space allocated for commercial activities. In their view government policy regarding marae-based aquaculture

<sup>1183</sup> 3 May 2009 –Comments by TRONR on Draft Northland AMA project plan, Supporting Papers, pp.113-116

<sup>1184</sup> Ibid

needed to involve Ngati Rehia and Ngapuhi in general before a decision is reached. They also expressed their dissatisfaction and disappointment with the process they had experienced in relation to their project.

As TRONR has been engaged in this process for a number of years, it is frustrating that we continue to face further delays and uncertainty. The fact that it has been almost a decade with no result is hugely disappointing. Even at the end of this process, despite all our efforts, there is no guarantee that we will be allocated aquaculture space.

TRONR consider that it has been unfairly treated in the debate and moratorium on aquaculture. Aquaculture is not a new science for Ngati Rehia. We still own the district's first AMA, the Maori Oyster area at Te Tii Mangonui, although NRC has failed to provide it formal AMA protection to date. However, despite these setbacks and concerns, TRONR looks forward to working with MfE and NRC to ensure a fair, robust and speedy result for all involved.<sup>1185</sup>

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<sup>1185</sup> Ibid

## **E. THE RUNANGA OVER THE LAST DECADE**

This Section of the report has examined the ways in which Ngati Rehia, often through the use of their Ruanga as a vehicle, have undergone a long process of gaining recognition of their role and position as tangata whenua and kaitiaki within their rohe. In this they largely have been successful. Of greater difficulty has been translating this recognition into support for the various economic initiatives which from time to time have been explored.

In the last decade, the Runanga has continued its work. In this final subsection, two areas in which the runanga have become involved in providing comment are described from the documentation which it has submitted - environmental management and the debate over the foreshore and seabed.

### *i. Environmental Management Plan 2007*

During 2007 Ngati Rehia developed an Environmental Management Plan that outlined their objectives on a broad range of issues within their rohe. The practical steps that Ngati Rehia were taking or intended to take to enable the development of a sustainable economic social and cultural base for the continued growth of their hapu were summarised and the Plan also examined the past obstacles and the ongoing challenges they faced in achieving these goals.

Ngati Rehia acknowledged that their interests overlapped with other Ngapuhi hapu. This overlap came from the closeness of their relationships, and their shared histories in terms of whakapapa, marriage, alliances and conquests. Ngati Rehia commented that in regards to their Kaitiaki responsibilities, these shared interests provided real opportunity for collaboration within and between hapu. Ngati Rehia's objective was to work with all tangata whenua for the common good for their environment.<sup>1186</sup>

It was emphasised that Te Runanga o Ngati Rehia had the objective of developing a sustainable economic, social and cultural base for the continued growth of hapu and whanau. Their intention was to strengthen, develop and promote Te Reo, Whakawhanaungatanga,

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<sup>1186</sup> Environmental Management Plan 2007.

Tikanga, Mahi-a-Rehia and Wananga. At that time, their core focus was on Treaty claims and Kaitiakitanga, as well as social and economic development.<sup>1187</sup>

The Environmental Management Plan also attested that Te Runanga o Ngati Rehia would advocate for and support all initiatives to preserve, retain and enhance the matauranga and tikanga of kaitiakitanga and ensure that the knowledge was passed on to their mokopuna. Te Runanga o Ngati Rehia intended to establish a hapu pataka of Ngati Rehia matauranga and to work with TRAION to establish an electronic GIS based pataka of silent files.<sup>1188</sup>

Part of Ngati Rehia's vision was that the manaaki their mokopuna showed to all manuhiri when they visited their "vibrant marae" would "include koura and paua and scallops customarily harvested under a sustainably managed fishery from oceans unpolluted by poor land use practices".<sup>1189</sup> Te Runanga o Ngati Rehia acknowledged that as kaitiaki ahi kaa and tangata whenua they needed to do all they could to ensure their mokopuna inherited the best options they could provide for them. They commented that for Ngati Rehia to fulfil these responsibilities it would take both the ahi kaa who maintained the mana of the hapu at home as well as those of their whanau who had moved further afield to provide tautoko, awhi, fresh ideas, skills learning and a global perspective. They commented that if a sustainable future was to be left for children and they were to take up their responsibility as kaitiakitanga, then one of the major challenges they faced was how to provide sufficient incentives for them to remain as ahi kaa in the modern world."<sup>1190</sup>

The ongoing difficulties faced by Ngati Rehia in providing a sustainable economic future for their hapu were outlined as follows:

The future development of Ngati Rehia requires us as a hapu to build a strong and sustainable economic foundation. Ngati Rehia can be considered "asset rich" in terms of our heritage and locality but "capital" poor. This is an unfortunate legacy of our colonial past which has been our land holdings diminished to only remnants (and generally speaking the poorest remnants) of our traditional natural resources – land, water, forests and fisheries.<sup>1191</sup>

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<sup>1187</sup> Ibid

<sup>1188</sup> Ibid

<sup>1189</sup> Ibid

<sup>1190</sup> Ibid

<sup>1191</sup> Ibid

The economic future of Ngati Rehia was seen to be linked inextricably to their natural and heritage resources. However, it was recognised that for these to prove realistic in the long-term Ngati Rehia had to ensure that the hapu invested only in those economic activities that were genuinely sustainable over time.

It's a simple equation. If we want our people to come home from the cities we need to offer them sustainable futures: that includes vibrant marae and viable career paths with paid employment derived from clean and sustainably managed environments.<sup>1192</sup>

One of the ways that Te Runanga o Ngati Rehia planned to achieve their objectives was by establishing a permanent kaitiakitanga unit. They considered that Ahi Kaa Advisors were key in providing for the protection and participation of Ngati Rehia in the sustainable management of their rohe and taonga while providing information, feedback, transparency and accountability back to the hapu. It was commented that Ngati Rehia would consider working with responsible partners to establish sustainable joint venture businesses on a case by case basis.<sup>1193</sup>

The 2007 Environment Management Plan indicated that at that time Ngati Rehia were investigating a number of potential economic initiatives. These included:

- Forestry: TRONR were actively working with FNDC Landcare Research and other stakeholders to research this potential.
- Aquaculture: TRONR were involved in a joint venture with FNM and were continuing to pursue options for the establishment of sustainable aquaculture within their rohe.
- Heritage and Eco-tourism: TRONR advocated and supported all initiatives for Ngati Rehia to establish sustainable tourism venture within their rohe. TRONR explained that 'sustainable tourism' was where the impact of visitors and the activities, accommodation and facilities provided for them did not cause an adverse effect on our natural, cultural and heritage resources and values.<sup>1194</sup>

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<sup>1192</sup> Ibid

<sup>1193</sup> Ibid

<sup>1194</sup> Ibid

Further information was provided in regards to Ngati Rehia's relationship with Ngapuhi. Ngati Rehia was noted to be a core participant of Te Komiti Kaitiaki Whakature I nga Taonga o Tangaroa which was the Komiti responsible for the customary management of the gazetted rohe moana in the Bay of Islands. The rohe moana of Ngati Rehia comprised a significant portion of this area. Te Runanga o Ngati Rehia planned to wananga and work collaboratively with other hapu to share learning, knowledge, experiences and opportunities but Ngati Rehia reserved the right to speak on its own behalf on matters of significance to the hapu. It was emphasised that management of customary fisheries was a significant matter for Ngati Rehia and they pointed out that their customary fishing rights were a taonga guaranteed by Te Tiriti o Waitangi and held in trust for their mokopuna.<sup>1195</sup>

Ngati Rehia acknowledged that sustainable development within their rohe would need the active participation of all stakeholders and that healthy debate which included all affected and interested parties was necessary. They pointed to their longstanding working relationship with groups such as NZ Kiwi Foundation (a group which strives to protect kiwi and their habitat) but also commented that the voice of Ngati Rehia and other tangata whenua became subject to the "tyranny of majority" where their voice went from being that of a partner to that of just one of many competing stakeholders. They asserted that for that reason and to protect the customary rights of future generations of Ngati Rehia "...we will always seek to develop consultation and participation directly with the Crown and its agencies and only enter multi-stakeholder processes where the status and role of Ngati Rehia is clearly identified from the outset."<sup>1196</sup>

The 2007 Environment Management Report commented on the development pressure in the Far North as a result of the increasing desire for coastal lifestyles and expansion of the Kerikeri-Waipapa urban area. Ngati Rehia remarked that they were not by nature anti-development and referred to their history which demonstrated a proven capacity to adjust and adapt to the changing pressures around them. Nevertheless, it was asserted that, "TRONR is adamant that the cost of such future development must not be the degradation or loss of our heritage, our culture, or our environment". It was noted that Te Runanga o Ngati Rehia had an

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<sup>1195</sup> Ibid  
<sup>1196</sup> Ibid

established reputation of working with responsible developers to ensure their objectives and Ngati Rehia requirements could both be met.<sup>1197</sup>

Further information was given in regards to Ngati Rehia's relationship with government agencies; the principal ones being FNDC, NRC, DoC, MfE, MoF, HPT, MLC and TPK. Ngati Rehia considered that these agencies were components of the Crown and therefore under the Treaty were partners of Ngati Rehia in the management of their rohe and the natural, physical and heritage resources within it. Te Runanga o Ngati Rehia expressed a desire for a formal Memorandum of Understanding to be negotiated with each of the principal agencies. They also pointed out that while the various agencies' participation in the management partnership was resourced by their agency, historically the input by Ngati Rehia was not funded in this way. They asserted that this was "neither an effective nor efficient way of maintaining a partnership". Ngati Rehia stressed that they did not want to be just a stakeholder in their negotiations with these agencies:

All agencies should avoid consulting or involving Ngati Rehia in decision-making processes that see Ngati Rehia identified as just a stakeholder and not a partner in any decision-making process where those decisions affect Ngati Rehia, our heritage, culture and taonga.<sup>1198</sup>

In regards to land within their rohe, Te Runanga o Ngati Rehia maintained that all the land was ancestral. They commented that their remaining land was of marginal quality with much of it landlocked. They also referred to land being lost in the past though the restrictions placed on communal holding and rating. In regards to communal holdings, Te Runanga o Ngati Rehia considered that there was an urgent need for serious investigation into establishing the best long-term economically sustainable use of multiply owned Maori land. They also stressed that TRAION, MLC and TPK should investigate issues of succession. On the issue of rating, it was explained that historically, much Ngati Rehia land had been lost due to the inequitable rating policies of local government. Te Runanga o Ngati Rehia presented the view that there had never been full consideration given to developing an equitable rating policy that took into account the differences in Maori land as opposed to general title or considered the unique situation faced by the owners of Maori land. Over the twenty first century, the increased interest in land purchase and development, particularly in the coastal areas of the

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<sup>1197</sup> Ibid  
<sup>1198</sup> Ibid

Ngati Rehia rohe had seen a dramatic increase in the rateable value of those properties. This had increasingly led to a situation where the rate burden on Maori land was growing because of its proximity to general title land, even though the circumstances of the land owners of the Maori land had not changed. This state of affairs raised significant issues for Ngati Rehia.<sup>1199</sup>

Issues related to Ngati Rehia marae, kainga and urupa were commented on within the Environment Management Plan. Ngati Rehia recalled that in the past their kainga had been numerous and these had been utilised on a seasonal basis in relation to gardening, birding and fishing areas. The kainga that remained in Maori ownership were viewed as the obvious sites for the reestablishment of Maori communities. Te Runanga o Ngati Rehia were optimistic that papakainga would eventually be re-established on all remaining ancestral land; however, they pointed to major obstacles they were facing in relation to this including land succession, rating and development controls. One of the difficulties Ngati Rehia faced was that the siting of affordable quality housing on multiply-owned Maori land was problematic for number of agencies<sup>1200</sup>

An important issue raised in the Environment Management Plan was that Ngati Rehia had ancestral urupa throughout their rohe and, because these places were tapu, Te Runanga o Ngati Rehia considered that only tikanga should hold any weight in decisions over the management of these areas. They insisted that Te Runanga o Ngati Rehia and the marae should be fully consulted over any development or management decision by an external party affecting their marae, kainga or urupa. In regards to their urupa, Ngati Rehia emphasised that as these were tapu they were not to be subject to any adverse effect of any development.<sup>1201</sup>

The Environment Management Plan addressed a number of points in relation to papakainga. It was stressed that papakainga should be supported in order to facilitate the resettlement and re-association of tangata and whenua as a matter of right. Ngati Rehia considered that council control of papakainga should be confined to matters of health and safety and Councils should not require contributions of land in regards to the development of papakainga.<sup>1202</sup>

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<sup>1199</sup> Ibid

<sup>1200</sup> Ibid

<sup>1201</sup> Ibid

<sup>1202</sup> Ibid

*ii. Foreshore and Seabed / Marine and Coastal Area Legislation*

Ngati Rehia held strong views on both the Foreshore and Seabed Act 2004 and on the Marine and Coastal Area (Takutai Moana) Act passed in 2011. They considered that there were sections in both these acts that impacted in a significantly negative way on Ngati Rehia's relationship with their moana and their whenua. Te Runanga o Ngati Rehia was active in ensuring that Ngati Rehia's views were made known in a number of submissions on the legislation that was proposed and passed over the first decade of the twenty first century.

The passing of the Foreshore and Seabed Act 2004 under the Labour-led government ultimately led to the resignation of Tariana Turia from the Labour Party and the formation of the Maori Party. In 2009 the National-led government undertook a review of the act, as stipulated in a confidence-and-supply agreement with the Māori Party.<sup>1203</sup>

On 15 May 2009, Te Runanga o Ngati Rehia completed a submission in relation to the 2004 Foreshore and Seabed Act. They rejected the Act and commented that Sections 3 and 4 extinguished Maori rights that had been recognised by Article Two of the Treaty of Waitangi. They noted that the Act vested Ownership of the public foreshore and seabed in the Crown excluding areas that were already privately owned "most of which are in non-Maori hands. This essentially means that Maori rights are taken away, whilst the property rights of non-Maori are not". They also asserted that the Act had been passed without proper consultation and commented that it had ignored the Court of Appeal Ngati Apa decision and was denying the Maori Land Court the opportunity to determine whether any areas of foreshore and seabed were Maori customary land. Their submission raised the issue that Section 14 of the Act gave the Crown the right to sell the foreshore and seabed and therefore breached international conventions on racial discrimination and human rights.<sup>1204</sup>

Te Runanga o Ngati Rehia submitted that one alternative to the present act was that their rangatiratanga and rights over the foreshore and seabed should be recognised by the Crown and that ideally they would like to see tribal ownership of the foreshore and seabed guaranteed under national legislation. They considered that management could be shared

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<sup>1203</sup> Hickford, Mark, 'Law of the foreshore and seabed - Marine and Coastal Area (Takutai Moana) Act 2011', Te Ara - the Encyclopedia of New Zealand, updated 27-Jan-15 URL: <http://www.TeAra.govt.nz/en/photograph/46443/scrapping-the-foreshore-and-seabed-act-2004>

<sup>1204</sup> 15 May 2009, Submission on foreshore and seabed act by TRONR, Supporting Papers, p.5

between the Crown and tangata whenua and submitted that legislation should be put in place so that the foreshore and seabed could not be sold. A further alternative put forward by Te Runanga o Ngati Rehia was to allow due process and give the courts the opportunity to examine this issue as in their view they should have been able to do before the Crown intervened.<sup>1205</sup>

Te Runanga o Ngati Rehia summarised their relationship with the land and sea and explained why they considered the Foreshore and Seabed Act undermined tikanga as follows:

TRONR view the moana and our whenua as taonga. We have existed together with these taonga mai rano, and our relationship with the sea and land is built on respect and the understanding that we are kaitiaki. We view the whenua and moana almost as one, such is closeness of the relationship. Traditionally the idea that the whenua could be divided up and turned into a property right and potentially sold equally as foreign. TRONR submit that the Act, by defining the foreshore and seabed and allowing for it to be potentially sold, undermines tikanga and basically contradicts the premise of the Act which is to protect the foreshore and seabed. TRONR are against any dividing up the moana, and we feel that the Act provides an avenue for this to happen by way of section 14.<sup>1206</sup>

Te Runanga o Ngati Rehia considered the notion that if Maori gained control of the foreshore and seabed access would be denied to the general public and submitted that in their own experience access had always been provided by Maori and the roads leading to the beach had almost invariably crossed over Maori land. They provided the examples of this in Northland including Matauri Bay, Takou Bay, Tapuwaitahi and Te Tii. It was noted that: “Given our obligations of manaakitanga and the significance of customary fisheries and mahina kai, access has always been important and part of our tikanga.”<sup>1207</sup> They commented that the cases where access had been denied were commonly due to the whenua or coastline being disrespected in some way such as continued littering. Te Runanga o Ngati Rehia submitted that “... preventing access to the moana goes against our value and tikanga. The fear that access would somehow be denied to everyone is unfounded”.<sup>1208</sup> In Te Runanga o Ngati Rehia’s view the Crown had chosen to legislate based on this fear and the assumptions associated with it and therefore had made a choice to abolish Ngati Rehia’s potential property

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<sup>1205</sup> Ibid

<sup>1206</sup> Ibid

<sup>1207</sup> Ibid

<sup>1208</sup> Ibid

rights before they could be awarded. They submitted that "...this is not how Treaty partners act in good faith towards one another".<sup>1209</sup>

On 14 June 2010, Prime Minister John Key announced plans to repeal the 2004 Foreshore and Seabed Act in relation to an agreement that had been reached with the Maori Party. At that time it was reported that the National government, the Maori Party and iwi leaders had agreed a common position on the foreshore and seabed issue. The Prime Minister indicated that a bill would be drafted and the Government hoped to introduce it to Parliament in August.<sup>1210</sup> The Marine and Coastal Area (Takutai Moana) Bill was eventually introduced to Parliament on 6 September 2010 by Chris Finlayson. The first reading of the Bill was on 15 September 2010 and it was referred to the Maori Affairs Committee with submissions due by 19 November 2010.<sup>1211</sup> The Bill was also referred to a special select committee, the Fisheries and Other Sea-related Legislation Committee.<sup>1212</sup>

On 10 November 2010, Te Runanga o Ngati Rehia completed a submission on the proposed Marine and Coastal Area (Takutai Moana) Bill. Te Runanga o Ngati Rehia examined the idea of a common area proposed in the Bill which removed the idea of Crown ownership of foreshore and seabed and vested in a regime called a 'common area' which the Bill stated was not owned by Crown or any other person. Te Runanga o Ngati Rehia pointed out that one of the major grievances that Ngati Rehia had in relation to the 2004 Act was that in effect it confiscated the foreshore and seabed from Maori. In terms of the proposed Bill, Ngati Rehia asserted that "the 'common area' provision of the Bill fails to address this injustice as the foreshore and seabed is still taken from Maori. Essentially still a confiscation, the Bill simply repackages the previous provision as the result is the same".<sup>1213</sup> Te Runanga o Ngati Rehia presented the view that although the Bill stated that area was not owned by anyone, they believed that for all intents and purposes the Crown would continue to own it by way of the various controls it would have. They also pointed out that the 'common area' provision

<sup>1209</sup> 15 May 2009, Submission on foreshore and seabed act by TRONR, Supporting Papers, p.8

<sup>1210</sup> 14 June 2010, Watkins, Tracey, Stuff.co.nz, and Wilson, Peter and Ormond, Chris, NZPA, on Stuff website, <http://www.stuff.co.nz/national/politics/3808252/Foreshore-and-seabed-legislation-to-be-repeal>; see also TVONE News 14 June 2010.

<sup>1211</sup> Marine and Coastal Area (Takutai Moana) Bill, NZ Parliamentary/ Paremata Aotearoa Website, [http://www.parliament.nz/en-nz/pb/legislation/bills/00DBHOH\\_BILL10309\\_1/marine-and-coastal-area-takutai-moana-bill](http://www.parliament.nz/en-nz/pb/legislation/bills/00DBHOH_BILL10309_1/marine-and-coastal-area-takutai-moana-bill)

<sup>1212</sup> Hansard (debates) Vol:670; p17181 -[http://www.parliament.nz/en-nz/pb/debates/debates/49HansD\\_20110315\\_00000669/marine-and-coastal-area-takutai-moana-bill-%E2%80%94in-committee](http://www.parliament.nz/en-nz/pb/debates/debates/49HansD_20110315_00000669/marine-and-coastal-area-takutai-moana-bill-%E2%80%94in-committee)

<sup>1213</sup> 10 Nov 2010, Submission on behalf of NR on Marine and Coastal Area (Takutai Moana) Bill, Supporting Papers, p.1

discriminated against Maori and only applied to areas in which Maori might have an interest. It excluded the large majority of foreshore and seabed that was held by others under private title. Te Runanga o Ngati Rehia submitted that “the Bill is racially discriminatory in that it impacts specifically on Maori.”<sup>1214</sup>

It was noted that the Bill created a new customary title in the common areas that iwi and hapu could seek to have recognised in court. Te Runanga o Ngati Rehia found this provision unacceptable as follows:

The idea that Maori have to prove their use of the Takutai Moana is abhorrent to Ngati Rehia. Ngati Rehia view the moana as a taonga. We have existed together with this taonga mai rano, and our relationship with the sea is built on respect and the understanding that we are kaitiaki. Therefore the notion that Maori must prove we have continued to exercise our customary rights to the moana is unacceptable to Ngati Rehia.<sup>1215</sup>

Te Runanga o Ngati Rehia pointed out in their submission that there had been interruptions in Ngati Rehia’s use of coastal and marine areas as a result of Crown actions, and therefore it was impossible for Maori to meet the test to prove continuous use.<sup>1216</sup> It was stressed that tikanga regarding the moana continued to be practiced, particularly by coastal hapu such as Ngati Rehia.<sup>1217</sup>

In a further submission to the Special Select Committee established in relation to the proposed Marine and Coastal Area (Takutai Moana) Bill. Te Runanga o Ngati Rehia explained that the reason Maori were objecting to the whole foreshore issue was because the Bill’s purpose was to take away or extinguish tino rangatiratanga over the foreshore and seabed.<sup>1218</sup> The Marine and Coastal Area (Takutai Moana) Act was eventually passed in March 2011.<sup>1219</sup>

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<sup>1214</sup> Ibid, Supporting Papers, p.2

<sup>1215</sup> Ibid

<sup>1216</sup> Ibid

<sup>1217</sup> Ibid, Supporting Papers, p.3

<sup>1218</sup> TRONR Submission on behalf of NR to Special Select Committee, Supporting Papers, pp.9-13

<sup>1219</sup> Marine and Coastal Area (Takutai Moana) Bill, NZ Parliamentary/ Paremata Aotearoa Website, [http://www.parliament.nz/en-nz/pb/legislation/bills/00DBHOH\\_BILL10309\\_1/marine-and-coastal-area-takutai-moana-bill](http://www.parliament.nz/en-nz/pb/legislation/bills/00DBHOH_BILL10309_1/marine-and-coastal-area-takutai-moana-bill)

## F. COMMENTARY

As noted in the previous Section, in the middle of the twentieth century, an opportunity was missed to support the explosion of economic activity that centred on Te Tii kainga. In the aftermath of government inactivity, consideration of economic and community development dropped away. During the 1950s and 1960s, people moved away from Te Tii. Land and sea-based opportunity dropped off. Ngati Rehia individuals and whanau were left to fend for themselves as they had for much of the late nineteenth century and early twentieth century. The need to again pursue waged-work, over time, took people away from Te Tii and Takou. Those who were able to remain behind in their communities faced declining housing standards as government policy became increasingly reticent over the building of houses in isolated communities.

By the 1980s, Ngati Rehia, as they had several times before, once again sought to get matters moving. One key early initiative discussed in this Section was the development of housing and economic activity at Takou Bay. From 1985, and over the next three decades, a sustained effort has been made to re-establish a Ngati Rehia community at the Bay. This has come to pass over the time although the journey has been difficult. Similar attempts have been made to develop papakainga housing at Te Tii.

Ngati Rehia, through their Runanga and other representative forum, have responded to the persistent challenges arising from rapidly increasing Pakeha presence in the Kerikeri and surrounding district, but also within the close vicinity of their kainga at Takou and Te Tii. Ngati Rehia have been continually involved in providing comment on resource applications for marine farming, as well as housing and infrastructural developments. They have had to fight to gain recognition by both central and local government agencies of their right to provide input and be consulted regarding planning around Kerikeri (including Kororipo Pa) as well as a myriad of government initiated planning and land and water use proposals. In doing so, they have often had to endure actions by government agencies that have been viewed by Ngati Rehia as a challenge to their mana whenua and status as kaitiaki.

In addition, Ngati Rehia have had to face a continual battle to have their own economic initiatives recognised with varying levels of success. Responding to the apparent unrestrained spread of oyster farm applications being submitted by the early 1990s, Ngati Rehia engaged in a seven-year, and ultimately unsuccessful campaign to try and bring a taiapure into effect to protect the waters and resource within the Te Puna Inlet. Ngati Rehia interests as tangata whenua were not given primacy. Their perspectives and aspirations were simply set alongside other community interest groups. This has been a persistent situation with which the iwi has to face.

Ngati Rehia have also tried to develop partnerships to achieve economic advancement but have often been frustrated by a lack of resource on their behalf or by an ever-changing regulatory environment as demonstrated by their ultimately frustrated decade-long attempt to establish a mussel-farming venture. Although there have been recent successes, such as with the arrangement over the management of Rewa's village, undercapitalisation remains a consistent limitation against moving forward. Nevertheless, the iwi has remained a strong presence within its rohe and have not ceased to explore opportunities wherever they arise irregardless of the challenges that they have to overcome to do so.

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6/7/2010



A COASTAL CULTURAL HEALTH INDEX FOR TE  
TAITOKERAU



Prepared for the Ministry for the Environment |  
By Juliane Chetham & Tui Shortland, Te Runanga o Ngati Hine

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## Introduction

The vision statement of Ngati Hine is “Ma Ngati Hine ano Ngati Hine e korero ma roto I te whanaungatanga me te kotahitanga” meaning “self determination through kinship and unity.”

In 2008 Te Runanga o Ngati Hine produced “Nga Ture mo te Whenua” the Ngati Hine Environmental Management Plan. Soon after completing the plan Ngati Hine began considering how the following environmental monitoring policies and objectives could be fulfilled.

1. Ngati Hine are acknowledged as the kaitiaki of all resources within our rohe and are actively involved in the management, monitoring and enhancement of those resources including water, soils, mineral, air, flora and fauna and heritage.
2. TRONH will work with all statutory agencies in investigating and initiating effective processes and monitoring of activities and developments to ensure compliance of the Conservation Act, RMA, LGA and all other associated Acts and/or Policies.
3. TRONH will actively pursue the wider kaitiakitanga interests of the iwi of the Taitokerau and consider:
  - collaboration in practical work, technical, training and information systems with other iwi and hapu-based kaitiakitanga units;
  - coordinating environmental monitoring that fully includes the ahi kaa and hau kainga with other iwi and hapu of Te Taitokerau;
4. TRONH will promote and enhance partnerships between Ngati Hine, central government and its agencies, and regional and district councils. The relationships with Ngati Hine need to be cognisant of our status as tangata whenua, kaitiaki and Treaty partner.

The drivers of these policies are largely based on the concerns of whanau and hapu for the degradation of the environment and effects on customary resources such as kaimoana.

Te Runanga o Ngati Hine received funding from the Ministry for the Environment “Sustainable Management Fund” to develop and test a Coastal Cultural Health Index (“CCHI”) model to be used by a core team of kaitiaki in selected pilot locations.

The project was designed to raise awareness of utilising cultural indicators to monitor the health of kaimoana. A series of hui were held in Te Taitokerau following which three pilot locations and kaitiaki were selected to develop and test the model. The objective was to train tangata whenua to monitor their coast using a cultural framework and establish a viable strategy for hapu and iwi to carry out coastal cultural environmental monitoring that is relevant to industry and government.

This report provides an evaluation of the process including recommendations and potential mechanisms for its transfer to other kaitiaki, iwi and hapu in Northland.

## Background

The concept of utilizing economic and social indicators to assess health and wellbeing has been around for several years internationally, and the use of cultural indicators is now coming to the fore in international research. The work by Tipa and Tierney<sup>1</sup> appears to be the formative work in New Zealand where cultural indicators are used to assess ecological parameters such as river and stream health. Their Cultural Health Index (“CHI”) model has since been implemented or adapted by other iwi/hapu around the country (Harmsworth 2009, Kaupapa Taiao 2004, 2006, Walker 2009). Although the focus has primarily been on monitoring freshwater streams and river locations, adaption and development of models for estuary and coastal/ mahinga kai sites are now gaining momentum.

Models for measuring the health of coastal sites or mahinga kai are actively being sought by Maori, particularly groups that are in the process of developing rohe moana management plans for their customary fisheries. Kaitiaki are seeking accessible, traditional methodologies for monitoring their mahinga kai resources. To date, the majority of work in this area has produced coastal monitoring toolkits or programmes for communities that based on western scientific methods. The Hauraki Gulf Forum<sup>2</sup> has produced a community shellfish monitoring guide and others have produced methods specific to hapu and iwi (Otaraua Hapu et al, 2003). NIWA are currently developing “Ngā Waihotanga Iho” – an iwi Estuarine Monitoring Toolkit. This toolkit will feature a series of modules on habitat mapping; sediments; water and sediment quality; plants; fish; shellfish and coastal management (NIWA, 2009).

This project has centered on adapting the CHI framework to coastal scenarios in Te Taitokerau. The CHI model was preferred over the western science based methodologies discussed above due to its incorporation of cultural indicators. Following initial hui with regional iwi resource managers and collective hapu forums, to promote the project and assess interest, a panui was circulated throughout iwi/hapu in Te Taitokerau seeking expressions of interest to take part in the study. Patuharakeke, Ngati Rehia, and Nga Hapu o Ahipara were selected based on their capacity, experience in coastal management and monitoring, and the level of support from their governance bodies and communities. Each hapu selected a project coordinator to oversee the monitoring team, data collection and undertake data analysis.

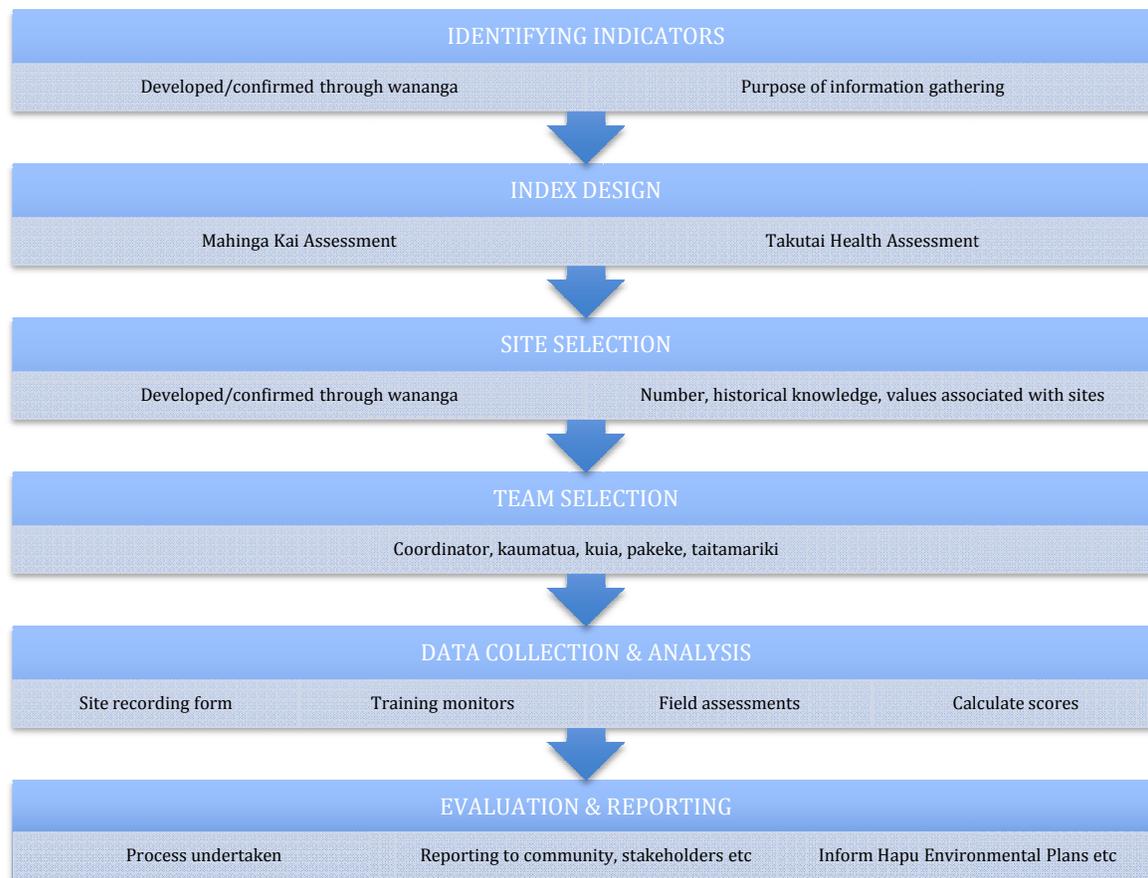
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<sup>1</sup> See <http://www.mfe.govt.nz/publications/water/cultural-health-index-jun03/>

<sup>2</sup> See <http://www.arc.govt.nz/environment/coastal-and-marine/hauraki-gulf-forum/community-shellfish-monitoring>

## A Methodology for Monitoring Coastal Cultural Health

### Flow Chart



### Identifying Indicators

The first step to identifying indicators is to decide on the purpose of the information that iwi/hapu intend to gather. A generic set of indicators are adopted which can be applied to the coastal area being studied. The indicators should be developed through extensive interviews with kaumatua and iwi/hapu resource managers. Throughout the course of the research cultural indicators can be refined, redundant values discarded, and new values were added.

*A key aim of developing a coastal cultural health index for Te Taitokerau is to test the applicability of the CHI tool in a coastal context. The generic set of indicators utilised for the CHI were incorporated into the draft CCHI framework and adapted according to discussions with kaumatua and local resource managers.<sup>3</sup>*

<sup>3</sup> The original CHI study documented the association of Ngāi Tahu with the Taieri River catchment and identified a series of cultural indicators that Ngāi Tahu use to assess the health of freshwater resources. Their indicators included such matters as the shape of the river, movement of water, whether the fish are safe to eat, the existence of riparian

The CHI is based on the calculation of three elements; site status, a mahinga kai measure, and a stream health measure. For the CCHI, the site status element was eliminated from the framework. This measure is used to denote whether a site is traditional or non traditional, and also determines whether tangata whenua would return to a site. This element was considered redundant, given that the CCHI study was much smaller in scope and duration, only a small number of locations were chosen, and these were all significant, traditional and well known.

#### Component 1 – Cultural Health of Takutai

Here the health of the site according to cultural indicators is assessed. For the CCHI the set of indicators were as follows:

1. Catchment land use
2. Adjacent vegetation (MHWS plus 100m)
3. Adjacent land use (MHWS plus 100m)
4. Takutai condition (sediment)
5. Changes to takutai
6. Water quality
7. Water clarity

#### Component 2 – Mahinga kai status

Here the mahinga kai values of a site are assessed – i.e. the food and other resources present.

The final sets of indicators adopted for mahinga kai health were as follows:

1. Comparison of species present today and those historically sourced from the site
2. Size of species today and size historically sourced from the site
3. Abundance of key mahinga kai species today and species historically sourced from the site
4. Accessibility of the site

### Index Design

After identifying the indicators they are then tabulated into a tables or indexes and given healthy-unhealthy rankings.

#### Component 1 – takutai health

The final takutai health index was as follows:

Indicators	Unhealthy				Healthy
1. Catchment land use	1. Land heavily modified (eg. bush, wetlands etc lost)	2	3	4	5. Appears unmodified

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vegetation, the use of river margin etc.

2. Adjacent vegetation (MHWS plus 100m)	1. Little or no vegetation – neither exotic or indigenous	2	3	4	5. Complete cover of vegetation – mostly indigenous
3. Adjacent land use (MHWS plus 100m)	1. Margins heavily modified	2	3	4	5. Margins unmodified
4. Takutai condition (sediment)	1. Covered by mud/sand/slime	2	3	4	5. Clear of mud/sand/sediment
5. Changes to takutai	1. Evidence of modification (e.g. dredging, structures, erosion, reclamation)	2	3	4	5. Appears unmodified
6. Water quality	1. Appears polluted (eg. eg, foams oils, slime, marine pests etc)	2	3	4	5. No pollution evident
7. Water clarity	1. Water badly discoloured	2	3	4	5. Water is clear
How would you describe the overall health of the takutai at this site?	1. Very unhealthy	2	3	4	5. Very healthy
Please explain your answer					

All 7 indicators are scored from 1 to 5 by each team member. In the analysis phase the coordinator needs to calculate the average score given by members of the team for each indicator by using the worksheet provided. For each indicator add all the scores together to produce a total, and then divide by how many scores there are. This produces an average score for each indicator.

For example, for *water clarity* if the 8 team members gave the following scores – 2, 3, 2, 3, 2, 3, 2, 2 – and then the average score for water clarity would be 2.37:

Step 1 Add  $2+3+2+3+2+3+2+2 = 19$

Step 2 Divide by 8 ( $19 \div 8 = 2.37$ ).

Once average scores have been calculated for each of the eight indicators, add them together and average them to obtain the overall Takutai Cultural Health Measure score.

For example, if the scores are as follows:

1	Catchment Landuse	2.3
2	Adjacent Vegetation	3.0
3	Adjacent Land use	2.5
4	Takutai condition	4.6
5	Changes to Takutai	2.9
6	Water quality	4.2
7	Water clarity	4.1
<b>Total:</b>		23.6
<b>Divide 23.6 by 7 =</b>		3.4

The overall Takutai Cultural Health measure is 3.4

#### Component 2 – Mahinga kai health

Each of the four elements receives a score of 1 to 5. The scores are then added together and averaged to give an overall mahinga kai measure for each site.

#### ***Element 1: Identification of mahinga kai species present at the site***

While in the field a collated list of plant, bird and fish species is prepared for each site (see Table 2 below). A score of 1–5 is then made, depending on the total number of species present.

Table 2: Mahinga Kai Species List

Please list the mahinga kai species that you can see at this site			
Manu			
1.	2.	3.	4.
5.	6.	7.	8.
Tupu/rimurimu			
1.	2.	3.	4.
5.	6.	7.	8.
Kaimoana/ika:			

1.	2.	3.	4.
5.	6.	7.	8.

If the monitoring team are unable to identify a specimen, if possible a photograph should be taken, and in the least, a detailed description of the specimen written down for later identification.

In order to get an assessment of pelagic fish species present at a site, methods such as drag netting may need to be utilized.

To assign a 1 to 5 score for each site, you need to identify the one site in the catchment that out of all your chosen sites has the largest number of species present. The number of species at this site will affect which grading is given to all the other sites.

Refer to Table 3 below to see how the 1 to 5 scores are assigned.

Table 3: Calculating the 1-5 score for the number of species present:

<b>Maximum 1</b>	<b>Maximum 2</b>	<b>Maximum 3</b>	<b>Maximum 4</b>	<b>Maximum 5</b>
1 species scores 1				
	2 species scores 5	2 species scores 3	2-3 species scores 3	2 species scores 2
		3+ species scores 5	4+ species scores 5	3 species scores 3
				4 species scores 4
				5+ species scores 5
<b>Maximum 6</b>	<b>Maximum 7</b>	<b>Maximum 8</b>	<b>Maximum 9</b>	<b>Maximum 10</b>
1-2 species scores 1	1-3 species scores 1	1 species scores 1	1-2 species scores 1	1-2 species scores 1
3 species scores 2	4 species scores 2	2-3 species scores 2	3-4 species scores 2	3-4 species scores 2
4 species scores 3	5 species scores 3	4-5 species scores 3	5-6 species scores 3	5-6 species scores 3
5 species scores 4	6 species scores 4	6-7 species scores 4	7-8 species scores 4	7-8 species scores 4
6+ species scores 5	7+ species scores 5	8+ species scores 5	9+ species scores 5	9-10+ species scores 5

<b>Maximum 11</b>	<b>Maximum 12</b>	<b>Maximum 13</b>	<b>Maximum 14</b>	<b>Maximum 15</b>
1–3 species scores 1	1–4 species scores 1	1–2 species scores 1	1–3 species scores 1	1–3 species scores 1
4–5 species scores 2	5–7 species scores 2	3–4 species scores 2	4–5 species scores 2	4–7 species scores 2
6–8 species scores 3	8–9 species scores 3	5–8 species scores 3	6–8 species scores 3	8–10 species scores 3
9–10 species scores 4	10–11 species scores 4	9–11 species scores 4	9–12 species scores 4	11–14 species scores 4
11+ species scores 5	12 species scores 5	12, 13+ species scores 5	13, 14+ species scores 5	15+ species scores 5
<b>Maximum 16</b>	<b>Maximum 17</b>	<b>Maximum 18</b>	<b>Maximum 19</b>	<b>Maximum 20</b>
1–4 species scores 1	1–5 species scores 1	1–4 species scores 1	1–4 species scores 1	1–5 species scores 1
5–7 species scores 2	6–8 species scores 2	5–8 species scores 2	5–7 species scores 2	6–10 species scores 2
8–10 species scores 3	9–11 species scores 3	9–12 species scores 3	8–11 species scores 3	11–15 species scores 3
11–15 species scores 4	12–15 species scores 4	13–16 species scores 4	12–17 species scores 4	16–19 species scores 4
16+ species scores 5	16, 17+ species scores 5	17, 18+ species scores 5	18, 19+ species scores 5	20+ species scores 5

### Example 1

Site 10 in a catchment has a collated total of 15 species, the largest number of species present compared to all the other sites visited in the catchment.

Table 1, under 'Maximum 15', shows the scores that will be made for each site in the catchment, according to how many species are present:

Maximum 15		
1-3	Species present scores	1
4-7	Species present scores	2
8-10	Species present scores	3
11-14	Species present scores	4

15+	Species present scores	5
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Site 27 (15 species) gets a score of 5, site 28 (9 species) gets a score of 3, site 29 (5 species) scores 2.

### Example 2

At a different location, site 12 has 9 different species, the highest number of species at a site in that catchment.

Under the column 'Maximum 9' in Table 1, the scores for sites will be:

Maximum 9		
1-2	Species present scores	1
3-4	Species present scores	2
5-6	Species present scores	3
7-8	Species present scores	4
9+	Species present scores	5

Site 12 (9 species) gets a score of 5, site 13 (4 species) scores a 2, site 14 (7 species) scores 4.

### ***Element 2: Comparison of species present today and mahinga kai species historically sourced from the site***

The following table is completed to gather the historical information for comparison.

Table 4: Mahinga Kai species comparison

Please list the mahinga kai species that were traditionally available at the site that are no longer present			
Manu			
1.	2.	3.	4.
5.	6.	7.	8.
Tupu/rimurimu			
1.	2.	3.	4.
5.	6.	7.	8.

Kaimoana/ika:			
1.	2.	3.	4.
5.	6.	7.	8.

A score of 1 to 5 is assigned based on the number of species of traditional significance that are still present:

- 1 None of the species sourced in the past are still present at the site.
- 2 Less than half the species sourced in the past are still present.
- 3 At least half of the species sources in the past are still present.
- 4 More than half the species sourced in the past are still present.
- 5 All species sourced in the past are still present at the site.

***Element 3: Size of mahinga kai species today and mahinga kai species historically sourced from the site***

For each specific/selected species (ie. the key targeted species at that particular mahinga kai site) a score of either 1, 3 or 5 is given based on the size distributions of the kaimoana relative to what they historically were. Tangata whenua must determine what constitutes “undersized”.

- 1 Kaimoana is consistently undersized with few medium and no large specimens present
- 3 Size range is limited with mostly medium specimens and few large specimens
- 5 Size range is consistent with traditional range (includes a variety of sizes with significant numbers of large/adult specimens)

***Element 4: Abundance of key mahinga kai species today and mahinga kai species historically sourced from the site***

For each specific/selected species (ie. the key targeted species at that particular mahinga kai site) a score of 1, 3 or 5 is given based on a catch per unit effort measure; e.g. If historically it took half an hour to fill a sack with pipi (quota/effort measure to be determined) how long does it now take?:

- 1 Cannot collect quota
- 3 Takes up to twice as long to gather quota
- 5 Takes the same time to gather as traditionally

***Element 5: Accessibility of the site***

A score of 1, 3 or 5 is given based on the legal and physical access tangata whenua have to the site:

- 1 No access to the site.
- 3 Either physical or legal barriers make access difficult.
- 5 Unimpeded easy access to the site.

## Site Selection

During a series of workshops with tangata whenua at each of the three pilot study areas, a set of questions were used to assist groups in site selection. For example:

- If you could protect five sites in your rohe moana which sites would you choose? Why would you protect them?

The reasons for various sites being selected varied amongst the groups.

Te Roopu o Ahipara wished to undertake more intensive monitoring at the site of their recent rahui and some other control sites adjacent and outside of the rahui area. The CCHI study was used primarily to monitor the success of the rahui on improving paua and koura populations within their rohe moana.

Both Ngati Rehia and Patuharakeke have rohe moana confirmed and kaitiaki gazetted under the Fisheries (Kaimoana Customary Fishing) Regulations 1998. Their primary goal for this study was to undertake one-off surveys at a number of key mahinga kai sites and establish a baseline to inform their rohe moana management plans.

## Team Selection

The team consists of iwi/hapu monitors and a coordinator. The coordinator assists to organise the monitors, equipment, and reporting on the monitoring data.

The monitors are the primary information gatherers at the community level. The number of monitors in relation to the area can vary however it is recommended that teams of at least five researchers work together.

Monitors should have the following characteristics<sup>4</sup>:

- be tangata whenua;
- reside in the zone for which they gather information;
- be literate, since some writing is involved;
- be familiar with the area being researched;
- be dedicated to the well-being of their community;
- be committed to the objectives of the monitoring project;

## Data Collection

It is recommended that additional data is recorded during the surveys including the names of monitors, date, location, weather, and any additional comments.

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<sup>4</sup> The characteristics desired were found to be similar to another research methodology designed by the authors namely The Research Methodology & Plan for Protecting Sites and Areas of Significance for the Whangarei District Council 2010

Upon returning from the field, monitors supply their coordinator with the filled out index sheets.

### **Evaluation & Reporting**

It is good practise to periodically evaluate the process carried out during the monitoring project as well as the tools utilised during the project.

After three months of CCHI monitoring a hui was held amongst the project coordinators, hapu coordinators and monitors. Excellent feedback was received that has contributed to the development of the final methodology.

Monthly reports were provided to the project coordinators and managers, Te Runanga o Ngati Hine who also provided supervision in the field when required.

A final reporting hui was held to showcase the monitoring process and findings to stakeholders and present back to the community and acknowledge their support. Each hapu was provided with the opportunity to give a presentation on their experiences. This was also another good time to evaluate the project. Further opportunities for integrated monitoring projects supported by council and other stakeholders were also discussed.

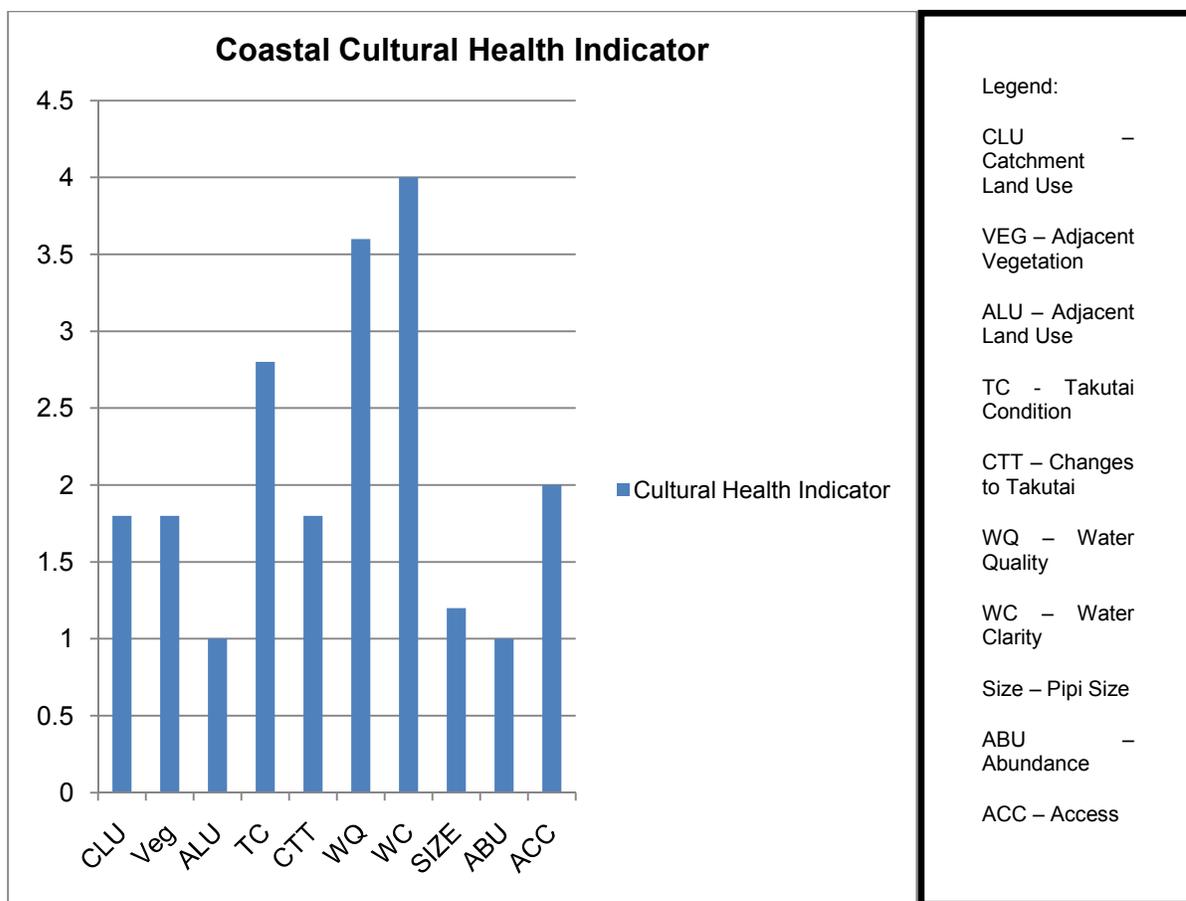
## Testing the Methodology

### Patuharakeke

Patuharakeke surveyed four sites within their rohe moana; Marsden Bank, Ruakaka Estuary, Waipu Estuary, and Titahi. Sites were selected based on their importance as a mahinga kai, and level of concern over their health, and accessibility. Originally plans had been made to include open coast and harbour sites, however time and resource constraints meant this was not possible. Boats and dive gear would have been required, and a strong message has already come from kuia and kaumatua that the surveys should be approached as a whanau exercise. Indeed, at each of the surveys, three generations were represented, giving rangatahi and tamariki the chance to hear from their kaumatua and kuia about the historic attributes of the site.

Marsden pipi bank was surveyed because this formerly abundant source of kai is now severely depleted and also because the Ministry of Fisheries was undertaking a survey of the area over the summer and kaitiaki could compare the results of the CCHI to their survey. The results, as shown below, have hardened Patuharakeke resolve to pursue a rahui and section 186A closure (Fisheries Act 1996).

Survey Summary of Marsden Pipi Bank



Overall Takutai Cultural Health – Patuharakeke Sites

Site No.	Site Name	CHI (Coastal Cultural Health Index)	MKM (Mahinga Kai Measure)	Species
1	Marsden Bank	2.4	1.4	Pipi
2	Ruakaka Estuary	2.4	1.0	Pipi, cockle, oyster, karahu, flounder, herring, mullet
3	Waipu Estuary	3.36	5.0	Pipi, cockle, oyster, karahu, flounder, herring, mullet
4	Titahi Stream	2.06	5.0	Oyster, karahu, eel, flounder

It is very clear to see from the CCHI figures that the Waipu Estuary had the best results while the MKM figures showed that both the Waipu Estuary and Titahi Stream had the best abundance and size. However, the CCHI figures overall are below average with the exception of the Waipu Estuary. These are all traditional customary harvest sites. Discussions from kaitiaki and kaumatua and kuia indicate that the conditions have changed drastically over a thirty year period. All sites have deteriorated in comparison, highlighting the need to establish management responses to stop the decline of customary harvest areas.



### Ngati Rehia

Ngati Rehia selected four sites to survey; Takou River, Kuririki Bay, Te Tii inlet, and the Black Rocks, providing a cross section of the various types of coastal environments represented within their rohe moana. This selection was made with a view to creating foundation for future mahi, well beyond the CCHI pilot project and to enable identification of core features and indicators specific to those environments that can be applied to the other similar settings within the rohe moana.

The group focused on constructing site profiles to provide a context for the types of scenarios to expect in those environments as well as a reference of the specific areas in those locations that were surveyed or monitored to assist future Kaitiaki in their monitoring. Due to time and resource constraints Ngati Rehia decided to defer monitoring at the Black Rocks until their ongoing future monitoring programme is in place. Overall results are as follows:

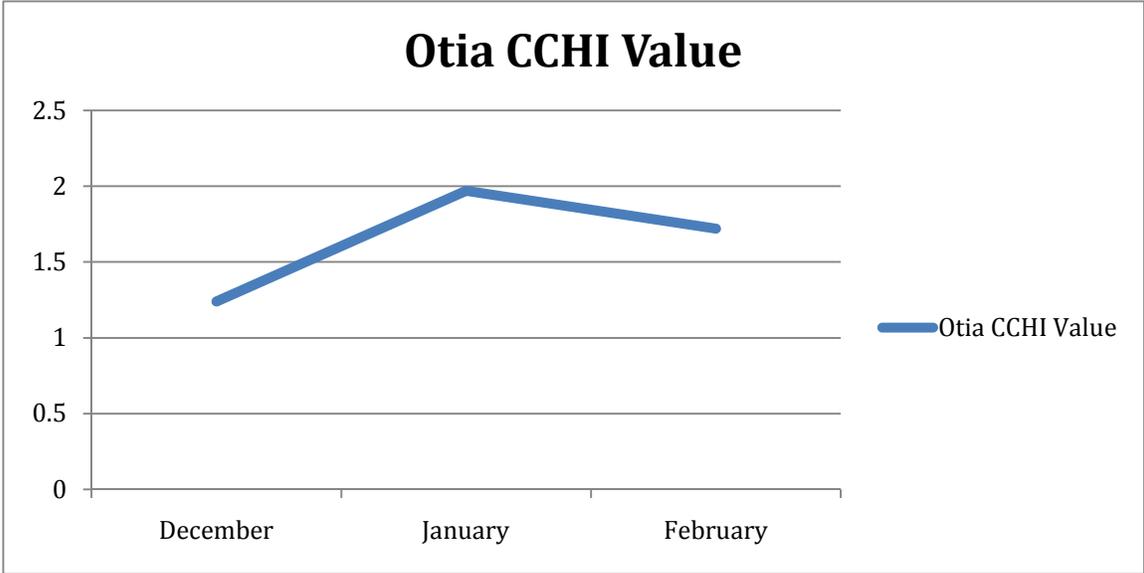
Overall Takutai Cultural Health – Ngati Rehia Sites

Site No.	Site Name	CCHI (Coastal Cultural Health Index)	MKM (Mahinga Kai Measure)	Species
1	Takou River	2.35	1.66	Huwai, Kokata, Pupu, Tuna, Patiki, Kanae, Parore, Tamore, Pakau rua, Kahawai, Puruwaha, Karehu, Tiko tuka, Piper, Trevally
2	Kuririki	3.5	1.56	Huwai, Kokata, Pupu, Patiki, Kanae, Parore, Tamore, Kahawai, Mango, Kingfish, Puruwaha, Karehu, Blue Cod, Wheke, Porae, Paua, Kina, Korehu, Greenbone, Red Moki, Koura (Packhorse), Koura(whero), Herring, Mango, Piper, Trevally, Tarakihi
3	Te Tii	2.35	1.53	Huwai, Kokata, Pupu, Tuna, Patiki, Kanae, Parore, Tamore, Pakau rua, Kahawai, Mango, Kingfish, Puruwaha, Karehu, Tiko tuka, Piper, Trevally

### Nga Hapu o Ahipara

Kaitiaki at Ahipara selected open underwater sites to survey. They amended the suite of indicators slightly to account for underwater conditions giving them an additional two indicators – site condition and underwater conditions. Comments on species size and abundance were noted, but a mahinga kai measure was not calculated. The takutai health measure, however, was calculated and provided useful data for the five locations monitored at Ahipara; Otia, Okura, Karamu, Tokanui and Tapora. Otia, for example, has been subject to a rahui over the summer, and the regular monthly monitoring showed improvement in the health of this site. The results were consistent with the anecdotal observations of the hapu – that the rahui was being adhered to, by locals and holidaymakers alike.

Survey Summary of Otia Results:



Feedback from the hapu indicates they found the tool very useful and will continue monitoring these sites into the future, to observe long-term trends and respond accordingly with customary management techniques as appropriate.



Ahipara monitors at pou whenua marking rahui area.

## Evaluation

### Key Lessons

Although each pilot group initially agreed with the generic indicators adapted from the original CHI study, they were given licence to adjust and modify according to their own needs as the surveys progressed. Key lessons learned during the survey process and resulting modifications are listed in the table below.

Cultural Health of Takutai Measure	Comment
Catchment land use	This indicator was accepted as useful by all monitors. Queries arose as to how much significance this could have for the health of an off shore site, however, for most survey sites catchment land use remains important. Overall evaluation by kaitiaki confirmed this measure should be retained.
Adjacent vegetation	To some extent this overlaps with the previous measure. However adjacent vegetation is still considered to have a direct bearing on coastal or estuarine health. At some sites, situations arose where it was difficult to rank this measure; eg. At Marsden pipi bank, the vegetation on the southern approach to the Whangarei Harbour was virtually non-existent, whereas some significant stands of native vegetation were located on the heads side. Kaitiaki considered both sides would have an impact on the health of the pipi bank and addressed this issue by scoring according to both sides and taking the average ranking.
Adjacent land use	As with the previous measure this was considered to have some overlap with catchment land use. Nonetheless, using the above Marsden Point site again as an example, although the water quality was high due to the mixing at this location on the edge of the channel, the adjacent land use was heavy industrial and the potential for impact on the health of this site was significant.

Takutai condition	<p>This measure was recognised as a practical tohu that is always noted as an indicator for tangata whenua when gathering kai.</p> <p>Ahipara utilised this indicator, but because they were surveying open water sites, opting to add measures to account for underwater condition and wells as beach condition.</p>
Changes to takutai	<p>Again, this measure attracted no specific comments and was universally accepted as a signal of coastal health.</p>
Water quality	<p>As with the aforementioned indicator, all involved agreed water quality is an essential measure of coastal health.</p>
Water clarity	<p>Two of the monitoring groups commented on this particular indicator. It was considered that while this would be a valuable measure at freshwater sites, it proved problematic at open coast sites due to issues such as turbidity, salinity etc. The water quality measure was considered sufficient for their purposes and in future this tohu would probably not be utilised.</p>
Mahinga Kai Measure	Comment
List of mahinga kai species present at site	<p>In the field not all species were able to be identified and two monitoring teams specifically commented on this issue. Ngati Rehia plan to address this by compiling resource books to aid identification.</p> <p>In all, the biodiversity calculation was cause for much discussion amongst kaitiaki. The overarching goal is to develop a tool that is easy to use and is transferable. Counting all species present and undertaking a calculation that scored higher the more species present conflicted with the idea that a mahinga kai site could still be healthy, even if there were only one or two species present (eg. Pipi bed).</p> <p>In follow up hui the groups began to reflect on their key reasons for collecting the data. Of course as kaitiaki, the health of the entire ecosystem is important, to maintain the mauri and whakapapa of all species and the ecosystem as a whole. Fundamentally, however, at the flaxroots, hau kainga level, the focus of the people is on sustenance. Kai, rongoa, and other species that enable the hapu to feed their families, sustain the marae and their manuhiri are paramount. This truth</p>

	<p>became increasingly apparent through the survey process. That is why less emphasis was placed on calculating the biodiversity measure. Not only was it inappropriate at some sites (as mentioned above), but more effective and meaningful for participants to restrict their observations to keystone kai species such as pipi, paua etc. If this direction is followed in future, problems with identification of lesser known species will also not be an issue.</p>
List of mahinga kai species historically sourced from the site	<p>This measure was a straightforward comparison of species present today and mahinga kai species historically sourced from the site. All found this useful and it presents a valuable opportunity for gathering historical information. Some mentioned its use outside of this project – e.g. To inform Treaty claims, management plans etc. Certainly this aspect of the index helps to devise a goal for the restoration of mahinga kai resources.</p>
Size of mahinga kai species today and mahinga kai species historically sourced from the site	<p>Early on in the survey period it was found that the biodiversity calculation and comparison of current species present versus those traditionally present did not provide enough information. Kaitiaki were seeking data on size and abundance of species rather than just the range of species present. Therefore, this element was added to original framework. Surveys were all limited by tidal and other conditions, so in order to make the process quicker and more effective it was decided to pick the key targeted species (at that particular mahinga kai site – ie. pipi, paua) and give a score of either 1, 3 or 5 based on the size distributions of the kaimoana relative to what they historically were. Tangata whenua had to determine what constitutes “undersized”. For example;</p> <p><b>1</b> Kaimoana is consistently undersized with few medium and no large specimens present  <b>3</b> Size range is limited with mostly medium specimens and few large specimens  <b>5</b> Size range is consistent with traditional range (includes a variety of sizes with significant numbers of large/adult specimens)</p> <p>Monitoring teams could use transect lines or quadrants for this sampling.</p>
Abundance of key mahinga kai species today and mahinga kai species historically sourced from	<p>This element was also added to the original CCHI framework early on in the survey period.</p> <p>For the key targeted species (as above) a score of</p>

the site	<p>1, 3 or 5 was given based on a catch per unit effort measure; e.g. If historically it took half an hour to fill a sack with pipi how long does it now take:</p> <p><b>1</b> Cannot collect quota</p> <p><b>3</b> Takes up to twice as long to gather quota</p> <p><b>5</b> Takes the same time to gather as traditionally</p> <p>The quota/effort measure should be determined by each group depending on the species sampled. This is a relatively simple exercise for shellfish.</p> <p>Another suggestion from Ngati Rehia was to split this section into secondary and peripheral species which may provide for the identification of systemic indicators.</p>
Accessibility of the site	<p>Ranking this measure proved an interesting challenge in a coastal context in Te Taitokerau. This indicator was utilised in the original study as many freshwater sites in the South Island are no longer legally accessible to tangata whenua. Accordingly, sites where access is impeded receive a low score.</p> <p>This situation was essentially reversed in the north. The public is not subject to any legal access issues at any of the sites surveyed. Physical access due to terrain etc was an issue at some locations. However, the more accessible a site was, the lower kaitiaki wished to score it. Accessible sites were the most depleted of kaimoana due to harvest pressure. For future use of this tool, it has been suggested that this indicator remain, but the ranking system be switched eg. "1 would be easily accessible and 5 would be difficult to access". More thought and discussion is probably needed around this issue to ensure the indicator works well.</p>
Data collection and Analysis	Comment
Site Selection  Project Coordinators/ Monitoring	<p>As mentioned above, sites selected depended on the outcomes the hapu were seeking. Both Patuharakeke and Ngati Rehia originally sought to sample a large range of sites to establish a baseline guide to the health of their rohe moana. Time and resource constraints meant both hapu had to limit the number of sites surveyed. Patuharakeke dropped open water sites as organising boats, petrol, dive equipment etc would have been too time consuming and expensive. Their monitoring team</p>

Teams	<p>were all in full time work which limited survey timing to weekends and early evenings, with times further restricted by tides and natural conditions. It was then decided to turn the survey experience into a whanau exercise where a range of participants from preschoolers through to kuia and kaumatua took part.</p> <p>Ngati Rehia also encountered difficulties finding people available on the ground to take part in monitoring. Their project coordinator was replaced part way through the project, leading to operational changes. The changes have been positive, however, with a more permanent team being put together, and succession planning taking place. The new leadership required original site survey data to be ground-truthed again and modified the recording form to their purposes.</p> <p>Ahipara were fortunate in that they had a permanent presence of rangatahi taking place in a local training scheme available to monitor. This enabled consistent regular monitoring to take place.</p>
Site Surveys/Field Techniques/Recording Form/Equipment	<p>The technique used by Patuharakeke in site surveys was to use a transect line and undertake counts at 10 metre intervals. The kaitiaki felt that this type of survey could be improved by also undertaking quadrant surveys in order to capture multiple species potentially cover a larger area.</p> <p>Accurately measuring fish presence within the sites also proved difficult. In the original CHI study electric fishing was utilised to determine fish species and abundance at each river or stream site. In order to get a picture of fish species in coastal and estuarine sites, Patuharakeke used dragnets. Additionally, observations of fish sign (eg. snapper diggings, flounder markings in sediment) gave an indication of the presence of these species but did not provide conclusive evidence of their numbers.</p> <p>Ahipara suggested adding weather conditions to the recording template, including the maramataka as this plays an important factor on the tides and the presence of fish species. The possibility of recording wind velocity, direction and rain on the template was also mooted.</p> <p>Resources were limited for this project and each group made best use of their own traditional knowledge to accurately survey sites. Not all groups</p>

	had access to a GPS which for future work is probably going to be an essential item. Dive equipment and training is an aspiration for the future for each group to enable data collection at open water sites.
Communication	Communication between each of the three hapu taking part has been affected by distance. However, over the course of the project we were able to bring them together on two occasions. This was invaluable as each group has tackled the project differently and made subtle variations to indicators, the recording form, or field techniques that were able to be shared and taken on board by others if they wished. Still, a wish to have access to others results in an up to date manner was desired by some, and may be an area for consideration in future. For example, a web portal where results are uploaded in real time could be explored.

## Peer Review

During the course of the study feedback from participants expressed a feeling that the CCHI tool was still deficient in matauranga Maori and that more customary indicators, such as tohu or the use of the Maramataka could be incorporated into the design.

The peer review of the study was originally to be undertaken by a scientific expert in environmental indicators, but the preference from the project coordinators and hapu was to engage a kaumatua to undertake this task.

Te Warihi Hetaraka, tohunga whakairo from Ngatiwai, who grew up in the traditional sense in Te Taitokerau agreed to assist in this process.

In-depth discussions were carried out with Mr Hetaraka regarding how he was taught to gather and monitor coastal species as a young man.

Numerous suggestions were made to redevelop the CCHI with a focus on the maramataka and the health of kaimoana species. Kaimoana species considered a priority for monitoring were those that are currently under threat or those with a low tolerance to pollution. Vulnerable species of sandy, rocky and estuarine environments were described such as tuangi, huai, oysters and mussels. A longer term project developed based on the changing characteristics of selected species according to the seasons, maramataka, and tides was recommended, for example, monitoring the kina around the time of the blooming of the kowhai tree (or other appropriate tohu according to the hapu) and making a comparison with a historical context. The full characteristics of the kina would be developed over its life cycle and monitoring would be required at specific times of the year according to such characteristics. The importance of the food chain and other contributing factors would also be considered. And an assessment of the cause of ill health would support the findings.

Recognising unhealthy kaimoana such as slimy or oily film on bivalves was also discussed as potential indicators to be incorporated into the CCHI.

## Opportunities for Transfer

Te Taitokerau is fortunate in that it has a network of iwi and hapu resource management practitioners who work together collaboratively on issues of mutual interest. The desire for active participation of Maori in environmental monitoring is continually voiced and appears as a clear statement in the majority of Iwi and Hapu Environmental Management Plans in the north. The regional forum, known as the Iwi Technicians Forum (ITF) is aware of and supports this project. The ITF members will be provided with a copy of this report and offered opportunities for “train the trainer” programmes where those hapu that have taken part in this project will be able to share their experiences and capacity with other hapu that which to develop and utilise the CCHI tool.

A large regional hui, “Nga Maunga ki te Moana Taumata Hui” is planned for late August. This will be open to all kaitiaki, whanau, hapu and iwi in Tai Tokerau and will address eight key current resource management issues, one of which is cultural monitoring. This also presents an opportunity to promote the CCHI project, establish networks of interest and assess options for future training.

Each hapu involved in the CCHI project have been out in their communities and promoting and sharing the project. They have utilised existing networks and relationships with agencies to garner support and future collaboration for their monitoring aspirations. All have endorsed the project as a success and suggested ways in which they will carry the CCHI forward into the future.

Finally, a very practical and inexpensive method for disseminating the CCHI tool within the three hapu and throughout other kaitiaki in Tai Tokerau was suggested at the evaluation hui. Recording forms could be supplied to kaimoana gatherers upon receipt of customary permits. Information on the amount gathered and location is already a recording requirement to be reported back to tangata kaitiaki under the Kaimoana Regulations. Additional information on the coastal health measure and mahinga kai measure could be easily collected at the same time. This would eliminate some of the problems around having a monitoring team available at all times and could easily be incorporated into a customary food gathering exercise. It also enables data collection on species that proved difficult during the CCHI site surveys, for example, customary permits issued for pelagic fish. Further, the majority of tangata whenua feed their families using the recreational catch quotas. Divers or fishers interested in assisting with data collection could take recording forms with them on their boats when going out fishing, complete and return to the person/s responsible for collating data at the marae, runanga etc.

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Te Runanga o Ngati Rehia

## Draft Northland AMA Project Plan

### Comments by Te Runanga O Ngati Rehia

3 June 2009

#### Introduction

1. These comments are made by Te Runanga O Ngati Rehia ("TRONR") concerning the Draft Northland AMA Project Plan ("draft plan") prepared by the Ministry for the Environment ("MfE").
2. By way of background, Ngati Rehia Fisheries Limited ("NRFL"), a wholly owned subsidiary company of TRONR, had a joint venture with Far North Mussels Limited to develop a mussel farm over 112 hectares. An application for a marine farm was lodged and is still in place. It has never been withdrawn and never will be.
3. NRFL completed its feasibility in 2002, at which time the Government changed the rules and a moratorium was placed on new applications for aquaculture space. In 2005, NRFL was informed that in relation to its application, any suggested AMA would only cover 36 hectares. This was not enough to establish a viable business.
4. Regarding the draft plan and overhaul of the RMA process<sup>1</sup>, TRONR make the following comments in relation to these proposals.

#### Comments

5. *Sustainable aquaculture*

<sup>1</sup> As per Government media releases entitled "Northland a priority area for new aquaculture", dated 26 March 2009 (<http://www.beehive.govt.nz/release/northland+priority+area+new+aquaculture>) and "Aquaculture reforms to be overhauled", dated 12 December 2008 (<http://www.beehive.govt.nz/release/aquaculture+reforms+be+overhauled+0>)

Our venture with Far North Mussels Limited seeks to establish sustainable modern mussel farms within our tribal waters and associated onshore processing facilities. TRONR submit that such farms can be established in a manner that provides enhanced environmental, social and economic benefit, both to Ngati Rehia and the wider community.

6. *Decision over which parties will assemble, lodge and pursue requests for plan changes to create AMAs<sup>2</sup>*

Ngati Rehia has customary fishing rights confirmed under the Treaty of Waitangi. We are not obliged to compromise the retention of those customary rights to meet Crown policies or objectives. We submit that our status as tangata whenua, kaitiaki and Treaty partner requires that Ngati Rehia be included as one of the parties who will assemble, lodge and pursue requests for plan changes to create AMAs. TRONR seek to actively participate in the management of our taonga.

7. *Plan Change 4<sup>3</sup>*

The draft plan states that MfE will, together with direction from other agencies, undertake work in accordance with the guidance and information requirements established by the Northland Regional Council (“NRC”) through Plan Change 4. TRONR have a number of concerns with regards to Plan Change 4. We submit that there are no processes in the plan that describe how areas of interest or significance to Māori will be identified, or who will be consulted to provide such information. In relation to the allocation of 20% of space for Treaty settlement, there is similarly no proposal as to how these areas will be identified, or who will be involved in such identification, nor any reference to how our application will be dealt with in respect of this allocation. Also, TRONR are concerned with just how NRC policy promoting social and economic benefits for Māori are to be provided for in the plan.

8. *Locations and use of aquaculture areas<sup>4</sup>*

In recent years, TRONR has been actively pursuing potential development in mussel farming. The draft plan focuses on the possible development of oysters and finfish, identifying aquaculture locations suitable for both. It states however that none of the locations for mussel farming rated as high priorities among certain parties and that mussels, aside from those grown in Houhora Harbour, are largely untried in Northland. However, as tangata whenua we have known for many years that feral mussels grow very well near the area of our application. As we are engaged in developing mussel production, we submit that mussels be included in the range of species to be farmed within the AMAs identified, enabling Ngati Rehia to continue with our planned venture.

9. *Information gaps<sup>5</sup>*

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<sup>2</sup> Referred to in the *Draft Northland AMA Project Plan*, April 2009, p. 3

<sup>3</sup> Referred to in *Draft Plan*, pp. 3 and 14 – 15

<sup>4</sup> Referred to in *Draft Plan*, pp. 4, 8 – 9 and 22

<sup>5</sup> Referred to in *Draft Plan*, pp. 4, 6, 10 and 25 – 27

As noted in the above submission concerning Plan Change 4, one of our biggest concerns is the absence of any process that will determine how areas of special significance to Ngati Rehia will be identified, and protected where necessary. Similarly, the draft plan does not include any detailed procedures that would assist in identifying these areas. We submit that the absence of such a process will result in a significant information gap which will need to be addressed in the draft plan. Considering that one of the key tasks of the draft plan is to develop the information necessary to allow for the preparation of plan change applications for AMAs, it is critical that all information regarding selected sites is available. We ask that MfE work closely with TRONR to develop processes and procedures that will help identify places of significance to Ngati Rehia. Once these processes are in place, TRONR and MfE will be better placed to determine how these areas will be treated and utilised if appropriate.

10. *Relationship between the Government and iwi*<sup>6</sup>

TRONR wish to promote and enhance the relationship between Ngati Rehia and the Government and its agencies. This relationship should be based on mutual trust and respect. Given our status as tangata whenua, kaitiaki and Treaty partner, we submit that Ngati Rehia be given the opportunity to actively participate in aquaculture planning and the decision-making process, as these decisions will have a major impact on our hapu, values and taonga. TRONR will consider requests to participate in such processes in a collective forum of other tangata whenua on a case by case basis.

11. *Locations the project should progress*<sup>7</sup>

TRONR submits that Te Puna Inlet be one of the six locations that the project looks to progress as this area falls within our rohe moana. Although proposed to be discounted from the project<sup>8</sup>, we also submit that Takou Bay be included as an area to be progressed. As discussed in our meeting with MfE on 27 May 2009, Takou Bay has great potential as a mussel growing location. This area is also within our rohe.

12. *Marae-based aquaculture*<sup>9</sup>

TRONR supports the concept of marae-based aquaculture provided that the space for it is in addition to AMA space allocated for commercial activities. Ngati Rehia seeks to have a viable commercial operation that is able to support our communities and is consistent with kaitiakitanga, tikanga and sustainable fisheries management. Any opportunity for additional marae-based aquaculture is welcomed. However, certainly any discussion concerning the Government's policy in regards to marae-based aquaculture will need to involve Ngati Rehia and Ngapuhi in general before any decision is reached. Also any marae aquaculture initiative, being non-commercial under the present arrangement, would require Government funding given that the majority of marae and hapu have very limited resources.

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<sup>6</sup> Referred to in *Draft Plan*, p. 5

<sup>7</sup> Referred to in *Draft Plan*, p. 5

<sup>8</sup> Referred to in *Draft Plan*, p. 44

<sup>9</sup> Referred to in *Draft Plan*, pp. 15 – 16

13. *Allocation of space within an AMA*<sup>10</sup>

The draft plan states that the first step in allocation once an AMA has been developed is to identify the 20% of the space for which authorisations are to be allocated to iwi for the purpose of meeting settlement obligations. The draft plan goes on to note that Phase 2 would involve identifying the recommended method by which space within each AMA would be allocated. There are no specific details however about how this space will be identified. We understand that this issue should be dealt with in the Aquaculture Legislation Amendment Bill (No. 2) 2008 (currently before Parliament) whereby if iwi (in fact the Trustee Te Ohu Kai Moana) and an applicant can agree which 20% is “representative” then the Regional Council has to accept this as a done deal. TRONR would have no problem agreeing with Te Ohu Kai Moana on which 20% is appropriate. TRONR submit that we should be actively involved in the development of any process or policy determining how AMA space is allocated.

14. *Delays and uncertainty*

As TRONR has been engaged in this process for a number of years, it is frustrating that we continue to face further delays and uncertainty. The fact that it has been almost a decade with no result is hugely disappointing. Even at the end of this process, despite all our efforts, there is no guarantee that we will be allocated aquaculture space. The draft plan states that “if” new aquaculture space is confirmed as being feasible, the Government “may” progress the provision of space through new AMAs by way of requests for changes to the regional coastal plan<sup>11</sup>. Near the end of the process, “if” suitable sites are identified to proceed to plan changes, this could “potentially” provide for Māori aquaculture settlement obligations<sup>12</sup>.

TRONR considers that it has been unfairly treated in the debate and moratorium on aquaculture. Aquaculture is not a new science for Ngati Rehia. We still own the districts first AMA, the Māori Oyster area at Te Tii Mangonui, although NRC has failed to provide it formal AMA protection to date. However, despite these setbacks and concerns, TRONR looks forward to working with MfE and NRC to ensure a fair, robust and speedy result for all involved.

## Conclusion

15. TRONR ask that we be involved directly with any project team set up to implement the draft plan.
16. We request that MfE recognise and provide for the policies stated in the Ngati Rehia Environmental Management Plan 2007, a copy of which can be obtained from TRONR by request. Concerning Maruwhenua, MfE’s Māori policy directorate, TRONR acknowledge the financial support given in the preparation of our Environmental Management Plan by Maruwhenua.

<sup>10</sup> Referred to in *Draft Plan*, pp. 23 – 24 and 28

<sup>11</sup> Referred to in *Draft Plan*, p. 7

<sup>12</sup> Referred to in *Draft Plan*, pp. 8 and 11

17. TRONR ask that MfE prioritise development of tools to assist hapu based policy development, management and monitoring of all aspects of kaitiakitanga.
18. TRONR wishes to express its appreciation to MfE for the opportunity to make these comments.

Nora Rameka  
For Te Runanga o Ngati Rehia



Ngāti Rēhia



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**MIHI**

Ko te wehi ki te Atua te timatanga o te whakāro nui, nāna nei i hanga ngā mea katoa o te rangi, me te whenua, hei painga āno mō tātou mō te tangata, hei hāpai ake i tōna kororiatanga ki runga ki te mata o te whenua, kia whakapainga tōna ingoa i ngā wā katoa.

Ka mihi ki te hunga kua wheturangitia, haere mai, haere. Hoki atu koutou ki te kāinga tuturu kua oti te whakarite mō tātou mō te tangata, haere, haere whakaoti atu koutou. Rātou ki a rātou, tātou te hunga ora ki a tātou.

Nō reira e ngā reo, e ngā mana, e ngā hau e whā, tēnei rā te mihi atu ki a koutou i roto i ngā nekenekehanga huhua o tēnei Ao Hurihuri, tēnā koutou, tēnā koutou, tēnā āno rā tātou katoa.

**THIRD EDITION:**

The Te Rūnanga o Ngāti Rēhia (“TRONR”) 2018 Hapū Environmental Management Plan (“HEMP”) Third Edition, registers recent changes in present external conditions. The updated content is designed to track and keep pace with the changes and improve responsiveness in terms of the TRONR relationships, structures, and systems as part of an iterative process moving forward.

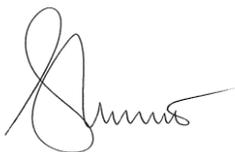
**ACKNOWLEDGEMENTS:**

On behalf of the TRONR I wish to acknowledge the various agencies, organisations, professionals and other individuals, including hapū, whānau who have supported Te Rūnanga o Ngāti Rēhia in progressing the aims and objectives contained within our Hapū Environmental Management Plan.

Special thanks go to: Te Rūnanga Ā Iwi O Ngāpuhi; Department of Conservation; Far North District Council; Northland Regional Council.

Kāti rā e āku rangatira, mā te Atua āno rā tātou katoa e tiaki, e arataki, e manaakitia i ngā wā katoa.

Kia ora huihui mai tātou.



Kipa Munro  
Chairman  
Te Rūnanga o Ngāti Rēhia

## Part A Ngāti Rēhia

### 1 WHAKATAKINGA / INTRODUCTION

The HEMP has been prepared by TRONR on behalf of the hapū of Ngāti Rēhia.

He Whakaputanga o Te Rangatiratanga o Niu Tireni me Te Tiriti o Waitangi provides the foundation and guiding principles of the HEMP and informs its content.

Ngāti Rēhia are the Ahi-Kā (residing hapū) and Kaitiaki (guardian) of our rohe and the resources within it. We are responsible as the Kaitiaki for maintaining and protecting the mauri (life principle) of our whenua (land) and resources. It is a responsibility that has been passed down to us by our Tūpuna (ancestors) and one we will in turn pass on to our mokopuna (descendants).

TRONR have prepared this HEMP to:

- provide focus and direction to Ngāti Rēhia in fulfilling our Kaitiaki responsibilities to Te Taiao (natural environment).
- ensure that our values, our heritage and the relationship of Ngāti Rēhia to our environment is not further lost and degraded by increasing development pressure.
- provide partnership and assistance to the various agencies with statutory responsibility for sustainable management of resources within our rohe (region), in a way that is consistent with the values, principles and aspirations of Ngāti Rēhia.

This HEMP is the property of the hapū of Ngāti Rēhia and is to be considered a relevant planning document pursuant to the relevant sections of the Resource Management Act 1991 and related legislation.

It is not to be reproduced or distributed without the consent of TRONR.

It is not to be considered a substitute for direct consultation with Ngāti Rēhia.

Consultation is the full and effective participation of Ngāti Rēhia and should always be initiated kanohi ki te kanohi (face to face) in the first instance.

This is the Third Edition Plan, developed from a review that was initiated by TRONR in June 2018.

## 2 WHAKATAUKI

Ngāti Rēhia mata momoe  
 Ngāti Rēhia mata kakaa  
 Titiro ki ngā maunga, ngā awa, ngā moana, ngā whenua tapu o Ngāti Rēhia

*Ngāti Rēhia the sleeping giant*  
*Ngāti Rēhia faces all challenges, when awakened*  
*Ngāti Rēhia protects our sacred mountains, rivers, sea and lands*

## 3 PEPEHA MŌ NGĀTI RĒHIA MATAMOMOE

Tēnei au te mōkai nei ā āku mātua tūpuna  
 Kua ngaro i te tirohanga kanohi

This is I, the descendant of my ancestors  
 who have all departed

Ko te rārangi maunga, tū te ao, tū te po  
 Ko te rārangi tangata,  
 ka heke, ka heke, ka heke  
 He maha ōku hapū, kei kō, kei kō, kei kō  
 Tēnei au ka tātai ake nei ki tōku Ngāti Rēhiatanga  
 Me tōna rohe e tū tonu nei ōna tohu

My mountain stands eternal  
 Mankind  
 passes on  
 I have many connections to all subtribes  
 But my Ngāti Rēhiatanga is constant  
 And so are my lands and sea boundaries

Titiro ki te marangai ki te maunga o Tokerau  
 Ki Rākaumangamanga  
 Ki tō awa, Te Kerei Mangonui e rere atu nei  
 Ka huri tāku titiro ki tāku taha matau  
 Ki ngā pukepuke e rārangi mai rā  
 Ko Te Waha-o-te-Riri tērā, ko Mātoa tērā,  
 ko te Pā o Tāreha tērā

I cast my eyes to the east to my mountain Tokerau  
 To Rākaumangamanga  
 To my river, Te Kerei Mangonui  
 I look to my right  
 Where lies our landmarks  
 To Te Waha-o-te-Riri, to Mātoa  
 And the Pā of Tāreha

Ka ruku atu hau ki roto i Te Awa o Ngā Rangatira  
 E tū ake rā a Rangitane te Kaitiaki i a Kororipo  
 Ka huri tāku titiro ki te hau tonga,  
 ko maunga Pokākā tērā  
 Ki te awa o Waitangi e haruru mai rā

I dive headfirst into the River of the Chiefs (Kerikeri Inlet)  
 Past Rangitane the guardian of Kororipo Pā  
 I gaze Southwards  
 Toward Mount Pokākā  
 And onwards to the Waitangi River

Ka āwhiowhio atu te hau ki te hauauru  
 Ko te maunga o Whakataha e tū mai rā  
 Ko Whakataha hoki te Pā  
 Ka ririki te huri o te hau  
 Ko Puketi tērā, ko Puketotara tērā,  
 Tū mai rā Puke Whau

Stormwinds blow to the west,  
 Raging against the sacred mountain of Whakataha  
 Whakataha the Pā  
 Venting its anger  
 On Puketi, Puketotara  
 and Puke-Whau

Ka tau āku kamo ki te raki ki Tākou  
 Torotoro ki uta, mataratara ki tai

Finally, I look to the north, to Tākou  
 To the beautiful land, To the pristine ocean that nurtures us

E whakapepeha nei, ko Orongo te Maunga,  
 Ko Orongo te Pā  
 Ko Tākou te awa  
 Ko Mataatua te waka

To Orongo the mountain  
 Where Orongo the Pā  
 beside the Tākou river  
 guards my waka Mataatua

Ko Hawaiiki Nui  
 Ki te Moana Nui Ā Kiwa  
 Tihewa mauri ora

To Hawaiiki Nui  
 To the Pacific Ocean  
 Breathe the life force

## 4 TE RIU O NGĀTI RĒHIA / TRIBAL LANDS

Ngāti Rēhia claim a rohe in the general area of:

- Tākou Bay
- Rāhiri
- Omapere
- Waitangi
- Purerua Peninsula
- Kerikeri

Our seaward boundary is to Hawaiiki.

Ngāti Rēhia claim Ahi-Kā over our rohe. We acknowledge the overlapping interests of other Ngāpuhi hapū, just as Ngāti Rēhia overlaps the rohe of others. Such overlap comes from the closeness of our relationships, and our shared histories of whakapapa (genealogy), marriage, alliances and conquests. We prefer to think of these overlaps as areas of common interest rather than as areas of conflict. Ngāti Rēhia (Ngāpuhi) tikanga (lore) is ably equipped to allow us to discuss and reaffirm our relationships each time we meet.

In terms of our Kaitiaki responsibilities, our shared interests provide real opportunity for collaboration within and between hapū. Ngāti Rēhia will strive to work with all Tangata Whenua (indigenous people) for the common good of our environment.



## 5 WHAKAPAPA / LINEAGE

Ngāti Rēhia is defined by whakapapa.

**TUAKA** the grandson of **RĒHIA**, married **TE PERENGA**, the sister of the great Ngāpuhi chiefs of Ngai Tāwake hapū, **WHAKAARIA** and **AUWHA**. Ngāti Rēhia trace their lineage from this union. The eldest son was **TOKO** and his teina were **RAE**, **TITORE**, **TAUARIKIRIKI** and **MANGO**. Toko made his home at Te Waha o te Riri. His father was ambushed and beheaded at Te Pati, Te Tii Mangonui.

Under the leadership of Toko, Ngāti Rēhia maintained the fisheries along the coast and extensive garden areas stretching to Whakataha and Waimate. They had a reputation for their manaakitanga (generosity) they provided for their guests, relatives and neighbours. Toko was famous for being a pacifist and a negotiator, especially in the warlike quarrels of his two uncles. On numerous occasions he managed to amicably resolve disputes without the shedding of blood.

The wives of Toko were the four sisters **KARO**, **MOEHAU**, **MAHU** and **RERE**. The union with Karo produced the sisters **MOEWAKA** and **HĀPAI**. Moewaka married **TUPE** and their daughter **TE KOKI** married the great Patukeha chief **REWA**. Hāpai was the mother of the chief **TITORE TAKIRI** who assisted his Patukeha relations in defeating the Ngare Raumati people of Kororareka and Te Rāwhiti.

The marriage of Toko to the youngest sister, Rere, produced the great chief **TĀREHA** and his brother **TE PĀKIRA**. Toko was first cousin to **TE HOTETE**, the father of **HONGI HIKA**. The two cousins hotly disputed the ownership of Tākou and other areas. The dispute was settled in favour of Toko following a bloodless challenge involving Pouwhenua. Toko then bequeathed the Tākou area to his elder sister **RIMARIKI** before departing permanently to live at Te Waha-o-te-Riri. The descendants of Rimariki are the Ahi-Kā of Tākou today.

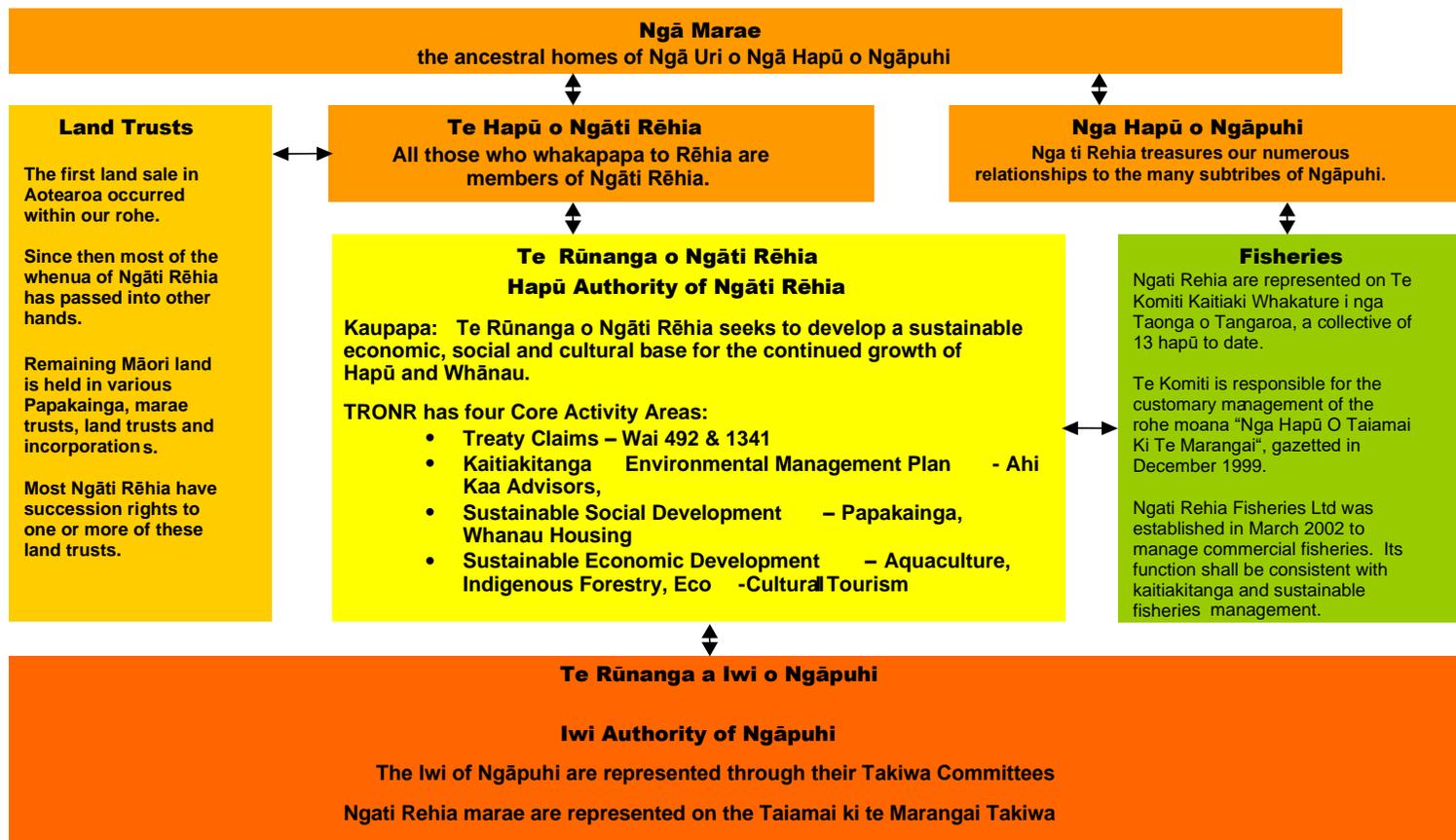
Thus, the descendants of the children of Tuaka and Te Perenga are the recognised people of Ngāti Rēhia. As time passed, some of these people were assimilated into other hapū through marriage.

Ngāti Rēhia were the hosts of the first European Christian community at Rangihoua. At that time Marsden described in detail the settlements in each bay of the Mangonui and Te Puna Inlets, each with its gardens and kainga.

Along with most Māori people, Ngāti Rēhia suffered terribly from the effects of colonisation; through the loss of land, ravaging disease and the impact of firearms, social and economic ills and health problems. More recently the effects of population drift to the cities was also devastating as families fragmented and the loss of whānau and hapū support was keenly felt.

Our rohe bears similar scars. The quantity and quality of kaimoana (seafood) tells us this – where once Ngāti Rēhia feasted its manuhiri (visitors) on koura (crayfish) and pāua (abalone) and scallops, now you are more likely to be served kahawai and pipi. Our waters are more likely to be polluted. Now we face new challenges – expanding urban growth, coastal development, and climate change. Like all Māori, Ngāti Rēhia have always maintained Ahi-Kā, or whānau members whose job it is to keep the hearth warm. The majority of Ngāti Rēhia still live outside of Te Riu o Ngāti Rēhia (tribal region) though more and more of our people are coming home.

Today Ngāti Rēhia are spread around the globe. But no matter how long and how far they go, the future of Ngāti Rēhia is intimately connected to our natural, physical and heritage resources in this rohe.



Ngāti Rēhia in the twenty-first century has many faces. To the outsider this may be confusing. For us it is a simple concept we call Whakawhanaungatanga.

## 6 NGĀ MARAE, NGĀ KAINGA ME NGĀ URUPA O NGĀTI RĒHIA

*Ka mate kainga tahi, ka ora kainga rua.  
When one home fails, have another to go to.*

Our marae, our ancestral homes, are the embodiment of our Tūpuna and the cultural heart of our whānau and hapū.

Over the years they have been the places where Ngāti Rēhiatanga (Ngāti Rēhia identity) has been nurtured and maintained and where the manaakitanga of Ngāti Rēhia has been shown to all our manuhiri.

They have been places where deaths have been mourned, lives celebrated, our heritage remembered and ultimately all issues facing our people discussed. In times of crisis or calamity our marae have been places of refuge and relief for all members of our community.

Today many of our marae are in poor repair. Many of our ancestral houses need to be rebuilt.

Our marae are represented on our Iwi authority, Te Rūnanga Ā Iwi O Ngāpuhi, via representatives on our Takiwā Committee, Te Taiāmai ki te Marangai Takiwā.

Our Kainga, our ancestral villages, are the places our Tūpuna families lived their daily lives. Once they were numerous and Ngāti Rēhia moved seasonally between their villages constructed close to the best gardening, birding and fishing areas.

When the missionary Marsden first came to Ngāti Rēhia he described the bays of Te Kerei Mangonui (now wrongly called Te Puna Inlet) as each having a kainga carefully laid out and surrounded by neatly kept gardens. Since that time the alienation and sale of land and the urban drift of our families to the cities has diminished our kainga to only a handful. While TRONR remains optimistic that Papakainga (village) will eventually be re-established on all remaining ancestral land, there are major obstacles with issues such as land succession, rating and development controls to be addressed and overcome.

Our ancestral urupa, our burial areas, are also found throughout the rohe. For Ngāti Rēhia these places are tapu (sacred). TRONR consider that only tikanga should hold any weight in decisions over the management of these areas.

We insist that TRONR and the marae are fully consulted over any development or management decision by any external party affecting our marae, our kainga or our urupa.

## 7 TE RŪNANGA O NGĀTI RĒHIA / NGĀTI RĒHIA TRIBAL COUNCIL

Ngāti Rēhia has established a hapū Rūnanga to provide political and operational leadership for the hapū.

### 7.1 OUR KAUPAPA OR MISSION STATEMENT IS:

TRONR will develop a sustainable Economic, Social and Cultural base for the continued growth of Hapū and Whānau.

To strengthen, develop and promote

- Te Reo
- Whakawhanaungatanga
- Tikanga
- Mahi ā Rēhia
- Wānanga

### 7.2 TIKANGA /VALUES

#### Tino Rangatiratanga / Mana Whenua

- Rights and responsibilities through whakapapa

#### Mana Tangata / Whānau

- Rights and responsibilities through whakapapa
- Mana Whenua / Whakapapa = Ngāti Rēhia

#### Kotahitanga

- Kia kotahi te mahi o te katoa, mo te katoa.
- Work together for the benefit of the hapū collectively
- Work with ngā hapū o Ngāpuhi to strengthen the Iwi

#### Kaitiakitanga

- Kaitiakitanga is the responsibility of the hapū/whānau
- This generation is only the Kaitiaki of the mātauranga and resources handed on by Tūpuna so that we may pass them to our mokopuna.

### 7.3 CORE FOCUS AREA

TRONR has a focus on four core work areas:

**Treaty Claims.** Ngāti Rēhia Kaumātua have lodged Claims Wai 494 & 1341. These are progressed by a Treaty Claims Steering Committee. TRONR is a member of the Ngāpuhi Treaty Claims Design Team.

**Kaitiakitanga.** TRONR are active participants in the sustainable development of our taonga. We have established **AKA** (Ahi-Kā Advisors) as our Kaitiaki business unit. AKA will be responsible for implementing this Hapū Environmental Management Plan.

**Social Development.** TRONR has a track record of Social Development initiatives including housing and Papakainga.

**Economic Development.** TRONR promotes hapū based sustainable development initiatives. This includes aquaculture, indigenous commercial forestry, eco and heritage tourism.

### 7.4 TRONR STRUCTURE

TRONR was established as a Charitable Trust in 26 March 2002.

In 2018 the Trustees are:

Kipa Munro (Chairman)

Tajim Mohammed-Kapa (Secretary)

Whati Rameka (Treasurer)

Nora Rameka

Waitai Tua

Alana Thomas

Trustees are elected annually at an annual general meeting in accordance with the TRONR constitution. The constitution allows for additional trustees to be co-opted on to TRONR to provide additional skills or expertise as required. TRONR is a voluntary organisation and operates largely on the limited resources of its trustees. It is our intention to continue to build TRONR into a permanent and professional organisation dedicated to the sustainable development of our hapū. TRONR seek the active support of Te Rūnanga Ā Iwi O Ngāpuhi and the relevant agencies to achieve this objective.

**The TRONR office is located at:**

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## 8 HE WHAKAPUTANGA O TE RANGATIRATANGA O NIU TIRENI ME TE TIRITI O WAITANGI

Tāreha, on behalf of Ngāti Rēhia, signed the 1835 He Whakaputanga o te Rangatiratanga o Niu Tireni (Declaration of Independence) organised by the British Resident Busby. Ngāti Rēhia did not sign the Te Tiriti o Waitangi (Treaty of Waitangi). Tāreha considered the mana of Ngāti Rēhia was protected in the earlier document.

The Hapū of Ngāti Rēhia recognise the Te Tiriti o Waitangi and the earlier 1835 Declaration of Independence as foundation documents defining the partnership between hapū and the Crown. We recommend that Te Rūnanga Ā Iwi O Ngāpuhi advise all agencies to consider both documents as “relevant planning documents”.

Ngāti Rēhia have two current claims to the Waitangi Tribunal. WAI 492 was filed in 1994 in the name of Kaumātua, Tuauahiroa Kemp and WAI 1341 was filed in 2006 in the name of Kaumātua, Remarie Kapa. The WAI 492 claim followed a hui of Ngā Hapū of Ngāpuhi called by Kaumātua, Tuauahiroa Kemp and Wiritua Heihei held at Whitiara Marae, Te Tii on 13 February 1994. At that hui all hapū of Ngāpuhi gave their tautoko (unanimous support) for the WAI 492 claim over Kerikeri-Kororipo.

TRONR have established a steering committee to progress both claims and seeks to work collaboratively with all claimants in progressing these through the Waitangi Tribunal process.

Resolution of Treaty claims is likely to have significant impact on management of resources within our rohe. In the interim, the precautionary approach would strongly suggest that significant management decisions should not exacerbate existing claims.

In any dispute as to which version of the Te Tiriti has mana, TRONR understand that the international protocol is that the Māori version has preference.

## Part B.

### Hapū Environmental Management Plan for Ngāti Rēhia

This is the second review of our Hapū Environmental Management Plan (“HEMP”) prepared by TRONR on behalf of the hapū of Ngāti Rēhia. We are referring to this as our Third Edition. Te Rūnanga Ā Iwi o Ngāpuhi (TRAION) recognises that this Plan is a “relevant planning document”.

The HEMP is a living document. It contains Issues, Policy and Methods. These are not a closed list and will be extended and reviewed over time. Where no policy exists on any particular issue this should not be taken to mean that Ngāti Rēhia do not have an interest in that matter.

As Ahi-Kā, Ngāti Rēhia are responsible for Kaitiakitanga in relation to the natural, physical, heritage and cultural resources of our rohe.

## 9 WHANAUNGATANGA / RELATIONSHIPS

### BACKGROUND

Our history and whakapapa, the Pā on the ridgelines and the very names our ancestors bestowed on all parts of the landscape are testimony of a time before resource management, biodiversity, global warming, fee simple land title, council rates and carbon sinks. A time when our Kaitiakitanga was the preferred management system and the tools of rāhui, tapu, manaaki and karakia were used in place of reserves, regulation and policy. In those times, the failure to live sustainably and in harmony with the environment and the seasons had severe and drastic consequences for our people. Successful management was entirely reliant on the strength of the whānau and hapū to work together for the collective good. It was reliant on the relationships forged by whanaungatanga and kotahitanga.

Since the advent of colonisation and the introduction of new cultures, species, values and processes, the management of our rohe and our resources has taken on many new characteristics. For the sustainability of the resources and rohe for which we are Kaitiaki to be achieved relationships today are far more complex. Not only are there all the traditional relationships to honour and nurture and reinforce with whānau, hapū and iwi but there are our relationships with all the new communities that have arrived, and continue to arrive, not to mention all the various agencies of government – at local, regional and central levels.

We believe the values and methods of Kaitiakitanga have much to offer, especially in a world that faces the effects of ever increasing developmental pressure from local and global forces.

For well over a century after the signing of Te Tiriti, no protection was offered to Kaitiakitanga by statute. In fact, Acts such as the Tohunga Suppression Act 1907 actively banned it. The loss of language and the huge rates of urban drift have further fragmented both the knowledge and enhancement of Kaitiakitanga.

Ngāti Rēhia believe that we, the tangata whenua and Kaitiaki of this rohe, have a unique and essential role to play in the current search for “sustainability” and that this is recognised in the various laws adopted by successive governments to meet the terms of the contract signed at Waitangi.

### ISSUES

1. Western science does not by and large recognise Kaitiakitanga methodologies.
2. Communities have become fragmented making the maintenance of strong relationships and cultural taonga very challenging.
3. The continuous pressures of development vs. sustainability.
4. Lack of guidance and direction within statute on how to give effect to Kaitiakitanga.

### POLICIES

As Kaitiaki Ngāti Rēhia:

1. Is answerable firstly to the relationships our Tūpuna forged with all the children of the Atua and to the relationship our mokopuna need to have with Te Ao Mārama.
2. Will seek to protect taonga of value to past, present and future generations and seek that best practice when consulting is actively recognised and practiced by all participants.

**METHODS**

TRONR will:

1. Base all its relationships on values of utmost good faith.
2. Advocate for and support all initiatives to preserve, retain and enhance the mātauranga and tikanga of Kaitiakitanga and to see that knowledge passed on to our mokopuna.
3. Establish a hapū pātaka of Ngāti Rēhia mātauranga.
4. Work with TRAION to establish an electronic GIS based pātaka of silent files.

**9.1 OUR RELATIONSHIP WITH OURSELVES**

Is of utmost importance.

Our vision is a simple one – we wish for the manaaki our mokopuna show to all manuhiri when they visit our vibrant marae to include koura and pāua and scallops customarily harvested under a sustainably managed fishery from oceans unpolluted by poor land use practises.

As Kaitiaki, Ahi-Kā and tangata whenua we need to do all we can to ensure our mokopuna inherit the best options we can provide them.

For Ngāti Rēhia to fulfill its responsibilities as Kaitiaki will take all of us – both the Ahi-Kā who maintain the mana of the hapū at home and those of our whānau who have moved further afield to provide tautoko, awhi, fresh ideas, skills, learning and a global perspective.

We all have a responsibility to ensure our mokopuna grow up steeped in both our traditional mātauranga and tikanga and in the best of western science and planning if they are to fulfill our Kaitiaki duties after us. Sadly, the resources of our natural world are becoming increasingly depleted. Our mokopuna will have many challenges

If a sustainable future is to be left for children and their responsibility to Kaitiakitanga, then one of the major challenges we face is how to provide sufficient incentives for them to remain as Ahi-Kā in the modern world.

The future development of Ngāti Rēhia requires us as a hapū to build a strong and sustainable economic foundation. Ngāti Rēhia can be considered “asset rich” in terms of our heritage and locality but “capital” poor. This is an unfortunate legacy of our colonial past which has seen our land holdings diminished to only remnants (and the poorest remnants) of our traditional natural resources – land, water, forests and fisheries.

The economic future of Ngāti Rēhia is linked inextricably to our natural and heritage resources. For these to prove realistic in the long-term we must ensure the hapū invests only in those economic activities that are genuinely sustainable over time. It is a simple equation. If we want our people to come home from the cities, we need to offer them sustainable futures: that includes vibrant marae and viable career paths with paid employment derived from clean and sustainably managed environments.

It is essential that we start at home – by developing our marae, our Papakainga, our whenua and our fisheries on a long-term sustainability basis.

### ISSUES

1. The ability for current and further generations to manaaki our manuhiri in a manner that was practiced by our ancestors.
2. The future sustainable management of all resources.
3. The impact that poor land use practices are having on water quality throughout the catchment.
4. The ability to provide sufficient incentives for our mokopuna to return home and remain as Ahi-Kā in a modern world
5. The ability of Ngāti Rēhia to develop a strong economic foundation for the hapū and ensure that the investment is based on principles of sound economic sustainability.
6. The ability to develop our marae, our Papakainga, our whenua and our fisheries on a long sustainable basis.

***Nāu te rourou nāku te rourou***  
*Together we will feed the manuhiri*

### POLICIES

TRONR will do all it can to keep the hapū informed of all issues affecting the development and management of our natural, physical and heritage taonga. For significant issues, TRONR will always advocate for these to be brought back to the marae for kōrero and hui.

TRONR will do all that it can to ensure that Ngāti Rēhia participate in the decision-making processes of government agencies that affect our hapū and our resources and are consulted on all issues of concern to them.

TRONR is committed to developing hapū resources to support sustainable economic development initiatives for Ngāti Rēhia. TRONR will continue to investigate and develop economic development initiatives to build a strong economic base for the hapū based on the sustainable use of hapū assets.

### METHODS

1. TRONR will establish a professional and permanent Kaitiakitanga unit, Ahi-Kā Advisors, as a key method for providing protection and participation of Ngāti Rēhia in the sustainable management of our rohe and our taonga while providing information, feedback, transparency and accountability back to the hapū.
2. TRONR will continue to advocate for and actively support all initiatives to establish sustainable management on our marae, kainga and whenua. This includes initiatives such as seeking to introduce energy efficient housing for our people, indigenous forestry on our whenua and sustainable aquaculture in our moana.
3. Ngāti Rēhia will consider working with responsible partners to establish sustainable joint venture businesses on a case by case basis.
4. TRONR will advocate for, investigate, initiate and support sustainable economic development initiatives for Ngāti Rēhia.

These include:

- a) **Sustainable Forestry.** A substantial proportion of what Māori land that is left tends to be of marginal agricultural quality. In the 1980/1990s various government programmes looked at establishing pine plantations on Māori land with limited success. The Tākou Ahu Whenua Trust plantings were an example of this. Current research indicates there is a strong potential for viable commercial returns over time from establishing continuous cover plantations of largely indigenous species. Once established, such plantations would provide for continuous selective logging of high value timber and non-timber products. Such plantations require greater effort to establish than mono-species clear-fell harvest crops such as pine but allow much more sustainable long-term options while building intergenerational capital and protecting our environment. TRONR is actively working with FNDC, Landcare Research and other stakeholders to research this potential.
- b) **Sustainable Aquaculture.** TRONR has established Ngāti Rēhia Fisheries Ltd as a joint venture with Far North Mussels Ltd. The venture seeks to establish sustainable modern mussel farms within our tribal waters and associated onshore processing facilities. TRONR consider that such farms can be established in a manner that provides enhanced environmental, social and economic benefit, both to Ngāti Rēhia and the wider community. The national moratorium on AMA licenses has caused considerable delay, uncertainty and cost to this venture. TRONR will continue to pursue options for establishment of sustainable aquaculture within our rohe.
- c) **Heritage and Eco-tourism.** The rohe of Ngāti Rēhia includes iconic tourism resources – beautiful coastline, bountiful seas, rich heritage landscapes, the earliest sites of European settlement, sunny beaches. TRONR will advocate and support all initiatives for Ngāti Rēhia to establish sustainable tourism ventures within our rohe. This includes heritage tourism associated with the historic settlement of Kerikeri/ Kororipo and low impact adventure tourism at Tākou Beach. TRONR considers that sustainable tourism is where the impact of visitors and the activities, accommodation and facilities provided for them does not cause an adverse effect on our natural, cultural and heritage resources and values.

TRONR will report annually to Ngāti Rēhia on all aspects of its involvement in the sustainable management of our rohe and its resources.

## 9.2 OUR RELATIONSHIP WITH NGĀPUHI

He mea hanga tēnei tōku whare  
 Ko Ranginui e titiro iho nei te tūānui  
 Ko Papatūānuku te paparahi  
 Ko ngā maunga ngā poupou  
 Pūhanga Tohora titiro ki Te Ramaroa  
 Te Ramaroa titiro ki Whiria  
 Te paiaka o te riri, te kawa o Rāhiri  
 Whiria titiro ki Panguru ki Pāpata  
 Te rākau e tu papata ki Te Tai Hauāuru  
 Panguru–Papata titiro ki Maunga Taniwha-Whakarongorua  
 Maunga-Taniwha titiro ki Tokerau  
 Tokerau titiro ki Rākaumangamanga  
 Rākaumangamanga titiro ki Manaia  
 Manaia titiro ki Tūtāmoe  
 Tūtāmoe titiro ki Maunganui  
 Maunganui titiro ki Pūhanga Tohora  
 Ko tēnei te whare tapu o Ngā Puhi nui tonu.

### BACKGROUND

Ngāti Rēhia are proudly Ngāpuhi and are appreciative of the strong support given by TRAION in preparing this environmental management plan.

Ngāti Rēhia tautoko the Kaitiakitanga of our neighbours. Protection of our natural heritage and sustainable futures for our environment and our mokopuna depend on our kotahitanga.

Ngāti Rēhia is a core participant of *Te Komiti Kaitiaki Whakature i ngā Taonga o Tangaroa*, the Kōmiti responsible for the customary management of the gazetted rohe moana in the Bay of Islands. Te Kōmiti Kaitiaki is a working model of collaboration between hapū. The rohe moana of Ngāti Rēhia comprises a significant portion of this area.

**ISSUES**

1. The capacity to actively participate in wānanga.
2. A central repository of Ngāpuhi mātauranga.
3. Customary rights guaranteed by Te Tiriti o Waitangi.
4. The development and implementation of sustainable management practices for all customary fisheries within Te Riu o Ngāti Rēhia.

***Waiho i te toipoto, kua i te toiroa***  
*Let us keep close together, not wide apart*

**POLICIES**

1. TRONR will wānanga and work collaboratively with other hapū to share learning, knowledge, experiences and opportunities.
2. Ngāti Rēhia reserves the right to speak on its own behalf on matters of significance to the hapū. TRONR will consider invitations to participate in inter-hapū working parties on a case by case basis.
3. TRONR particularly value our close working relationship with other hapū and will continue to work collectively in an effort of building the capacity of the whānau, hapū, iwi.
4. Management of customary fisheries is a significant matter for Ngāti Rēhia. Our customary fishing rights are a taonga guaranteed by Te Tiriti o Waitangi and held in trust by us for our mokopuna.
5. TRONR will advocate and promote sustainable fishery policy and methods within our rohe.
6. TRONR will continue to work closely with Te Kōmiti Kaitiaki Whakature i ngā Taonga o Tangaroa in developing and implementing sustainable management of our customary fisheries.
7. Ngāti Rēhia recognises Te Rūnanga Ā Iwi o Ngāpuhi as the iwi authority of Ngāpuhi. Ngāti Rēhia is represented on TRAION via the takiwā system.

**METHODS**

1. TRONR, through its business unit Ahi Kā Advisors, will seek to maintain close communication with other Ngāpuhi Kaitiaki. This includes sharing of learning, information, knowledge and experience and providing support for the kaupapa of other units where this is complementary to Ngāti Rēhia policies and objectives. TRONR will consider all requests to join inter-hapū working parties or a project by project or issue by issue basis.
2. TRONR will establish a permanent and professional business unit, Ahi-Kā Advisors, to provide kaitiaki services.
3. TRONR will work closely with Te Kōmiti Kaitiaki Whakature in establishing and implementing sustainable policy for the management of both the fishery and the home of the fish within our rohe.
4. TRONR will continue to seek technical assistance, support and advice from TRAION. TRONR encourages TRAION to actively pursue the Kaitiakitanga interests of the iwi and Ngāpuhi-nui-tonu through:
  - a) providing practical, technical, training and financial assistance and support for the development of hapū-based Ahi-Kā and Kaitiakitanga business units
  - b) facilitating the transfer of information within Ngāpuhi and from other iwi on best practice for Kaitiakitanga. We ask TRAION to prioritise developing and implementing a tribal GIS system
  - c) preparing and adopting robust policy and direction for the sustainable development of Ngāpuhi tribal assets
  - d) providing advocacy and support to hapū to develop sustainable partnership processes with relevant government agencies and research agencies
  - e) coordinating environmental monitoring within Ngāpuhi-nui-tonu to fully include the Ahi-Kā and haukainga
  - f) recommending for hapū endorsement, generic responses to central and local government policy initiatives
  - g) where necessary, providing legal support to ensure the protection of ngā taonga o Ngāpuhi.

## 9.3 OUR RELATIONSHIP WITH THE COMMUNITY

### BACKGROUND

Since the English explorer Captain James Cook entered our waters, closely followed by whalers, traders, missionaries and then settlers from most western countries, Ngāti Rēhia has hosted all manuhiri to our rohe. It is a practice we continue today.

There has been much debate in recent years of the relationship between the government, tangata whenua and the Crown when it comes to the management of our natural, physical and heritage resources. We understand that our status as Ahi-Kā, Kaitiaki, tangata whenua and Treaty partner gives Ngāti Rēhia a seat at the management table over and above that of the public. This is confirmed in numerous pieces of legislation and government policy.

Ngāti Rēhia recognises that sustainable development will need the active participation of all stakeholders. This includes community groups, business associations, landcare groups, environmental organisations and sector interests such as recreational fishing groups. Ngāti Rēhia seeks a healthy debate over sustainable management of our resources which includes all affected and interested parties. We invite genuine and open dialogue with all such groups.

Our longstanding and close working relationship with groups such as the New Zealand Kiwi Foundation is evidence of our intention and capacity to work collaboratively with the community for a common goal.

We do have concerns, based on our historical observation, that all too easily the voice of Ngāti Rēhia and other tangata whenua become subject to the “tyranny of the majority” where our voice goes from being that of the partner to that of just one of many competing stakeholders. For this reason, and to protect the customary rights of future generations of Ngāti Rēhia, we will always seek to develop consultation and participation directly with the Crown and its agencies and only enter multi-stakeholder processes where the status and role of Ngāti Rēhia is clearly identified from the outset.

### ISSUES

1. Our relationship with the Crown over the management of natural, physical and heritage resources
2. The rights guaranteed by Te Tiriti o Waitangi vs currently legislation and its interpretation. Status of Treaty Partner to one of competing stakeholder.
3. Recognition by developers for active participation of all stakeholders and open and honest dialogue.
4. Access to direct consultation with Crown and agencies.

### POLICIES

1. TRONR will continue to advocate for the recognition of Ngāti Rēhia as a Treaty partner in all multi-stakeholder processes involving the management and development of natural, physical and heritage resources within our rohe. TRONR will consider all requests to join multi-stakeholder processes on a case by case basis.
2. TRONR will continue to work collaboratively and positively with all community groups whose policies and initiatives contribute to the sustainable management and enhancement of resources within our rohe.
3. TRONR will ensure that all significant projects or initiatives are brought back to the Ahi-Kā and haukainga to debate on marae before any policy is developed on any individual proposal.

## METHODS

1. TRONR will continue to engage with all community groups involved in the sustainable management and enhancement of our rohe and its resources. Such engagement will be on the clear understanding that Ngāti Rēhia are Ahi-Kā and tangata whenua within the Te Riu o Ngāti Rēhia and, as such, not just another stakeholder.
2. TRONR will be open to receiving approaches from community groups seeking support or assistance with sustainable management or development initiatives within our Riu. TRONR will consider requests to enter into partnerships with community groups for specific projects or initiatives on a case by case basis.
3. TRONR is happy to consider all requests to act as facilitator between the community and the hapū, whānau and marae where this is undertaken with positive intentions.

## 9.4 OUR RELATIONSHIP WITH DEVELOPERS

### Background

Increasing desire for coastal lifestyles, the expansion of the Kerikeri-Waipapa urban area, and the increasing importance of tourism markets are all factors in the development explosion we have witnessed in the past decade or more. There is little sign of such development pressure abating and TRONR fully expect Kerikeri-Waipapa to grow into the first city of the Far North.

Ngāti Rēhia is not by nature anti-development. Our history shows our proven capacity to adjust and adapt to changing pressures around us. The advent of colonisation saw our Tūpuna Te Pahi, Toko and Tāreha developing trading relationships that took them to Sydney and beyond as they became traders and provisioners of the new colonists.

TRONR is adamant that the cost of such future development must not be the degradation or loss of our heritage, our culture or our environment. TRONR has an established reputation of working with responsible developers to ensure their objectives and our requirements can both be met.

The first steps of consultation over development proposals are straight forward. If development will affect Ngāti Rēhia values or rohe then the developers should seek to enter into consultation with TRONR at the earliest opportunity. Such consultation should always be initiated on a *kanohi ki te kanohi* basis in the first instance. Where unmistakable evidence of honest attempts to enter into consultation with Ngāti Rēhia to ascertain the impacts on Ngāti Rēhia of developments, we expect that the relevant agencies will decline such applications. We invite all developers to read Section 14 – Ahi-Kā Advisors before making an appointment.

### ISSUES

1. The expansion of urban sprawl vs that protection of heritage, culture and the environment.
2. The current statutory obligation not to consult.

**POLICIES**

1. TRONR will monitor all applications for development initiatives within our rohe.
2. TRONR will enter into consultation with all developers to ascertain the actual or potential effects of the development proposals on Ngāti Rēhia, our values and our environment.
3. TRONR will ensure that adequate measures are in place before any development begins to adequately avoid, remedy or mitigate any adverse effects on Ngāti Rēhia, our values and our environment.
4. Where development initiatives have actual or potential effects on Ngāti Rēhia, such as the potential to increase the rateable value of adjacent Māori land, TRONR will seek to ensure that these costs will be borne over time by the developer.
5. TRONR will to the best of our capacity monitor all developments once commenced to ensure that they do not result in adverse effects and that they are completed in accordance with the conditions of their consent.
6. TRONR will seek the highest standards be adopted for development and will work with developers to ensure that best practice is adopted for all development initiatives.

**METHODS**

1. TRONR will establish Ahi-Kā Advisors as a professional and permanent Ahi-Kā business unit, to work with all responsible developers in our rohe.
2. TRONR, through Ahi-Kā Advisors, will continue to advocate that all potential developers should seek to enter into consultation with Ngāti Rēhia over their proposals at the earliest possible stage of the development.
3. TRONR, through Ahi-Kā Advisors, will enter into agreements with responsible developers to clearly specify the involvement of Ngāti Rēhia in the development process. Where this involvement includes a cost to the hapū or TRONR, TRONR will insist that all reasonable costs are reimbursed by the developer.
4. TRONR, through Ahi-Kā Advisors, will advocate that all development consultants, (including planners, engineers, surveyors, archeologists and landscape architects) develop and adopt best practice standards with Ngāti Rēhia covering their professional interaction with the hapū.
5. TRONR will request Ahi-Kā Advisors to develop protocols covering protection of all wāhi tapu and other heritage sites and values from development initiatives and will seek to have these protocols adopted as standard consent conditions for all consents granted within our rohe.

## 9.5 OUR RELATIONSHIP WITH AGENCIES

### Background

Under current legislation, the wise management of Ngā Taonga o Te Ao Tūroa requires strong relationships between Ngāti Rēhia, Crown agencies, central and local government Agencies have statutory responsibilities for various roles in managing the natural, physical and heritage resources within our rohe. They operate at local, regional and central government levels. We have listed the most significant agencies and their respective statutes below, but a full list would include numerous bodies including the Maritime Safety Authority, the National Archives, Te Papa, Fish and Game, TRANZIT, Land Information NZ, the NZ Geographic Board, the Māori Land Court, and Crown Research Agencies.

Generally, these agencies have a direct relationship with the Crown and their statutory functions and their responsibilities stem from Crown delegation to varying degrees.

The most significant laws affecting the management of resources in our rohe have various provisions specifically to address the Treaty partnership relationship of Ngāti Rēhia and the Crown. In the case of local government, the Local Government Act 2002 is clear that the councils themselves are not the Crown but have inherited Treaty responsibilities via the Crown.

Ngāti Rēhia consider all these agencies to be components of the Crown and therefore, under Te Tiriti, partners with Ngāti Rēhia in the management of our rohe and the natural, physical and heritage resources within it. Where there is any confusion as to the status of this relationship on any issue, this should be addressed as early as possible through direct consultation and negotiation. TRONR would like to see formal Memorandum of Understanding negotiated with each of the principal agencies.

The introduction to the Local Government Act 2002 and the amendments to the Resource Management Act 1991 have underscored the need for the agencies to provide for the participation of tangata whenua in their decision-making and forward planning processes. Ngāti Rēhia welcomes these new statutory directives and looks forward to working directly at this level with responsible agencies and local government.

Wise decision-making is only as good as the processes put in place to implement the policies. Often the provisions made at a political level to protect the rights and responsibilities of the hapū are not reflected in adequate or consistent processes being applied at management levels of the agencies.

We also take this opportunity to remind the various agencies that while their participation in the management partnership is resourced by their agency, historically Ngāti Rēhia input has not been. This is neither an effective nor efficient way of maintaining a partnership.

### ISSUES

1. How government agencies view their role under delegated responsibilities from central government as a Treaty Partner.
2. Capacity to participate in decision-making and forward planning processes.
3. Protection of the rights and responsibilities of the hapū are often not reflected in a manner that is applied consistently across all levels of management with principal agencies.

## THE PRINCIPAL AGENCIES INCLUDE:

### 9.5.1 Far North District Council

FNDC is our district council, based in Kaikohe. It has primary responsibility for land use and subdivision under the Resource Management Act 1991 (RMA). Under the LGA 2002 it has a range of functions related to community development and rating. Historically this latter issue has caused much suspicion and Ngāti Rēhia are amongst those hapū who lost large quantities of land under different rating powers of the FNDC's predecessors.

In recent years TRONR has developed a strong working relationship with FNDC, working with them on issues such as the Kerikeri Heritage by-pass, and more recently with the new Waste Management Plant.

The principal planning instruments of FNDC are the District Plan, the Future Plan (which includes Council policies on rating amongst other matters) and the various infrastructure (roading, sewerage, stormwater, libraries, Management Plans. FNDC has endorsed key Treaty principles in its Plans – principles of kawanatanga, partnership, active protection, utmost good faith and hapū & iwi development.

TRONR look forward to working closely with FNDC in the review of current plans and the writing of new ones such as the Kerikeri- Waipapa Structure Plans and the coastal access strategy. Ngāti Rēhia is particularly interested in the new RMA provisions for joint management and seeks to explore these in detail with both FNDC and NRC.

TRONR acknowledges the efforts of FNDC to meet its Treaty responsibilities under the RMA and LGA and the assistance they have provided in the writing of this Hapū Environmental Management Plan.

### 9.5.2 Northland Regional Council

NRC is our regional council, based in Whangarei. NRC has RMA responsibility for water, air, soil and the coastal environment. A significant issue currently is aquaculture policy and water allocation.

NRC's principal planning instruments are the Regional Policy Statement, the Coastal Plan, the Water, Air and Soil Plan, Land Transport Strategy, Pest Management Strategies, Catchment Plans and the LTCCP. NRC has also gained new responsibilities for heritage and biodiversity under RMA amendments.

All of these are significant issues for Ngāti Rēhia and we continue to work with NRC as they prepare and review their plans and policies. Ngāti Rēhia is open to considering working collaboratively with other tangata whenua in such work. However, it expects initial discussion to occur on a mana to mana basis with the council.

Along with FNDC, many of the processes initiated by NRC since the introduction of the RMA (such as heritage protection, communication with tangata whenua and resource consent processing) have not proved adequate for safeguarding Ngāti Rēhia interests, values or taonga. TRONR will work with other tangata whenua to monitor the performance of the councils in these regards and to seek review and upgrading of the processes of the councils.

### 9.5.3 Department of Conservation

Under the Conservation Act 1987 DOC has two main tasks; managing the Crown conservation estate and acting as an advocate for conservation values generally. Both functions are of immense interest to Ngāti Rēhia. We see DOC as the primary Crown custodian of the many unique and nationally important heritage icons within our rohe. The Conservation Act also contains a strong directive for DOC to give effect to the Treaty of Waitangi.

All the conservation estate within the rohe is subject to Treaty claim. DOC also have a major influence in policy and management of Ngāti Rēhia marine rohe. See the map below for the DOC administered lands within our territories.



TRONR wishes to see a future management relationship with the hapū and the Department as the two primary partners in the joint management of the Conservation estate within the rohe of Ngāti Rēhia. Achieving this outcome will require consistent effort and commitment by both partners. Unfortunately, progress towards this objective has not been matched by adequate priority or resourcing.

TRONR would like to negotiate a joint management agreement with DOC over the Kororipo Heritage Park as a matter of priority.

DOC's principle planning instruments are the General Policy, the Northland Conservation Management Strategy and Management Plans. DOC is also the joint custodian with MFE of the New Zealand Coastal Policy Statement. TRONR request that there is full participation of Ngāti Rēhia in the review of these documents and any related policy and conservation plans within our rohe. The Whangarei Conservancy office and Bay of Islands Area office are our local points of contact. TRONR would like to hui annually with these offices prior to the commencement of their annual business planning cycle.

#### **9.5.4 Ministry for The Environment**

MFE is the lead government agency for environmental policy. MFE has a Māori policy directorate, Maruwhenua. Financial support for the preparation of this plan has been provided by Maruwhenua.

MFE is responsible for preparing national policy statements, national policy advice, standards and indicators. TRONR will encourage MFE to consult with Ngāti Rēhia and Ngāpuhi over the development and review of all such matters. TRONR request MFE to prioritise development of tools to assist hapū based policy development, management and monitoring of all aspects of kaitiakitanga.

#### **9.5.5 Ministry of Fisheries**

MFISH has the principle responsibility for policy and management of the national fishery. This includes customary fishing regulations for the rohe moana of Ngāti Rēhia.

#### **9.5.7 Heritage New Zealand**

Heritage New Zealand ("HNZ") monitor and enforce the Historic Places Act. Under this Act, all archeological and historic sites are protected whether they are registered or not unless their destruction or modification has been permitted by HNZ.

The number and significance of sites within our rohe make HNZ an important partner in heritage management issues for Ngāti Rēhia

#### **9.5.8 Māori Land Court**

The Māori Land Court ("MLC") is part of the Ministry of Justice. It is responsible for a wide range of functions under Te Ture Whenua Act that directly affect all Ngāti Rēhia owned whenua. This includes adjudicating on the various land holding trusts and matters of trusteeship and succession. The MLC holds records of extreme historical value to Ngāti Rēhia, including all the Māori Land Court minute books and land title deeds.

In addition to being a Court, the MLC has a significant role to play in influencing the policy development of agencies who have administration and management roles affecting land, water and most natural resources. This includes policy affecting Māori land rating, land development and social capital issues such as housing and Papakainga development.

### 9.5.9 Te Puni Kōkiri

TPK has a special role to play in the relationship between Ngāti Rēhia and government agencies; that of facilitator, monitor and change agent. Getting this relationship right is a key to the sustainable development of hapū and iwi throughout Te Taitokerau.

We look to TPK for support in:

1. facilitating the participation of relevant agencies in establishing our Kaitiakitanga business unit, Ahi-Kā Advisors.
2. ensuring the agencies give full and real expression to the various statutory directives for giving effect to the Treaty of Waitangi.
3. ensuring collaboration amongst agencies to avoid consultation and hui fatigue and provide efficiency and effectiveness of government processes to consult with tangata whenua.
4. coordinating capacity building initiatives of the various agencies to avoid duplication and to ensure these are sustainable and effective over time
5. working with the various agencies to ensure adoption of best practice in their engagement with tangata whenua.
6. advocating a focus on Kaitiakitanga as a priority area for tangata whenua.

### POLICIES

1. TRONR will promote and enhance partnerships between the hapū, central government and its agencies, and regional and district councils. The relationships with Ngāti Rēhia need to be cognisant of our status as tangata whenua, Ahi-Kā, Kaitiaki and Treaty partner.
2. Ngāti Rēhia will actively participate in the decision-making processes of all agencies where those decisions affect the hapū, our values or taonga. TRONR will consider requests to participate in such processes in a collective forum of other tangata whenua on a case by case basis.
3. Ngāti Rēhia will actively participate in the management of our taonga – our involvement should be sought at the commencement of all management, planning and monitoring processes.
4. Agencies and other parties should be cognisant of the lack of capacity and resources for Ngāti Rēhia to participate in modern planning and policy processes. All agencies should collaborate with Te Puni Kōkiri to ensure that capacity building initiatives are coordinated in a manner that avoids duplication. Where consultation or participation in agency processes involves a cost to the hapū, these should be borne by the relevant agency. Where consultation is undertaken by consultants or contractors on behalf of agencies, the contract for service should specify the need for the contractor to consult directly with Ngāti Rēhia on a professional basis.

***Mauri Mahi, Mauri Ora; Mauri Noho, Mauri Mate***

**METHODS**

1. TRONR will seek to actively participate in all planning and decision-making (including development of legislation), memorandums of understandings and/or management protocols with all parties to achieving better management of the natural, physical and heritage resources and values within the rohe.
2. TRONR, will establish a Kaitiakitanga business unit, Ahi Kā Advisors (AKA), to provide a professional consultation and advisory service to the hapū to assist building our relationship with the agencies.
3. TRONR, through Ahi-Kā Advisors, will work with all statutory agencies in investigating and initiating effective processes and monitoring of activities and developments to ensure compliance of the Conservation Act, Resource Management Act, Local Government Act and all other associated Acts and/or Policies.

We understand the dilemma for councils and agencies in providing for participation for the numerous hapū of the district, region and country in decision-making and management of resources. We are pragmatic about this. TRONR will work closely with other Ngāpuhi hapū and TRAION to use, where possible, collective processes where the outcome affects more than just Ngāti Rēhia. However, we retain the right to our own voice and position where we deem this necessary. TRONR request that all agencies fully consider and give effect to the following policies in developing and maintaining their relationships with Ngāti Rēhia.

**INFORMATION**

Ngāti Rēhia consider it vitally essential that agencies provide adequate and timely information on all activities and programmes affecting Ngāti Rēhia, our values and our taonga to the TRONR and relevant marae, and where appropriate, Ngāti Rēhia landholders. Information should be supplied regarding:

- (a) resource consents (notified and non-notified), permit and concession applications, including previous staff reports and monitoring/compliance records in the case of consent renewal applications, and
- (b) plan and policy preparation, monitoring and review, for example LTCCP's, District Plans, Regional Policy Statement and Plans, Conservation Management Strategies and Plans.
- (c) Work plans and projected projects which affect Ngāti Rēhia, our heritage, culture and taonga at the commencement of the planning or business cycle.

**DECISION MAKING**

All agencies should consult regularly to ensure adequate and timely participation of Ngāti Rēhia in development and implementation of agencies decision-making and management processes. Agencies should actively consider developing Agreements or Memoranda of Understanding to umbrella their relationships with Ngāti Rēhia and to provide clarity and certainty for both partners.

All agencies should avoid consulting or involving Ngāti Rēhia in decision-making processes that see Ngāti Rēhia identified as just a stakeholder and not a partner in any decision-making process where those decisions affect Ngāti Rēhia, our heritage, culture and taonga.

**JOINT MANAGEMENT**

All Crown assets within the Riu of Ngāti Rēhia are subject to actual or potential Waitangi Tribunal claims. This is particularly relevant to the Crown conservation estate. All decisions over current acquisition, transfer, disposal and management of Crown asset should include Ngāti Rēhia from the outset of those processes.

The Department of Conservation is obliged by statute to give effect to the principles of the Treaty of Waitangi and should do so by entering binding memoranda with Ngāti Rēhia. These memoranda will include collaborative management agreements for specific localities within the Crown's conservation estate, as well as agreements whereby Ngāti Rēhia have effective input into all aspects of the Department's management processes that affect the hapū, our values or our taonga.

Local authorities can transfer powers and functions under the RMA 1991 and the ability under the RMA and the Local Government Act 2002 to enter into joint management agreements with Ngāti Rēhia. Opportunities for either of these mechanisms should be identified and incrementally implemented. For example, management of council owned reserves and similar areas, especially where these contain wāhi tapu, present a prime opportunity for this. TRONR will seek to negotiate a schedule for developing joint management agreements over key reserves within Ngāti Rēhia that have high cultural value.

**CAPACITY BUILDING**

The ongoing ability of Ngāti Rēhia to be involved in the management of our whenua and moana and the future success of integrated management between Crown, Ngāti Rēhia and other parties requires the ongoing and continual capacity-building of our Kaitiaki, whānau and hapū. Building this capacity is the responsibility of Ngāti Rēhia and achieving this is in the best interests of all parties and will require the active support and input of all our partners.

**SCIENTIFIC RESEARCH**

Agencies supporting scientific research investigations within the rohe of Ngāti Rēhia should consult with TRONR to determine how the content of their programmes can best co-ordinate with the needs and priorities of Ngāti Rēhia. Most government departments, Crown Research Institutes and state universities have specific obligations to undertake such consultation under their governing legislation and are expected to consult at the earliest possible opportunity as a matter of best practice.

Contact with TRONR should be made before any scientific research commences, or any applications for scientific research funding are initiated.

1. If the work impacts on taonga of Ngāti Rēhia, protocols covering the activity should be formally agreed with the Kaitiaki from the outset of the research and conditions for the work determined by Ngāti Rēhia must be respected. Such protocols must include agreed understanding of any indigenous intellectual property rights associated with any research. Where Ngāti Rēhia kaumātua consider it appropriate, tikanga and ritenga should be observed during the research.
2. Ngāti Rēhia should have the opportunity to work beside the researchers, in a paid capacity.
3. With all publications arising from research involving Ngāti Rēhia and our taonga, Ngāti Rēhia should be invited to peer review such findings and be able to append their own comments to the published information.

**DISTRICT AND REGIONAL COUNCILS**

Ngāti Rēhia will continue to dialogue with FNDC and NRC to:

1. Provide for the active participation of Ngāti Rēhia in the development, implementation, monitoring and review of all council plans and policies and all decision-making and management processes that affect the hapū, our values and our taonga.
2. Recognise Ngāti Rēhia as an affected party to all plan and policy development and all resource consent and permit applications that impact or affect Ngāti Rēhia resources, culture and/or heritage. Where applications include taonga that is the collective property of Ngāpuhi iwi then TRAION are also to be considered an affected party.
3. Consider this Hapū Environmental Management Plan in the preparation or review of all statutory and non-statutory instruments (Strategies, Policy Statements and Plans) that affect our rohe as the initial step in involving Ngāti Rēhia.
4. Where, for whatever reason, there has not been Ngāti Rēhia input into statutory planning processes, such silence is not to be interpreted as agreement or acceptance of any such plan or policy.
5. Ensure that an adequate pool of independent commissioners skilled in Ngāpuhitanga is available to be appointed to Hearing Committees for all relevant hearings (resource consent, plan and policy development) where Ngāti Rēhia are an affected party or Ngāti Rēhia interests are involved.
6. Ensure that relevant staff, (for example, managers, resource consent planners, policy writers, monitoring and enforcement officers), have sufficient understanding of Ngāpuhitanga and tikanga to make well-informed decisions where these affect Ngāti Rēhia taonga and interests.
7. Promote conditions on consents that provide for the avoidance of effects on matters of significance to Ngāti Rēhia and provide for the involvement of Ngāti Rēhia in the monitoring and review processes of resource consents. This should include development of agreed protocols governing any activity allowed by consent or permit that can affect wāhi tapu or other heritage matters.

**RESOURCE CONSENTS / CONCESSIONS/ PERMITS**

1. TRONR request that Councils:
2. Recognise TRONR is an interested and potentially affected part to any notified and non-notified resource consent application within our rohe concerning or potentially affecting any resource because of our special relationship with these taonga. Whenever TRONR are involved in setting conditions for a consent, either the applicant or council will resource TRONR to regularly monitor and review those conditions.
3. Actively promote to resource consent or permit applicants pre-application engagement with Tangata whenua as being best practice.
4. Require all applicants for consents/concessions/permits to demonstrate that they have ascertained whether their proposal has any effects, major or minor, on Ngāti Rēhia values and resources. Where effects, actual or potential, are evident, applicants should provide evidence that Ngāti Rēhia have been adequately consulted. Where such evidence is not supplied the application should be not be accepted.

5. Include in all council reports on resource consent applications, the results of consultation or negotiations held with Ngāti Rēhia.
6. Hold hearings, pre-hearings and preliminary meetings on marae where Ngāti Rēhia taonga, values or heritage may suffer adverse effects from the proposal.
7. Provide for tikanga Māori and Te Reo Māori at hearings where requested by Ngāti Rēhia and where hearings involve taonga of Ngāti Rēhia.
8. Not be involved in decisions pertaining to Ngāti Rēhia resources, values or heritage without full prior discussion with Ngāti Rēhia.
9. Ensure that all staff involved in processing consents affecting Ngāti Rēhia taonga, values or heritage have adequate training in Ngāpuhitanga and tikanga.
10. Develop and implement appropriate processes for informing Ngāti Rēhia of all notified and non-notified applications for resource consents, permits, etc of interest to Ngāti Rēhia or affecting the Ngāti Rēhia rohe.
11. Develop mutually-agreed processes and timeframes to allow us to conduct site visits and assessments of all proposed activities before final decisions and consents are granted.
12. Require all prospective applicants at the earliest possible stage of their proposal to agree the process by which Ngāti Rēhia will consider and monitor the development if requested. This may include a fee associated with conducting site visits and assessments of all proposed activities prior to lodging resource consent applications and reasonable access for kaitiaki to monitor the development once consent is granted where TRONR consider this necessary.
13. Develop best-practice standards and guidelines for development processes and outcomes within our rohe.

## 10 WHENUA / LAND

### BACKGROUND

Ngāti Rēhia are tangata whenua / Ahi-Kā / Kaitiaki – literally the people of the land. Our relationship to this land is central to our being. Of the many whakatauki of Māori, many concern this relationship.

***Toitu te whenua, whatungarongaro te tangata***

*The land is permanent, man disappears*

***Nōku te whenua, o ōku Tūpuna***

*The land is mine, inherited from my ancestors*

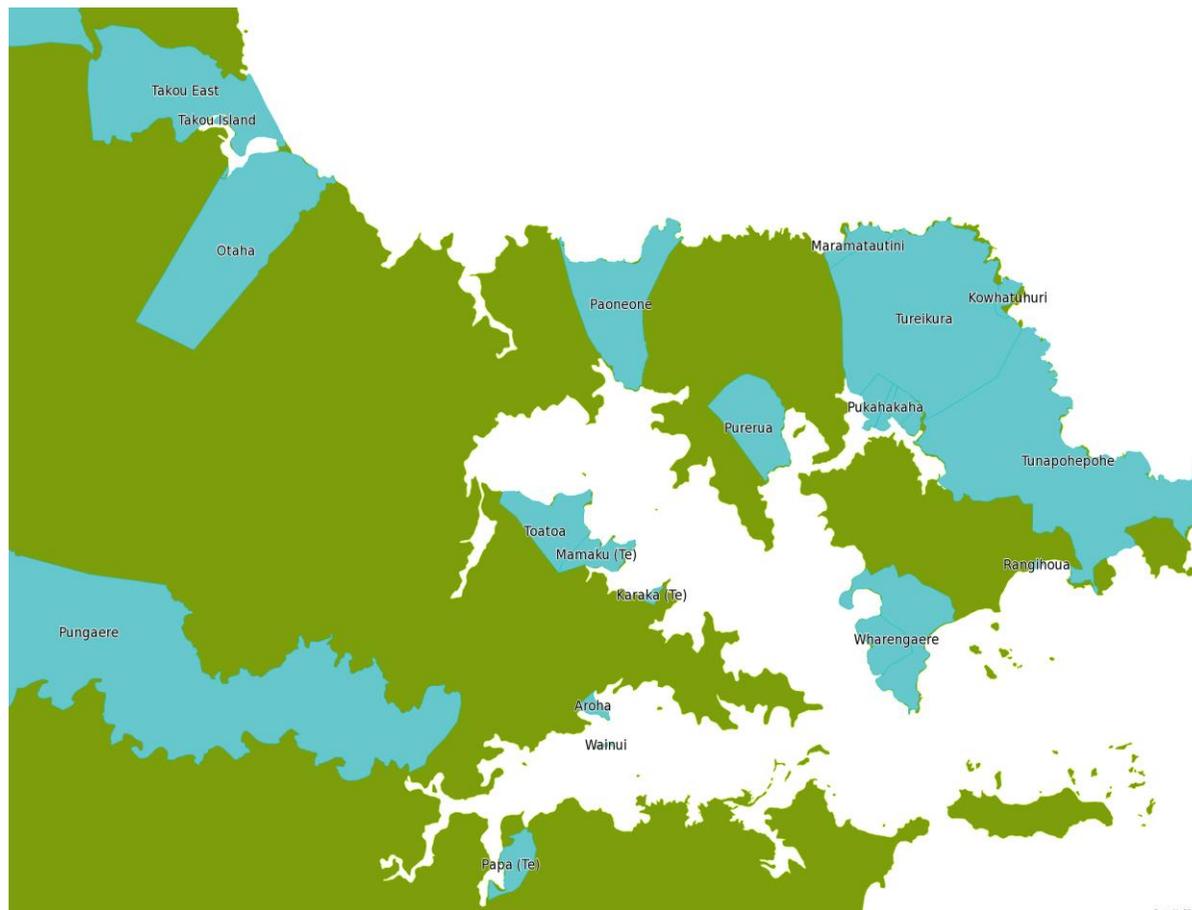
***He wāhine, he whenua, ka ngaro te tangata.***

*For woman and land, men perish.*

TRONR consider that all land within our rohe is ancestral land. To what degree the loss of our lands and all the associated social and economic costs to Ngāti Rēhia was illegal or in breach of the guarantees made in 1835 and 1840 are matters that will ultimately be decided by the Waitangi Tribunal and our consequent negotiations with the Crown.

It is sufficient for the purposes of this plan to note that the alienation of our lands has resulted in what land the various whānau of Ngāti Rēhia has left in Māori title being of generally marginal quality. Much is landlocked, often the result of loss of land to rating burden. The restrictions placed on the communal holding of this land through the various successions of Māori land law, where first lists of owners were arbitrarily applied to different land parcels and later rules around succession and control of the land, have left us with different obstacles to face in seeking to now establish sustainable uses for this land.

The map below shows the Native Land Court Blocks within our territories



Land in Māori title cannot be compared to land in general title. Being ancestral land, it is not generally available for sale. TRONR does not support any further alienation of Ngāti Rēhia land from direct Ngāti Rēhia ownership. The increasing numbers of beneficial owners, many spread to all corners of the globe, and the fragmentation of shareholdings makes management decisions complicated. Generally, Māori land cannot be used as collateral for raising development capital for establishment, maintenance or expansion of either social equity (housing, kainga, marae, etc.) or economic use.

The increasing rate of development and increasing population of our rohe, places increasing pressure on our land resource. That increased pressure in turn impacts our water and marine resources. Local government has major responsibilities for ensuring that development does not result in major effects on our environment.

This means strict control of subdivision, land use, earthworks and land modification.

Councils and DOC are the lead agencies for managing our biodiversity resources. TRONR has been a staunch supporter of good policy for ensuring the maintenance and enhancement of our indigenous biodiversity. Past generations of largely uncontrolled development have seen a huge cost borne by our ancestral forests, wetlands and land.

An increasing issue for Ngāti Rēhia is the intensification of land use for urban and lifestyle living. The Kerikeri-Waipapa area is expanding steadily and most growth predictions consider this area will progressively intensify until it becomes the first city in the Bay of Islands. If this is to happen, we would prefer to see a city designed to the highest standards of urban design with the best and most environmentally sensitive infrastructure (transport, sewerage, water, waste disposal, public amenities) catered before ahead of development rather than as a hasty afterthought.

Increasing urbanisation brings with all the associated problems of increased population in a small area – increased stress on space, fisheries, coastal resources to name a few. These pressures need to be carefully managed to ensure that our hapū, our culture, our taonga and our heritage are not the unfortunate casualties. Unfortunately, the very attributes that attract new settlers today are those that were valued by our Tūpuna and increasingly we are seeing coastal lifestyle developments threatening our ancestral Pā and kainga and wāhi tapu as lifestyle choices come into conflict with heritage values.

## ISSUES

1. Alienation of land belonging to the hapū.
2. The restrictions placed on the communal holding of land through the various successions of Māori land law have affected the abilities of the hapū to fully utilise their land in a sustainable way.
3. Complexities associated with Māori land ownership
4. Ability to utilise Māori land as collateral to assist with its development.

## POLICIES

1. There should be no further alienation of Māori land within the rohe. Long term sustainable use of remaining Māori lands should be adopted wherever this is economically viable to do so.
2. Further development of land resources within the rohe of Ngāti Rēhia should not be at the expense of the ancestral relationship of Ngāti Rēhia with that land, our culture and heritage.
3. Further development of land resources within the rohe of Ngāti Rēhia should not be at the expense of the environment.
4. Further development should be preceded by proper planning for infrastructure (roading, water, sewerage, waste, amenities).
5. Ngāti Rēhia will participate fully in all decision-making processes, and monitoring of development of land resources and its effects on both Ngāti Rēhia and our environment.

## METHODS

1. TRONR consider that there is an urgent need for serious investigation into establishing the best long-term economically sustainable use of multiply owned Māori land. TRONR will continue to participate in and support research into long-term sustainable land uses on remaining Māori land, such as the establishment of permanent cover commercial indigenous forestry.
2. TRONR consider that TRAION, the Māori Land Court and TPK should urgently investigate the issues of succession of Māori land shares and the adequacy of current processes for managing this.
3. TRONR will consult regularly with all agencies and FNDC, NRC and DOC to identify potential for Ngāti Rēhia participation in the decision-making processes of those agencies. TRONR will negotiate to ensure adequate Ngāti Rēhia participation within those processes and associated matters including resourcing for Ngāti Rēhia participation. TRONR would prefer to record the outcomes of such negotiations within formal MoU, agreements or similar to provide clarity and certainty for both partners.
4. TRONR will establish Ahi-Kā Advisors to provide professional advice and analysis to the Rūnanga and the Hapū in fulfilling these policies. AKA will, on behalf of the hapū, work with developers prior to any consent being granted to ensure that individual development projects do not have an adverse effect on land resources within our rohe. AKA will advocate for adequate permanent indigenous vegetation buffers to be established between any source of sedimentation and all waterways and coastlines.

### 10.1 LAND RATING

The rating of Māori land is a contentious issue for Ngāti Rēhia. Historically much land has been lost to inequitable rating policies of local government. In the view of TRONR there has never been full consideration given to the differences in Māori land as opposed to general title or the unique situation the owners of Māori land face regarding developing an equitable land rating policy.

TRONR acknowledges the difficulty faced by FNDC and NRC in addressing this rating problem and the recent policy initiatives to provide temporary relief for rating on Māori land in some circumstances. In several instances the remittance of rates on Māori land has removed a significant obstacle to the future use of that land. However, finding a durable and sustainable solution now requires the active attention of central, regional and local government. TRONR consider that the Māori Land Court has a significant role to play in this debate.

The increased interest in recent years in land purchase and development, particularly in the coastal areas of our rohe, has seen a dramatic increase in the ratable value of those properties. Because valuation of Māori land is tied to that of general title, we are increasingly seeing a situation where the rate burden on Māori land is increasing because of its proximity to general title land, even though the circumstances of the land owners of the Māori land has not changed. This raises significant issues for Ngāti Rēhia.

**ISSUES**

1. Māori land not given the full considerations of its inherent differences.
2. Responsibility of developing an equitable land rating policy has been left to one party.
3. One size does not fit all when it comes to valuating Māori and general titled land.

**POLICIES**

1. Freehold Māori land should not be subjected to the same valuation process as that which applies to land held in general title.
2. Valuation and rating of Māori land should not be affected by escalating property values caused by development and intensification of adjoining or neighboring general title land. Where such development does result in increased ratable values for Māori land this should be recognised by the developer and mitigated through development levies.
3. Local authorities should continue to review their Māori land rating policies and consider the long-term effects of current remittance and postponement policies. Local authorities should seek the full participation of TRAION, TRONR, Te Puni Kōkiri and the Māori Land Court in these reviews.
4. Local authorities should investigate establishing Māori Purposes Zones within district and regional planning instruments to assist and facilitate the long-term sustainable development of Māori land.
5. Local authorities should consider long-term rate relief where sustainable indigenous commercial forestry is being established on Māori land.

**METHODS**

1. TRONR will request that TRAION pursue a full review of all legislation governing valuation and rating of land to ensure that the exceptional circumstances affecting Māori land and Māori land rating and current inequities are adequately addressed.
2. TRONR will continue to make submissions to all relevant council processes (annual plans, LTCCP, etc.) requesting them to review their Māori Land rating policies and processes. This includes insisting that rating staff in local authorities receive adequate training in Māori land and rating issues.
3. TRONR will lobby the Valuer-General to review the standard rating valuation policy to reflect the inequities of Māori land and general titled land.

## 10.2 Marae, Kainga, Urupa

### BACKGROUND

Our marae are the cultural heart of our hapū. Many of our ancestral houses need repair or rebuilding. Ngāti Rēhia look forward to a future where our marae are revitalised as the living centres of vibrant Ngāti Rēhia communities. Ngāti Rēhia marae have always played an integral and significant role as centres of their communities and provide a direct benefit to the community, especially in times of natural disaster. This community benefit should be recognised in all policies affecting the rating of such land.

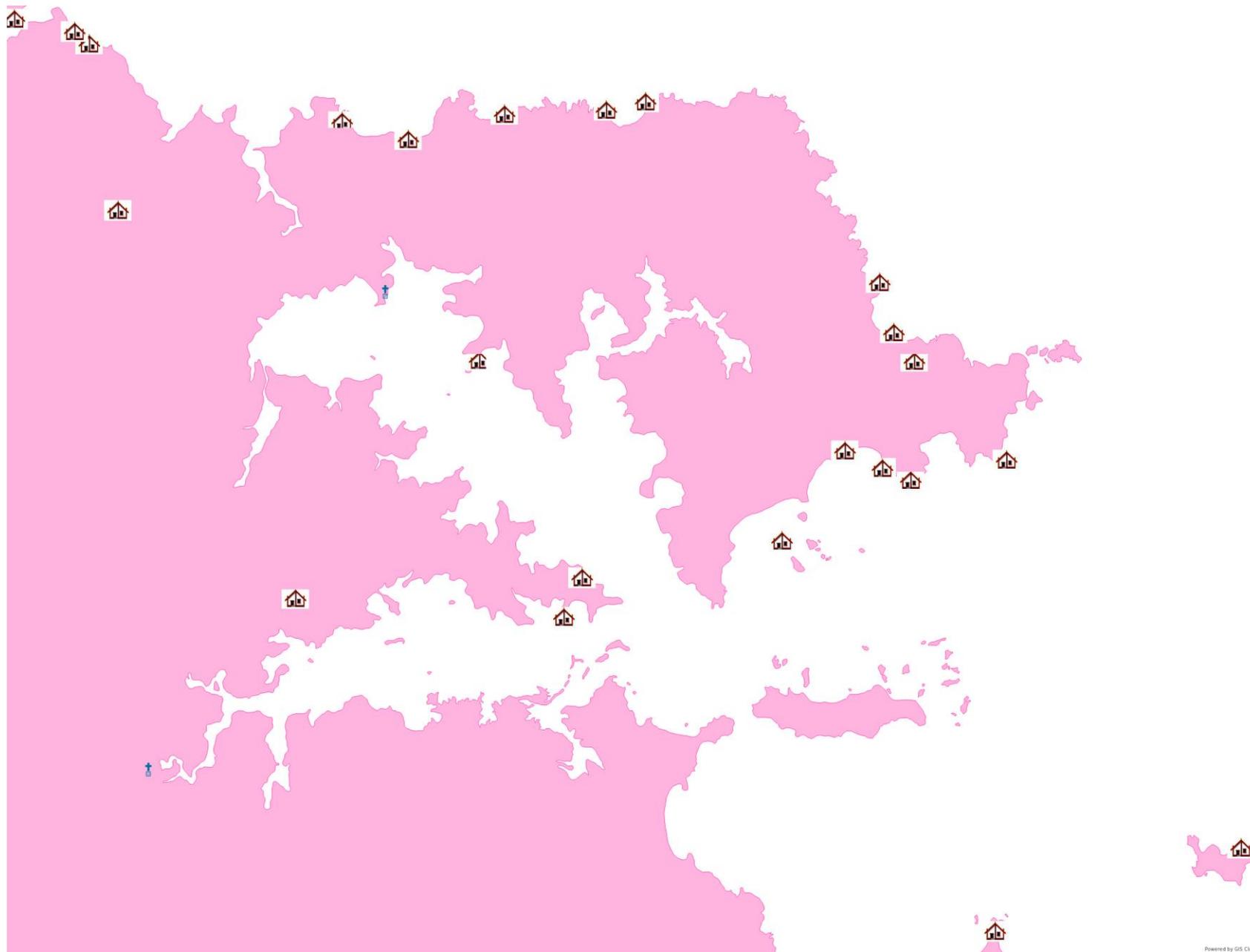
Our kainga, those that remain in Māori ownership, are the obvious sites for the re-establishment of Ngāti Rēhia communities. Development of Papakainga allow the opportunity and potential for our whānau to establish affordable housing. Papakainga cannot be compared to subdivision or housing development on general title land.

Construction of affordable quality housing on multiply-owned Māori land is problematic and requires different approaches by several agencies – local councils and Housing NZ. Often there is inadequate understanding of these issues or inadequate prioritisation of Māori housing needs. For our older Papakainga areas, basic infrastructure needs maintenance or replacement.

With increasing awareness of issues surrounding global warming and the global shortage of oil, it makes common sense that new developments should seek to be as energy efficient as possible. Ideally, we would like to see our Papakainga self-sufficient in terms of electricity, water supply, sewerage and waste management where these can be achieved in a cost-effective manner.

Our urupa are tapu. They are not to be subject to any adverse effects of any development.

The map below shows the marae and pa and cemeteries within our rohe.



**ISSUES**

1. Due acknowledgement of marae being used for the benefit of the wider community.
2. Complexities of building on multiply-owned Māori Land.
3. Participation of key stakeholders in providing affordable housing and communal infrastructure and upgrades.

**POLICIES**

1. Ngāti Rēhia marae are heritage icons and should be recognised as such.
2. TRONR will promote the right of the whānau and hapū of Ngāti Rēhia to develop their marae. Councils should consider giving recognition to Marae Development Zones within council policy statements and plans.
3. Papakainga should be supported to facilitate the resettlement and re-association of tangata and whenua as a matter of right. Council control of Papakainga should be confined to matters of health and safety. Councils should not require contributions of land regarding the development of Papakainga.
4. Our urupa are tapu. They are not to be subject to any adverse effects of any development.

**METHODS**

1. TRONR will continue to advocate that all agencies recognise and provide for the policies in this section.
2. TRONR will request that Ahi-Kā Advisors provide all possible support and assistance to marae committees and Papakainga within the Ngāti Rēhia rohe to further develop their marae and kainga on a sustainable basis. Support should be given to marae to develop as cultural centres of our people and tikanga. Energy efficient building design, methods and materials, environmentally sustainable energy, sewerage, waste and water systems are a priority consideration for all future developments.
3. TRONR, with the support of Ngāpuhi hapū, Iwi Authorities and other agencies lobby council to develop policy for marae development zones that recognise the cultural and social importance of marae to tangata whenua and the wider community.
4. TRONR will strenuously resist any development or other proposals that adversely impact our urupa. This includes requesting TRAION provide legal assistance where necessary to protect the tapu of our urupa.

**10.3 UTILITIES, AMENITIES AND INFRASTRUCTURE****BACKGROUND**

Historically the design, building and maintenance of major infrastructural networks has followed not preceded development, leaving infrastructure in a continual process of “catch-up”. Kerikeri and Paihia now have old and worn systems struggling to keep up with increased needs. Developers have not been required to pay the full and actual cost of providing the infrastructure and services for new development leaving the traditional communities of the district to bear the shortfall. The rush to provide services for new development areas is often at the expense of not providing modern services for existing communities.

Historically, we, as haukainga, Kaitiaki and tangata whenua, have not been able to participate fully in decision-making over these assets. With most Māori land in the rural extremes, our land is often poorly serviced compared with other parts of the district. We have also had decades of experience where Māori land has been taken under various Acts, such as the Public Works Act, to allow for infrastructure.

Councils and agencies such as DOC have acquired land areas for public reserves of various descriptions. Unfortunately, the acquisition of these assets has not been accompanied by adequate resources for the sustainable management of these lands, many of which are now nurseries for all types of plant and animal pests.

### **ISSUES**

1. Increased development and population pressure brings with it increased demand and need for all types of infrastructure and civic services.
2. The order in which infrastructure development occurs.
3. Subsidising of new development.
4. Participation in the infrastructure decision making processes.
5. Land taken under various Acts, used for the public good but less than adequately resourced provided.

### **POLICIES**

1. TRONR will participate fully in all decision-making processes of agencies over planning for, development and management of utilities, amenities and infrastructure within our rohe. Such participation should commence at the outset of any planning or business cycle.
2. Innovative means of providing for development infrastructure should be encouraged, for example the farming of algae for bio-fuels on sewerage treatment ponds, effluent disposal to support indigenous commercial forestry plantations, low impact micro-sewerage systems, etc.
3. New developments should be levied to pay the full and actual cost of development infrastructure to the District.
4. Provision of public services to greenfield developments should not be at the expense of the needs of existing communities.
5. Public reserves management should be adequately resourced to ensure that these areas are sustainably managed. Agencies, councils and DOC should negotiate a schedule of reserves with TRONR for transfer to joint or sole management regimes that include full participation of Ahi-Kā and kaitiaki.

### **METHODS**

1. TRONR will continue to advocate that agencies recognise and provide for these policies.
2. TRONR will establish Ahi-Kā Advisors to provide professional advice and analysis to the Rūnanga and the Hapū in fulfilling these policies. AKA will, on behalf of the hapū, work with agencies to ensure that individual projects do not have an adverse effect on land, water and marine resources within our rohe. AKA will advocate for adequate permanent indigenous vegetation buffers to be established between any source of sedimentation and all waterways and coastlines.
3. TRONR will request AKA to negotiate 3-year schedules of work for each of their work programmes for roading, infrastructure, reserves and community services.

## 10.4 PUBLIC ACCESS

### BACKGROUND

There has been significant public debate over issues of public access to waterways and the coast in recent years, especially following the Foreshore and Seabed Act. Ngāti Rēhia recognise the desire of most New Zealanders to be able to access our beautiful coastline for a variety of uses.

### ISSUES

Access has long been a significant issue for Ngāti Rēhia for three principle reasons:

1. Kaitiaki require access to all wāhi tapu and sites of cultural significance. With the alienation of most ancestral lands from Māori title to either private or public land, many of these sites are now on either private or public lands. There is public pressure to open many areas containing sites for use by the public. We have strong concerns about the ability of the agencies to ensure our sites are not violated or compromised in the process.
2. Access to customary fisheries and mahinga kai. Again, many of these areas are only accessible across either public or private land which can raise issues for both Ngāti Rēhia whānau and landowners when accessing these customary areas. It is also our experience that when sensitive coastal fishery areas are opened up for public access there is a dramatic decline in the fishery of that area.
3. The current Crown policy of providing access for all to all parts of our coastline raises significant issues where the coast is adjacent to land in Māori title. This situation exists in many parts of our rohe, such as at Te Tii, Wharengaere, Tapueatahi and Tākou.

### POLICIES

1. All public access policies and plans prepared by local government or crown agencies must recognise the rights of access that Ngāti Rēhia have:
  - a) to all wāhi tapu;
  - b) for the harvesting and collection of kaimoana and mahinga kai;
  - c) to our fisheries and;
  - d) to taonga prized for traditional, customary and cultural uses.
2. Ngāti Rēhia wish to be fully involved in the preparation of any public access policies or plans by any agency from the outset of the planning process.

### METHODS

1. TRONR will continue to advocate that agencies recognise and provide for these policies.
2. TRONR will request that Ahi-Kā Advisors work closely with all agencies involved in public access policies and ensure Ngāti Rēhia participate fully in such decision-making processes.

## 10.5 URBAN DESIGN

### BACKGROUND

This is our home. Over time we have allowed and then been forced to endure significant changes to our home. These changes have seen major impacts on both our ability to control how our home is managed and on the quality of our home. Again, we point to Marsden’s independent description of his first impressions of Te Kerei Mangonui with a kainga in every bay surrounded by neatly laid out gardens. We are not opposed to change. We are opposed to change which results in a degradation in quality.

Our Tūpuna watched with interest as Kerikeri grew from a simple mission station to a trading post to a village and now to a town. In more recent years it has expanded to include the industrial satellite of Waipapa. We fully expect our children to be witness to its growth into the first city of the Far North. We listen with interest to those who are arguing for keeping Kerikeri as it is now. We remind them of the amount of change Ngāti Rēhia has witnessed and invite them to work with us to ensure that we have a city to be proud of while protecting and enhancing those values important to us.

Growth to date has been opportunistic, sporadic and developer driven and has seen the necessary infrastructure always playing catch-up. Ngāti Rēhia has participated in various attempts in recent decades to undertake a comprehensive planning process to guide development of this growing urban centre. For various reasons, none of these attempts have been successful, often because as soon as any change is perceived as a loss of “property rights” then it meets significant public opposition. As a result, despite having invested our own resources of time and energy in working collaboratively with others, we now understand that FNDC is again looking to develop a planning framework for the Kerikeri/Waipapa area for the third time within 15 years, whilst other parts of the rohe are still waiting for their first detailed planning exercise.

### ISSUES

1. Major impacts that development is having on the urban landscape
2. Balancing growth and development with the protection and enhancing values important to Ngāti Rēhia
3. Growth is developer driven with little or no infrastructure in place.
4. Planning should be catchment basis rather than satellite basis.

### POLICIES

1. Ngāti Rēhia remind all parties that the Kerikeri/Waipapa area and beyond is our home. Whatever plans they have in mind we ask that they talk to us first, before any other party so that we can work together to make sure that those values which are important to us are protected and enhanced wherever possible.
2. TRONR will continue to work collaboratively with decision makers and those who have an interest in the development of our rohe.
3. Decision makers fully recognise that this rohe is our home and that Ngāti Rēhia are Ahi-Kā and Kaitiaki.
4. TRONR supports planning initiatives which will ensure that Kerikeri develops into an urban centre in a manner and at a rate which ensures adequate infrastructure is in place before development occurs.
5. TRONR supports low impact design and innovative solutions which improve the quality of Kerikeri and Waipapa and our rohe generally.

6. TRONR believes that urban centres should be designed around people and not cars.
7. TRONR considers that structure planning should be catchment-based

#### **METHODS**

1. TRONR will continue to request that decision makers consult with Ngāti Rēhia before any other party on proposals for development within our rohe.
2. Decision makers recognise that Ngāti Rēhia are not resourced to participate in other parties' development proposals.
3. Agencies provide for infrastructure which is innovative and more sustainable than what is in place now before allowing further development.
4. Any plans for the Kerikeri town centre must focus on intensification of the existing town and not see further "urban sprawl" as is occurring at a huge rate currently.
5. Opportunities for living, working and playing in a place without relying on private vehicles are required.
6. TRONR will advocate for building control standards that optimise energy efficient designs, methods and materials.

#### **10.6 BIODIVERSITY**

##### **BACKGROUND**

Indigenous animals and plants are the result of countless generations of whakapapa from ngā Atua. They are a priceless taonga bequeathed to us from the dawning of all time. Under Kaitiakitanga, our Tūpuna have interacted with these animals and plants since their arrival in Aotearoa. They had to because their very survival depended on these taonga and their sustainable management. Māori, as with all Pacific peoples, had no concept called conservation where resources or areas were locked away for "natural", "aesthetic" or "amenity" values.

During the past 160 years since the Crown has given itself the responsibility for looking after our native plants and animals, we have seen significant and devastating losses in biodiversity through poor management practices and because of an explosion of largely uncontrolled competing introduced species.

What little remains of that which we once had needs to be looked after to the best of our collective ability, to ensure that our mokopuna have as many options as possible and have the necessary tools.

What little of Ngāti Rēhia ancestral lands we now hold is generally the most unproductive land, often with regenerating scrub which is providing significant habitat of some of our icon native species. This situation has the potential to cause conflicts between the need to be able to provide for our social, cultural and economic well-being and the pressure to protect significant habitats for species such as kiwi. The nature of multiply-owned land with many absentee owners provides its own challenges for managing pests and maintaining native habitat.

Despite nearly two decades of statutory directives aimed at empowering kaitiaki to be active participants in biodiversity management; this has now resulted in building a sustainable capacity at hapū level. There are many reasons for this, including the failure to adequately resource our participation and a tendency to target hapū participation at the labour and project level and not the full project management and policy development levels.

#### ISSUES

- |    |   |                       |
|----|---|-----------------------|
| 1. | biodiversity through poor management practices.   | Significant losses to |
| 2. | competing introduced species  | Uncontrolled          |
| 3. | the need to be able to provide for social, cultural and economic well-being and the pressure to protect significant habitats. | Conflicts between     |
| 4. | to enable participation.  | Adequate resourcing   |

#### POLICIES

1. Kaitiakitanga, practiced by empowered Ahi-Kā Kaitiaki is essential for the future sustainable management of our indigenous biodiversity. Agencies need to provide greater priority and resourcing to empowering hapū at all levels of biodiversity decision-making and management.
2. The decline of our biodiversity has to be turned around to become at least no more losses for native species and no more increases in pests.
3. TRONR will support initiatives for protecting and enhancing biodiversity on a case by case basis.
4. TRONR believes biodiversity values are better managed through encouragement, collaboration and assistance rather than by regulation.

#### METHODS

1. TRONR will continue to look for information and assistance to ensure that remaining ancestral lands are managed in a way that meets all Ngāti Rēhia responsibilities as Kaitiaki and our social and cultural wellbeing.
2. TRONR will participate with decision-makers in ensuring that biodiversity values are enhanced wherever possible where this recognises other social, cultural and economic needs
3. TRONR will continue to work collaboratively with individuals and community-based groups and others with similar interests in actually killing pests and weeds, fencing and planting.

## 10.7 GENETIC DIVERSITY

### BACKGROUND

This is a complex issue and we need to find out more and debate the issue more. Our indigenous genetic diversity is another taonga given to us through whakapapa. Genetic engineering and modification has the potential to provide enormous benefits for people and to create enormous harm to our environment. Whatever decisions are made regarding genetic engineering in this generation will have far reaching and irreversible effects for our mokopuna. Until it is proven that the benefits of genetic engineering do not endanger our environment and our mokopuna, then we should do all we can to not place our rohe at risk.

Control of GE is not an issue that can be controlled locally. If there is GE contamination it will easily cross into or out of our rohe. Therefore, we consider it should be controlled at a national level. Unfortunately, it does not appear that the national protection regime is fool proof because of flaws in the legislation. Until these are fixed, local government should prohibit GE release.

### ISSUES

1. Little is known about genetic engineering
2. Managing the risks associated with such procedures
3. Controlling contamination
4. Clean up costs
5. Flaws in legislation

### POLICY

1. TRONR opposes the introduction of genetically modified organisms, or products produced from such organisms, on the basis that it is contrary to whakapapa, it represents untested dangers, and is not in any way essential to human wellbeing.
2. TRONR supports a GE free rohe.
3. TRONR consider that control of GE is a central government issue. Pending review of the national legislation, GE should be prohibited locally.

### METHODS

1. TRONR will endeavour to monitor information and scientific evidence regarding genetic engineering and provide this information to the hapū. We will review our stance should scientific breakthroughs provide positive and safe methods for use and development. Until then our environment must be fully protected from such modifications.
2. TRONR will request that TRAION ensure that GE is prohibited at a district level until there is an adequate review of national legislation.

## 10.8 RENEWABLE ENERGY AND ENERGY EFFICIENCY

### ISSUES

1. There is a need for better energy efficiency within Ngāti Rēhia communities including energy use and energy production

### POLICY

1. Energy independence amongst Ngāti Rēhia communities shall be supported.

### METHODS

1. TRONR will ensure that Ngāti Rēhia whānau are aware of energy efficient options
2. TRONR will establish appropriate energy production within Ngāti Rēhia territories
3. TRONR will work with council and other agencies to ensure the limitation of barriers to community energy independence

## 11 WAI MĀORI / FRESH WATER

*He huahua te kai? A, he wai te kai.  
Are preserved pigeons the chief food? No, its water.*

### 11.1 Water Quality and Quantity

#### BACKGROUND

Water is the source of all life. It comes from the tears of the parents, Papatūānuku and Ranginui grieving from the separation forced on them by their children. In their grief they give us life. The health of our waterways is of the highest importance to Ngāti Rēhia.

Traditionally, our Tūpuna distinguished between many types of water – wai tapu or sacred water, wai noa used for everyday drinking and washing, etc. Water was used for ceremonial purposes, for daily consumption, for transportation and as the home of important mahinga kai and cultural materials. Waterways often form traditional boundaries between hapū and whānau rohe.

In those times, before the advent of earth moving machinery, ploughs, major roads and bridges, irrigated horticulture, reticulated sewerage systems and treatment plants, stormwater systems and subdivisions the threats to water quality and water quantity were nothing like they are today. Strict tikanga was used to control the impact of people and our communities on water quality. Human effluent, for example, was never discharged to water without first being passed through the land.

Today the quality of most of our waterways is degraded. Every summer Northland Health and NRC advise that more streams have increasing levels of pollution and contamination. The increasing population, both permanent and tourist, and our increasingly consumer lifestyles place ever increasing demands on the water resources. Most models for climate change predict increasing storm and drought events for the eastern seaboard of Northland.

The greatest threat to our water resources comes from the things we discharge into them – effluent from people and animals, treated and untreated, chemicals, fertilisers, pesticides, sediments, contaminated stormwater, road run-off with its toxic cargo of heavy metals, rubbish and litter. The invention of the flush toilet and its “out of sight, out of mind” thinking has had a huge and devastating impact on our waterways.

Despite the significance of the management of water resources to Ngāti Rēhia, there are few real opportunities provided by the relevant agencies, in particular NRC, for Kaitiaki to play an active role in monitoring or managing water resources within our rohe.

Recently the Cabinet has released important policy directives for water allocation. These indicate the government will shortly move to claim ownership of all water resources and impose a “cap and trade” system for allocation of water rights administered by regional councils. Our recent experiences over ownership and management of the foreshore and seabed do give TRONR confidence that our ancestral association with the waterways of our rohe will receive real or adequate protection under this proposed new regime. Ngāti Rēhia have never conceded that water is owned by the Crown or that the Crown has the right to introduce private property rights over the waterways in our rohe.

**ISSUES**

1. Declining water quality and quantity within the catchment
2. Discharge to water bodies
3. Impacts of climate change
4. Current monitoring and managing water resource regimes
5. Protection of ancestral association with waterways within Te Riu o Ngāti Rēhia

**POLICIES**

1. There is an extremely close relationship between Ngāti Rēhia, our culture and our traditions with our ancestral waters. This relationship is protected by legislation.
2. Ngāti Rēhia are the Kaitiaki of the water resources within our rohe. An active role in the decision-making processes, management and monitoring of these resources needs to be provided to Ngāti Rēhia by the relevant agencies.
3. Management of waterways will often require an inter-hapū approach. TRAION has a key role to play in facilitating collaboration between hapū and for ensuring agencies make adequate provision for kaitiaki and Ahi-Kā in water resource decision-making, management and monitoring.
4. The right of access to clean water is a basic human right and should be available to all members of our community.
5. To discharge human effluent, treated or untreated directly to water is culturally repugnant to Ngāti Rēhia. All discharges of pollutants or contaminants to natural waterways should be avoided.
6. Future development that can affect the health or mauri of waterways should not be allowed unless there has first been adequate planning and provision of roading, stormwater and sewerage infrastructure necessary to avoid any cumulative effect on our waterways
7. Declining water quality in many of our waterways is largely caused by development pressure, land-based activities and poor land-use practices. Water quality throughout the rohe must be protected from these impacts.
8. All roading and crossings of natural waterways should be designed to ensure that run-off and sedimentation from these activities do not discharge to natural waterways.
9. Fencing of agricultural land from waterways and restoring adequate riparian margins along all waterways of indigenous vegetation are effective methods of reducing impact on water quality. Artificial straightening or diversion of natural waterways should be avoided, and restoration of natural water courses supported.
10. Ngāti Rēhia have never agreed to the transfer of our customary ownership of our water resources. There is no proven basis to any claim by the Crown to own the water resources within our rohe.

**METHODS**

1. TRONR will request that both FNDC and NRC ensure that any discharge of human effluent whether treated or untreated to water is prohibited.
2. TRONR will fully participate in any decision-making processes of relevant authorities to ensure that their plans and policies adequately provide for the protection and enhancement of the mauri of our waterways.
3. TRONR will request that relevant authorities plan for and provide adequate infrastructure to cope with the rapid subdivision, use and development within our rohe, including waste management, sewerage, roading, stormwater and water supply, recognising both the likely consequences of climate change (e.g. more droughts, more storms, sea level rise, more flooding). Such infrastructure is to be sustainable for example, with waste management the emphasis should primarily be on recycling. Community-based minimal impact design solutions are preferred.
4. TRONR will insist that all water quality and allocation policies and plans developed by relevant authorities and agencies are to include adequate provisions to ensure that Ngāti Rēhia fully participate in any decision-making processes and monitoring, including all applications for discharges to and allocation of water within our rohe.
5. TRONR will request TRAION to take a leadership and facilitation role in ensuring full participation of Kaitiaki and Ahi-Kā in management and monitoring of water resources within Ngāpuhi-nui-tonu.
6. TRONR will investigate funding opportunities to assist in fencing and riparian planting of waterways on ancestral lands and will support whanau and hapū in ensuring that land which remains in Ngāti Rēhia ownership is managed in a way that protects and enhances the mauri of our waterways.
7. TRONR will actively support any community-based initiatives within our rohe which will result in protection of our waterways and improved water quality and quantity.
8. TRONR will establish Ahi-Kā Advisors to provide professional advice and analysis to the Rūnanga and the Hapū in fulfilling these water resource policies and methods.

## 12 MOANA / OCEAN

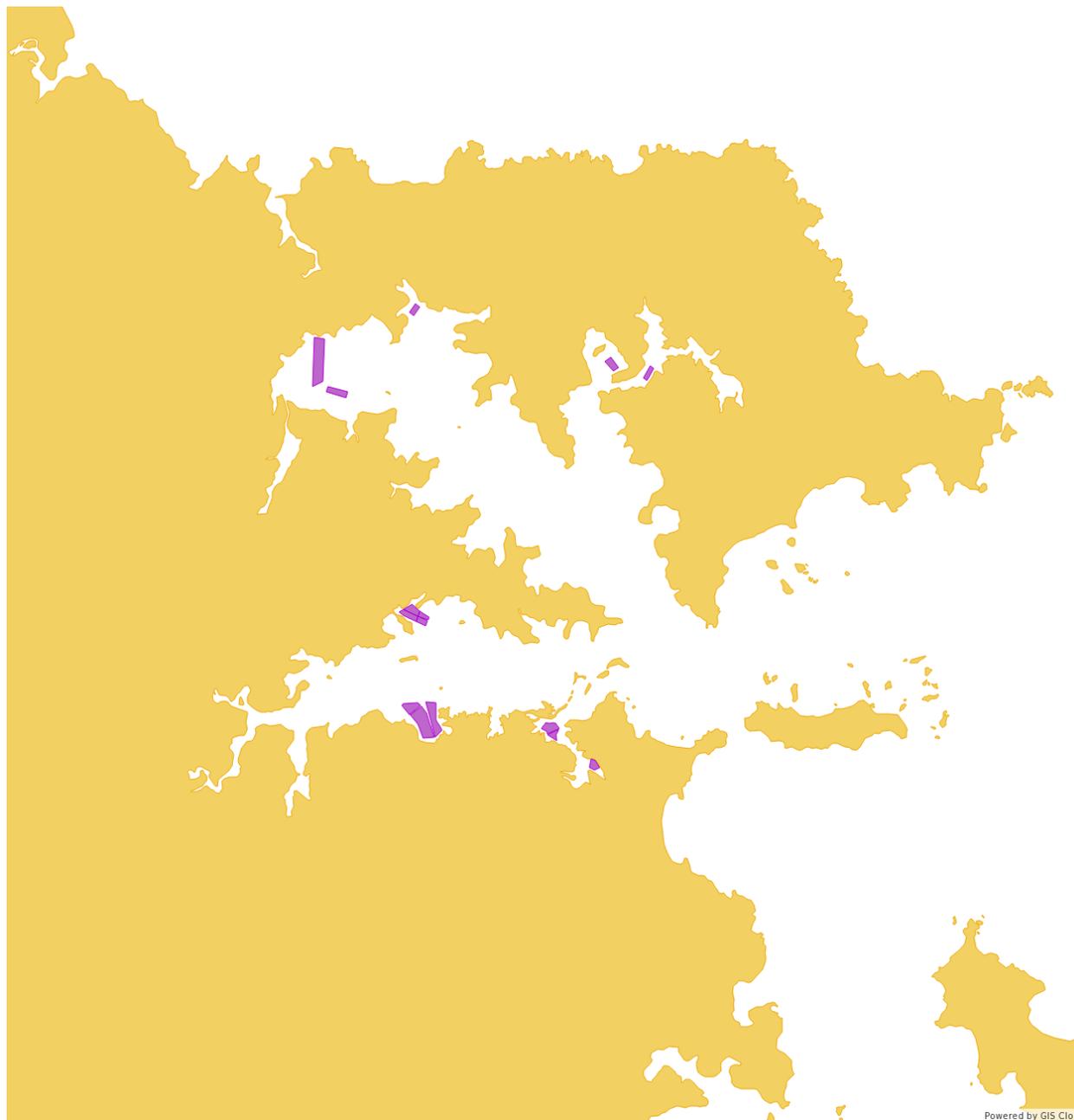
### BACKGROUND

Te Moana Nui ā Kiwa, the domain of the Atua Tangaroa, is the great ocean our Tūpuna traveled when they first came to Aotearoa on the Mataatua. That great waka now lies within our rohe at Tākou and Ngāti Rēhia are the Kaitiaki of its resting place. Te Moana Nui ā Kiwa connects us still with Hawaiiki. Our oceans have sustained us since the beginning of time.

Once our oceans teemed with life, now only a fragment of that biodiversity remains. Increasingly the seas are subject to pollution – from the bilge waters and contaminated hulls of passing ships, effluent and litter discharges from boaties and, in particular, the discharges and sedimentation of poor land use practices and pollutants and contaminates flushed into the seas by our waterways.

Unsustainable fishery management over the past century and more have seen the fish themselves and their natural home subject to increasing pressure and degradation. More recently we have witnessed the Crown universally strip our ancestral birthright to the foreshore and seabed.

The map below shows the marine farms in our rohe.



Crown management of the oceans and their resources is spread over a number of agencies – principally Ministry of Fisheries, DOC, NRC and Ministry of Health. There are numerous stakeholder interests – ranging from environmental groups, recreational and commercial fishermen, the aquaculture industry and the yachting fraternity. There is a lack of coordination and common approach by both agencies and stakeholders.

#### ISSUES

1. Fragmentation of Ocean biodiversity remain
2. Pollution
3. Poor land management
4. Current Crown management of oceans and their resources are spread over a number of agencies.
5. Lack of coordination and common approach by agencies and stakeholders.

#### POLICIES

1. Ngāti Rēhia are the Kaitiaki of the fishery and home of the fish within our rohe moana.
2. The Foreshore and Seabed Act must be repealed, and tribal ownership of foreshore and seabed guaranteed under national legislation.
3. Further pollution of our oceans and further depletion of our fisheries through unsustainable management is unacceptable. Restoration of our customary fisheries and development of sustainable hapū-based aquaculture is a high priority issue for Ngāti Rēhia.
4. Ngāti Rēhia will participate fully in all decision-making processes affecting the oceans within our rohe moana.

***He manako te koura e kore ai***  
*Wishful thinking will not get you a crayfish*

#### 12.1 FISHERIES

Ngāti Rēhia have always been fisher people. Our middens are testament to the range and quantity of kaimoana that have sustained us over the centuries. Traditionally we have shown manaaki to our manuhiri with all the delicacies that Tangaroa could provide.

In 1910 the Crown established a Māori Oyster Reserve adjacent to our Papakainga at Te Tii to serve the customary needs of Ngāti Rēhia. This reserve was expanded to a Māori Oyster Area under revisions of the fisheries regulations and still exists today. Similar oyster reserves have been given formal permanent protection under Treaty Settlement legislation in the Kaipara Harbour. Ngāti Rēhia consider that at least the level of protection provided for the Kaipara reserves will be eventually granted for our reserve at Te Tii.

As recently as 1932 our reliance on our customary fisheries was such that the government saw fit to pay Ngāti Rēhia and all other Māori only half the dole given to the general population because of our ability to survive on our kaimoana resources. Our tribal record clearly documents the stories of our Tūpuna up in the first half of the twentieth century easily catching ample quantities of kaimoana of all sorts from our customary fisheries.

Daily catches of dingy loads of large snapper caught on handlines in a few metres of water in most parts of the rohe moana was common up until the time of the “big kill” in the 1960s when fast commercial boats with extensive nets cleaned out most coastal waters. Our fisheries have never really recovered since this time.

Commercial and increasing recreational fishing pressure has seen our normal customary diet severely limited. Koura, pāua and scallops have been replaced by pipi and kahawai as the staples on our marae tables. Gurnard have all but disappeared from Te Kerei Mangonui. Our mokopuna today have little reason to complain of the cuts in their hands from their handlines as they haul in large snapper and kingfish before school as our grandparents did.

Poor land use practices that continue to see sediment and nutrient run-off into our moana, the results of decades of poor fishery management and increasing numbers of recreational fishers and tourists all contribute to the lack of fish in our waters. The traditional practices of tikanga associated with fishing that saw stocks harvested sustainably and in rotation are all but gone. There is little respect shown for the traditional spawning and nursery grounds.

The importance to Ngāti Rēhia of maintaining our customary fisheries cannot be overstated. All the key stakeholders, agencies, land owners and users, commercial, customary and recreational fishing interests need to collaborate closely if a viable fishery is to be passed on to our mokopuna. TRONR consider that the maintenance of adequate customary fisheries is the highest priority issue.

Ngāpuhi has seen the return of Treaty settlement fishery assets, the first major Treaty settlements to return to the iwi. TRONR look forward to full discussion with the iwi on how the return of this settlement is to be used to the greatest benefit of hapū. The return of the fishery asset gives Ngāpuhi a significant interest in the sustainable management of the commercial fisheries of the rohe.

The new frontier of fisheries is aquaculture. TRONR has been actively pursuing potential development in mussel farming and has formed a joint venture company with Far North Mussels to establish both mussel farms and processing facilities. TRONR considers it has been unfairly treated in the recent debate and moratorium on aquaculture. Aquaculture is not a new science for Ngāti Rēhia. We still own the district’s first AMA, the Māori Oyster Area at Te Tii Mangonui, although NRC has failed to provide this formal AMA protection to date.

TRONR understands the current government focus on the establishment of marine reserves and marine protected areas. TRONR is not necessarily opposed to the establishment of such reserves but has fundamental questions over the effectiveness of closing off relatively small areas for science as an effective fishery management tool. In any regard, TRONR cannot condone the use of these reserves to extinguish our customary fishery rights. We would prefer to see a greater emphasis on the establishment of a network of mātaimai and taiāpure.

## ISSUES

1. Recognition and formal permanent protection of the existing Māori Oyster Reserve within Te Riu o Ngāti Rēhia
2. Commercial and increasing fishing pressures
3. Poor land use practices within the catchment
4. Poor fishery management
5. Respect for traditional fishery practices, maintenance programmes and sites.

**POLICIES**

1. Ngāti Rēhia have customary fishing rights confirmed under the Treaty of Waitangi. These include the right to feed our families and our manuhiri from our customary waters. Ngāti Rēhia have never allowed our customary fishing rights to be extinguished, and consequently retain those rights uncompromised. Ngāti Rēhia is not obliged to compromise the retention of those customary rights to meet Crown policies or objectives.
2. Ngāti Rēhia customary fishing rights are intimately connected to our responsibility to care for the home of the fish. Customary rights and customary responsibility cannot be considered separately.
3. TRONR supports and is an active participant in *Te Kōmiti Kaitiaki Whakature i ngā Taonga o Tangaroa*, the collective of hapū Kaitiaki responsible for managing our customary fisheries and our rohe moana. TRONR requests that *Te Kōmiti Kaitiaki Whakature i ngā Taonga o Tangaroa* consider fully the policies in this Environmental Management Plan when developing customary fishery management policies and methods.
4. A system of mātaimai and taiāpure needs to be established throughout our rohe moana to ensure sustainable fisheries are available to meet the customary fishing needs of Ngāti Rēhia for all time. Mātaimai at Te Tii, Wharengaere, Tapuaetahi, Taronui and Tākou are priorities for Ngāti Rēhia.
5. The Māori Oyster Area at Te Tii should be considered the first AMA recognised in the Regional Coastal Plan.

**METHODS**

1. TRONR will advocate that all relevant agencies recognise and provide for these policies.
2. TRONR will work closely with Te Kōmiti Kaitiaki to development sustainable policy and management processes for our customary fisheries and the home of the fish within our rohe moana.

## 13 TAONGA TUKU IHO / HERITAGE

### 13.1 MĀTAURANGA

#### BACKGROUND

Our Tūpuna brought with them to Aotearoa values and management systems honed from generations of living on small islands with limited resource bases in close connection with the natural world. Our centuries of living in Aotearoa have seen the practice of Kaitiakitanga adapted and enhanced to the unique conditions and resources of this country. It is the responsibility of this generation to see that mātauranga passed intact to our mokopuna.

The knowledge and learning passed down to this generation from ancestors is a taonga of Ngāti Rēhia. Often this knowledge must be explained or shared with agencies or developers in order for them to understand our position on various matters. Such sharing does not mean that we have given this knowledge to another party or that the information can be used without our permission.

#### ISSUES

1. Maintaining hapū mātauranga
2. Sharing of tribal knowledge with mokopuna
3. Use of tribal intellectual properties
4. Recognition of traditional mātauranga
5. Use of tribal intellectual properties

#### POLICIES

1. Maintaining our hapū mātauranga of Kaitiakitanga and the teaching of that knowledge to our mokopuna is a matter of the highest priority for Ngāti Rēhia.
2. Information obtained from Ngāti Rēhia by councils, government departments and other organisations is an intellectual property right of Ngāti Rēhia and must in no circumstances be alienated from Ngāti Rēhia.
3. No organisation or individual may access, use or retain the knowledge of Ngāti Rēhia without the express permission of the Kaumātua who are the Kaitiaki of that knowledge.

#### METHODS

1. TRONR will support all hapū initiatives to maintain, enhance and transfer to our mokopuna in accordance with tikanga our traditional mātauranga of Kaitiakitanga. TRONR will consider establishing a hapū pātaka of such mātauranga.
2. TRONR will advocate for traditional mātauranga of Kaitiakitanga to be afforded the same status as knowledge derived from western science and research.
3. TRONR will do all it is capable of to protect the intellectual property rights of the hapū, including requesting legal assistance from TRAION where any attempt is made to alienate that intellectual property right without the direct permission of Ngāti Rēhia Kaumātua.

## 13.2 NAMES

### BACKGROUND

Our Tūpuna knew all our rohe – be these homes, gardens, trails, ceremonial areas, landing sites, fishing sites, battle sites, urupa, places where whenua was buried or tūpāpaku prepared for burial. All these places were named by our Tūpuna and in naming them they tied those places to our culture and our heritage forever. The naming of sites was bound by tapu.

As with any example of colonisation, the new settlers have written over many of our original names. In some instances, our names were wrongly recorded, shortened or changed. For example, the inlet now commonly called Kerikeri Inlet was always known as Te Awa o te Rangatira. What is now called Te Puna Inlet is really Te Kerei Mangonui.

It is important to Ngāti Rēhia and the legacy we leave for the future that these historical inaccuracies be corrected. As tangata whenua and Kaitiaki, Ngāti Rēhia wish to be a part of any debate over the naming of new places within our rohe.

Refer to the map below for Ngāti Rēhia place names as identified by the NZ Geographic Society.



**ISSUES**

1. Names given by Tūpuna have been disregarded, shortened or wrongly recorded.
2. Historical inaccuracies corrected.
3. Involvement of Ngāti Rēhia in future decisions / debate in naming of new places within Te Riu o Ngāti Rēhia.
4. Participation by TRAION

**POLICIES**

1. The original names of all parts of the rohe of Ngāti Rēhia as named by our Tūpuna should be used in all maps, charts, plans and other records.
2. The advice and input of Ngāti Rēhia should be sought and listened to in the naming of any new places or features within our rohe.

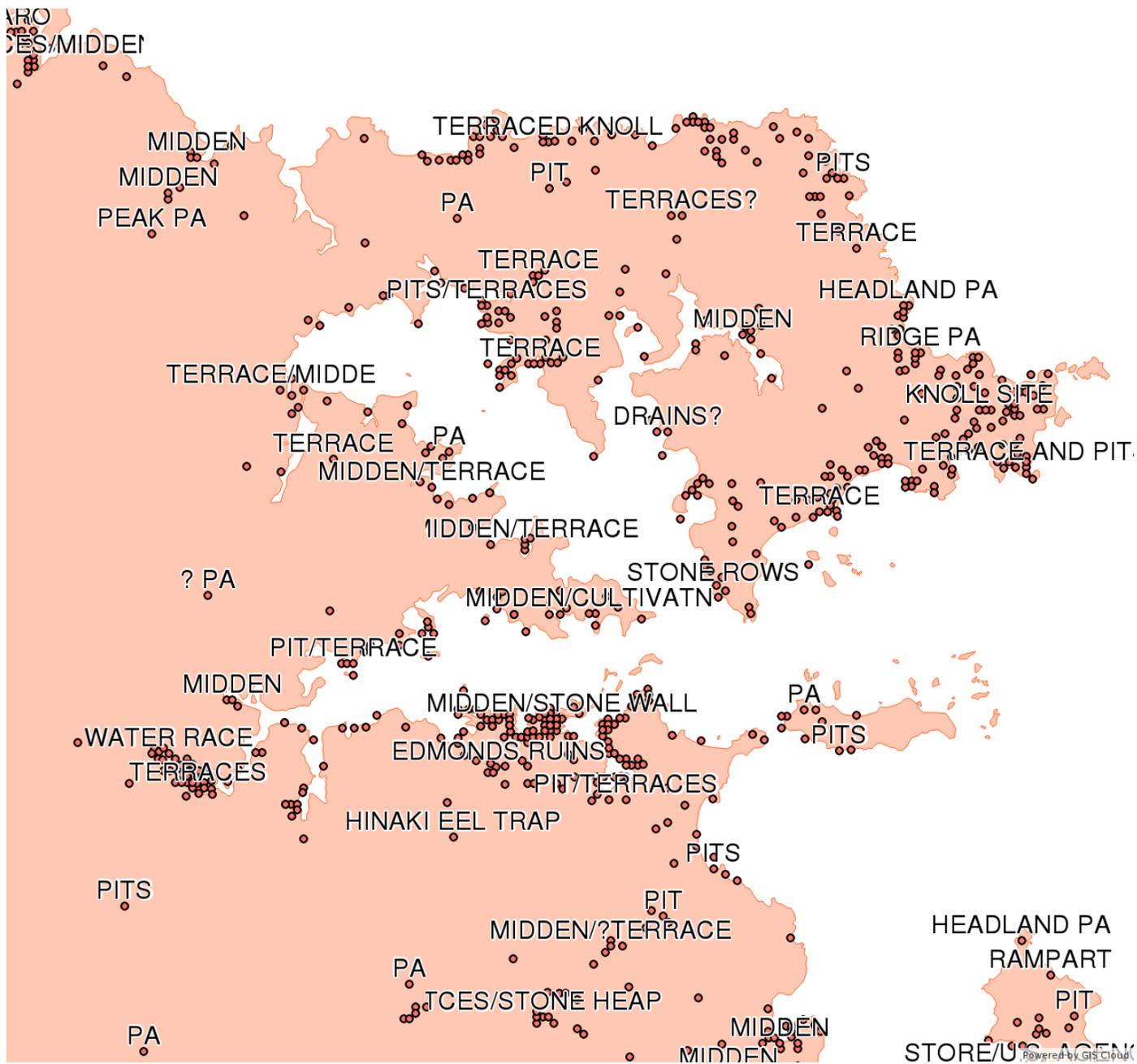
**METHODS**

1. TRONR will advocate to councils and other relevant agencies to request the NZ Geographic Board to change the names of places and features within our rohe to the original names accorded by our Tūpuna. Te Awa o te Rangatira and Te Kerei Mangonui are priorities.
2. TRONR will request any agency or individual selecting new names for places or features within our rohe to consult with Ngāti Rēhia and in particular the Ahi-Kā Kaumātua for that area or feature. Where the heritage of other Ngāpuhi hapū are affected, TRONR will request that TRAION facilitate between the kaitiaki.

**13.3 WĀHI TAPU****BACKGROUND**

All Ngāti Rēhia archaeological, heritage and other sites of cultural significance have the potential to be wāhi tapu and may be sacrosanct. It is inappropriate to apply any value system, practice or physical modification that may diminish this status.

The map below depicts the numerous archaeological sites within our rohe.



**ISSUES**

1. Potential of all sites of significances to be wāhi tapu.
2. Protection against development.
3. Access
4. Collaborative approach for future management of wāhi tapu

**POLICIES**

1. Ngāti Rēhia will advocate for the protection of the mauri of wāhi tapu by preventing destruction and modification. Protection of the mauri of wāhi tapu must be in accordance with the tikanga and kawa of Ngāti Rēhia.
2. Ngāti Rēhia and TRONR will work with councils, statutory agencies, responsible landowners and developers to find ways of ensuring adequate and appropriate protection for wāhi tapu and other sites of significance where such sites are threatened with disturbance or abuse.

**METHODS**

TRONR will request that the following policies be applied to management and access of wāhi tapu by all relevant agencies.

1. Wāhi tapu shall not be entered upon physically unless agreed by mana whenua / Kaitiaki and then only to carry out maintenance or study that will enhance the conservation of the physical, spiritual, and cultural integrity of the site.
2. Mana whenua / Kaitiaki are the custodians for the historical interpretation of Ngāti Rēhia historical sites. Mana whenua maintain the Mātauranga Māori associated with wāhi tapu. Kaitiaki are not required and should not be pressured to give up any Mātauranga.
3. Upon any “accidental discovery” works are to stop immediately until such a time that mana whenua are contacted and appropriate protocols are put in place.
4. When considering applications for subdivision, councils should be requested to ensure that consent notices are registered against the title to advise of the existence of wāhi tapu and the requirement to consult with Ngāti Rēhia if these areas are to be impacted on by management, use or development in the future.
5. TRONR should be contacted at the earliest opportunity where any development or other activity can or may impact on the cultural and spiritual values of Ngāti Rēhia by both the developer and the appropriate authorities.
6. Where wāhi tapu occur on council or crown owned land, protection of the wāhi tapu should take precedence over other management objectives and demands including public access.
7. TRONR will ask relevant central and local government agencies to hui with Ngāti Rēhia to determine a collaborative approach to the management of our heritage and that of more recent arrivals to our rohe.
8. District and regional councils should prioritise working with Ngāti Rēhia on cultural and historical heritage inventories to be initiated as an integral part of any plan or policy review.

9. TRONR, through Ahi-Kā Advisors, will work with all responsible developers and landowners whose land contains wāhi tapu to prepare and implement mutually acceptable management plans for the protection of all identified wāhi tapu.

### 13.4 CULTURAL LANDSCAPES

#### BACKGROUND

Ngāpuhi mihi to our many mountains. When Ngāpuhi look at the landscape they see the records of the interaction of our Tūpuna with this place. The long history of occupation by Ngāpuhi Tūpuna has left a cultural overlay across the landscape of Te Whare Tapu o Ngāpuhi. That overlay is a taonga o Ngāpuhi.

While the Department of Conservation and the Councils have extensive policy and processes concerning natural and built landscape values, little attention has yet been given to practical provision for cultural landscape. Often this has resulted in protection for natural values at the expense of those features of high heritage value to hapū. For example, while development might be restricted on ridgelines to provide viewsapes and amenity values, our Kainga sites in the valleys and foothills are subject to frequent desecration.

Where cultural landscape values are considered, the opinion of archaeologists and landscape architects – few of whom are tangata whenua or have any training or mandate in cultural values - is often given greater weight than that of the Ahi-Kā and Kaitiaki.

#### ISSUES

1. Natural and built landscape values vs cultural landscapes
2. Desecration of cultural landscapes
3. Little regard for cultural expert advice.

#### POLICIES

1. Our cultural landscape should be afforded at least as high a priority as other landscape values when being considered as part of any process under the Resource Management Act, the Conservation Act or the Local Government Act.
2. Preparation of landscape assessments for resource consent applications and similar process should be done in conjunction with Ngāti Rēhia to ensure that the cultural aspects of the landscape are given full recognition alongside other values such as natural character and amenity values.
3. Monitoring of effects on cultural landscapes within Ngāti Rēhia rohe is the responsibility of the Ahi-Kā and Kaitiaki. This should be reflected in all relevant consent conditions. This function should be formally transferred to tangata whenua.

**METHODS**

1. TRONR will complete the mapping of the cultural landscape within our rohe. Once this exercise is completed, we will want to see the councils adopt this overlay on their own planning maps and to work with Ngāti Rēhia to develop adequate policy for the protection and management of this landscape and heritage values. TRONR will adopt a 'silent file' approach to tribally sensitive information and hold this information in a hapū electronic pātaka.
2. TRONR will request that councils and other relevant agencies afford cultural landscape values at least as high a priority as other landscape values when preparing plans and policies and when considering landscape values during resource consent processes.

**13.5 TRADITIONAL AND CUSTOMARY MATERIALS****BACKGROUND**

Our centuries of interaction with our natural world, Ngāti Rēhia have used a variety of natural taonga for traditional and customary purposes – this includes a wide range of timbers for carving and construction, plants that provide rongoa, plants and bird feathers used for weaving, clothing, dyes etc, stones of differing types and grades. Often there were selected places chosen for sourcing these materials. With the loss of indigenous biodiversity and habitats, some of these materials are now in short supply.

**ISSUES**

1. Sourcing of traditional and customary materials
2. Protection of remaining indigenous biodiversity and habitats.

**POLICIES**

1. Traditional materials are taonga tuku iho and belong to tangata whenua.
2. DOC and Councils should prioritise the protection and enhancement of all sources of traditional materials and provide access to these by Ahi-Kā and kaitiaki for customary use.
3. When traditional materials are scarce or endangered, their management must be determined by tangata whenua and management for cultural use prioritised over other uses.
4. Traditional materials sourced within the Ngāti Rēhia rohe are the property of Ngāti Rēhia and should remain in or be returned to Ngāti Rēhia possession where these have been removed without our permission.

**METHODS**

1. TRONR will continue to advocate that the relevant agencies recognise and provide for these policies.
2. TRONR, through the heritage portfolio of Ahi-Kā Advisors, will work with agencies and landowners to implement these policies.
3. TRONR will request AKA to prepare a schedule of traditional and customary materials and collection sites within our rohe.

4. TRONR will support all initiatives to protect and wananga the mātauranga and tikanga associated with our traditional and customary materials.

## 14 AHI-KĀ / CULTURAL ADVISORS

### *Mā te werawera o tōu mata e kai ai koe i te haunga ahi o te kai.*

If Ngāti Rēhia are to fulfill our customary responsibilities as Kaitiaki and play the full role suggested by the various statues, it is essential we establish a permanent business unit to provide technical support, analysis and advice to the Rūnanga and the hapū on all aspects of development activities and their effects on Ngāti Rēhia, our heritage, our culture and our taonga. We have chosen to call this unit “Ahi-Kā Advisors”.

Establishing such a unit is not without risk. It requires a significant commitment of energy and resources and a commitment to maintaining adequate administrative and technical support, lawful and transparent processes as well as reliable communications and archival systems. In the past, neither the relevant agencies or the majority of developers have seen it as necessary or desirable to resource the relationships they have sought with Ngāti Rēhia. Thus, the costs of maintaining the voice of Ngāti Rēhia in these relationships have fallen on the individual Trustees. For TRONR, this is neither sustainable or good business practice.

However, the increasing rate of development within the rohe and the potential and actual impacts on our heritage and environment leave few other choices. TRONR see establishment of Ahi-Kā Advisors as providing significant opportunity for the overall kaupapa of hapū development. We see Ahi-Kā Advisors as an opportunity to demonstrate kotahitanga without either hapū having to compromise their Rangatiratanga. Both hapū will regularly review their participation in this joint venture.

TRONR will work with Te Puni Kōkiri, Ministry of Social Development and key agencies to establish Ahi-Kā Advisors as a permanent and professional hapū resource.

### 14.1 THE ROLE OF AHI-KĀ ADVISORS

Ahi-Kā Advisors will report monthly to both hapū. It is a key vehicle for the hapū to provide for the practical expression of Kaitiakitanga by the hapū in the day to day management of natural, physical and heritage resources within the rohe of the hapū. Ahi-Kā Advisors are the principal Kaitiaki for this Hapū Environmental Management Plan.

#### **AHI-KĀ ADVISORS HAS THE FOLLOWING ROLES:**

##### **ADMINISTRATION**

Establishing a professional business unit requires TRONR to set a high standard of administration and process. It is proposed an administrator be employed to manage the day to day functioning of Ahi-Kā Advisors and to provide regularly reporting to the board of TRONR.

The Administrator is responsible for:

Implementing and maintaining a 3-year Strategic Plan and annual Business Plan approved by TRONR, in particular:

1. Reporting monthly to TRONR on all aspects of the Business Plan;
2. Initiating and maintaining contracts for all agreed work undertaken by Ahi-Kā Advisors with agencies and developers;
3. Initiating and maintaining relationships with core managers of TRAION, other Ngāpuhi RMU's, FNDC, NRC, DOC, TPK, other key agencies;
4. Ensuring adequate systems exist and are used for communication, accountancy, reporting and archiving records;
5. Ensuring training and capacity building programmes are available and accessible for TRONR and Ahi-Kā Advisors staff and volunteers, and;
6. Ensuring a safe working environment and processes for all Ahi-Kā Advisors staff and volunteers

The administrator reports to the Chairman of TRONR.

### **RESOURCE CONSENT PROCESSING**

The rohe of Ngāti Rēhia is under increasing development pressure. Participation in the resource consent processes is a key process for Ngāti Rēhia to monitor and influence the development process.

The Resource Consent portfolio is responsible for:

Implementing and maintaining the Resource Consent Processing section of the 3-year strategic plan and annual Business Plan approved by TRONR, in particular:

1. Monitoring all applications for resource consents, coastal permits and similar applications within the rohe of Ngāti Rēhia or affecting natural, physical or heritage resources of interest or significance to Ngāti Rēhia;
2. Reviewing all requests for consultation by agencies and applicants for resource consents, coastal permits and similar applications;
3. Where agreements are entered into for Ngāti Rēhia review or input into resource consent processes, the Resource Consent portfolio will make an initial written report to TRONR setting out the agreed process. Thereafter a monthly report will be made on all active applications and agreement of TRONR to all reports made to applicants;
4. Undertaking reviews and assessment of applications and providing written reports, cultural management plans, cultural assessments etc. to TRONR for approval.
5. Regularly reviewing the processes used for engaging with applicants and agencies, including charging schedules;
6. Working with all relevant agencies to improve resource consent processes and ensuring adequate provision is made in such process for Ngāti Rēhia participation in resource consent processing and decision-making and;
7. Maintaining contact and relationships with planning consultants (archeologists, landscape architects, engineers, surveyors, etc.) working regularly in the Ngāti Rēhia rohe.

The Resource Consent portfolio reports to the administrator.

## PLANNING AND POLICY

In 2004 the RMA was amended to reduce the automatic status of tangata whenua as affected parties to resource consent process. TRONR understands that in return, tangata whenua were to be given a greater say in the development and review of the various plans and policies prepared by government agencies. This intent is also reflected in the provisions of the Local Government Act 2002. It is essential that Ahi-Kā Advisors are fully involved in all such plan and policy development. TRONR assume that such participation will be adequately resourced by the agencies.

The Planning and Policy portfolio is responsible for:

Implementing and maintaining the Planning and Policy section of the 3-year strategic plan and annual business plan approved by TRONR, in particular:

1. Reporting monthly to TRONR on all aspects of the Planning and Policy portfolio.
2. Maintaining close working relationships with the hapū Development and Resource Management managers of TRAION, other hapū RMU and key agencies in the Tai Tokerau on all planning and policy issues.
3. Monitoring the principle statutory planning and policy instruments for the rohe, in particular the RPS and Plans of NRC, the FNDC DP, The DOC CMS and General Policy, and leading Ngāti Rēhia input into the review of such instruments and the development of new plans, e.g. structure plans for Kerikeri-Waipapa, regional catchments management plans
4. Preparing submissions into all key planning processes affecting the rohe of Ngāti Rēhia and/or the natural, physical and heritage resources of interest or significance to Ngāti Rēhia at local, regional and national levels.
5. Maintaining a pātaka of relevant policy & documents.

## HERITAGE

Ngāti Rēhia is highly protective of all the many sites and wāhi tapu that link us with our Tūpuna over many centuries. The protection and maintenance of these sites is of utmost importance to the hapū.

The Heritage Portfolio is responsible for:

Implementing and maintaining the Heritage section of the 3-year strategic plan and annual Business Plan approved by TRONR, in particular:

1. Maintaining close communication with Ngāti Rēhia Ahi-Kā and Kaitiaki on all aspects of heritage management and protection, including the preparation of management plans for sites of significance to Ngāti Rēhia on ancestral land still in hapū ownership.
2. Identifying, mapping and maintaining a secure hapū pātaka (including silent files) of information on all archeological, heritage and other sites of cultural significance to Ngāti Rēhia.
3. Maintaining communication with the relevant district, regional and national agencies with statutory responsibility for heritage management and ensuring heritage sites of significance to Ngāti Rēhia are listed in the District Plan.
4. Maintaining communication with landowners whose properties contain sites of significance to Ngāti Rēhia.
5. Reviewing, in collaboration with the resource consents portfolio, all applications for resource consents or permits that have actual or potential effects on the heritage values or sites of Ngāti Rēhia.
6. Monitoring all granted resource consents for compliance with conditions imposed to protect the heritage values of Ngāti Rēhia.
7. Preparing applications for joint or full management of heritage values and sites on land administered by DOC & local councils.

**PROJECTS**

TRONR regularly receives requests to be involved in individual projects affecting the resources of the rohe from a wide range of agencies and organisations. Additionally, there are numerous project areas which TRONR would like to see individual research projects initiated. Various agencies have competitive funding available for such work. Maintaining a successful Projects Portfolio is likely to be essential to the economic viability of Ahi-Kā Advisors.

The Projects portfolio is responsible for:

Implementing and maintaining the Projects section of the 3-year strategic plan and annual Business Plan approved by TRONR, in particular:

1. Reporting monthly to TRONR on all aspects of the Projects portfolio.
2. Responding to approaches from agencies, research groups and others to undertake projects affecting the management and monitoring of natural, physical and heritage resources within the rohe of Ngāti Rēhia.
3. Designing and seeking funding for projects requested by the administrator in consultation with other portfolios.
4. Managing individual projects on a project by project basis.
5. Maintaining close communication with funding organisations.

**HAPŪ SUPPORT**

A principle focus of Ahi-Kā Advisors is to provide competent advice, analysis and support to the whānau of Ngāti Rēhia in addressing development matters of concern or interest to them. This might range from facilitating discussion with councils over rates for individual land blocks to advising on the process for gaining consents for Papakainga housing projects to researching sustainable energy initiatives for marae.

The Hapū Support portfolio is responsible for:

Implementing and maintaining the Hapū Support section of the 3-year strategic plan and annual Business Plan approved by TRONR, in particular:

1. Reporting monthly to TRONR on all aspects of the Hapū Support portfolio, and
2. Providing a regular point of contact for hapū members seeking information, advice and guidance in process related to the management of their own natural, physical resources
3. Maintaining close communication with relevant council managers responsible for Māori land rating, building and resource consent process.

## 14.2 CONTACTING AHI-KĀ / CULTURAL ADVISORS

To arrange an initial meeting with Ahi-Kā Advisors please contact:

Te Rūnanga o Ngāti Rēhia  
6 Homestead Road,  
PO Box 49, Kerikeri

Ph: 09 407 8995

Fax: 09 407 8995

Email: Ngāti Rēhia@xtra.co.nz

## 14.3 FEE SCHEDULE

TRONR seeks to provide, through Ahi-Kā Advisors, a reliable professional service on behalf of the hapū of Ngāti Rēhia. Such a service can provide a valuable asset for the hapū, the agencies, developers and the community. Historically, Ngāti Rēhia, like many tangata whenua have fulfilled its Kaitiaki responsibilities on a voluntary basis. Unfortunately, this is not sustainable. Unlike the statutory agencies, TRONR are not externally resourced to fulfill the various statutory and customary responsibilities we have. Therefore, all requests for consultation or service from the RMU are subject to the following fee schedule:

Initial Consultation Meeting (½ hour)	free
Additional consultation processes	\$80 per hour
Participation on council/agency working parties	\$250 per hour
Research, report writing	\$125 per hour
Site visits	\$80 per hour
Monitoring	\$80 per hour
Travel	\$0.74 per kilometre
Venue hire (for hui, marae-based meetings, etc.)	by negotiation with the marae

All charges exclusive of GST.

## 15 AROTAKENGA / REVIEW

This is our second Hapū Environmental Management Plan review. We need to nurture it and let it grow.

The need for additional Ngāti Rēhia policy is possibly endless. To date we have not formulated policy on whale standings, hazardous substances, quarries, mineral exploration, civil defense or solid waste management. New local and global crises raise fresh challenges for us as Kaitiaki. What policy should the hapū develop and adopt, for example, for energy efficiency? What methods can we use to protect our ancestral whenua from the effects of escalating climate change?

TRONR will review this plan at least every five years.

Requests for review, change or additions to this plan can be made in writing to TRONR. All requests will be received on a case by case basis and considered by TRONR at their monthly meetings.

## 16 INFORMATION AND CONSENT FORMS

Te Rūnanga o Ngāti Rēhia (“TRONR”) is the hapū authority of Ngāti Rēhia. Ngāti Rēhia claim a rohe in the general area of:

- Tākou Bay
- Rāhiri
- Omapere
- Waitangi
- Purerua Peninsula
- Kerikeri

Our seaward boundary is to Hawaiiiki.

TRONR has prepared an Hapū Environmental Management Plan (HEMP) for our hapū. Our plan sets out our environmental policies and processes. It is a “relevant planning document recognised by an iwi authority” pursuant to the relevant provisions of the Resource Management Act 1991. Copies of our plan can be ordered from the Office Administrator at the office of TRONR.

TRONR has established a business unit — Ahi Ka Advisors (“AKA”) — to provide quality advice to our hapū, agencies, responsible developers and the community on Kaitiakitanga, conservation and resource management issues.

### AKA HAVE THE FOLLOWING WORK PORTFOLIOS:

- Resource Consent advice, monitoring and review, preparation of Cultural Impact Assessments for agencies and responsible developers.
- Policy and Planning – review and input to local and central government policy and planning processes.
- Hapū Support – providing planning and resource management advice to our hapū members.
- Heritage – Ngāti Rēhia are the Kaitiaki of our heritage. AKA provides heritage advice and site monitoring for agencies, responsible developers and our community.

### AKA ARE COMMITTED TO:

- Kaitiakitanga;
- providing a high quality advisory service;
- maintaining and enhancing our Ngāti Rēhiatanga and tikanga;
- developing best practice;
- seeking the most sustainable solutions; and
- building durable relationships based on utmost good faith.

**NGĀTI RĒHIA MATA MOMOE**

**NGĀTI RĒHIA MATA KĀKĀ,**

**TITIRO KI NGĀ MAUNGA,**

**KI NGĀ AWA, KI NGĀ MOANA,**

## Initiating Consultation for Applicants

Te Rūnanga o Ngāti Rēhia (“TRONR”) is the hapū authority of Ngāti Rēhia. TRONR is committed to working with all applicants for resource consents, permits and concessions within our rohe.

TRONR **states** that Ngāti Rēhia:

- are Ahi Kā, Kaitiaki and tangata whenua of our Riu; and
- have an interest in all aspects of development, conservation, heritage and resource management within our Riu.

TRONR **prefers** that applicants:

- contact the Administrator of Ahi Kā Advisors (“AKA”) at the Rūnanga offices in the first instance to make an initial appointment (no charge);
- seek to engage in consultation at the start of preparing your application; and
- supply a full copy of all relevant information, preferably in advance of our meeting, so we can peruse it.

TRONR asks you to **recognise** that:

- AKA holds a mandate to provide advice on behalf of TRONR. Where a higher level of decision is required, AKA will seek this from TRONR. The ultimate decision-makers in Ngāti Rēhia are our people.
- The preferred method of consultation is kanohi ki te kanohi according to tikanga.
- Your decision to enter into consultation with TRONR is voluntary.
- AKA can provide advice as to how to undertake consultation with Ngāti Rēhia. We may not be the only tangata whenua you need to consult. We are happy to provide contacts for other Kaitiaki and to work with them where appropriate.
- We may not like your proposal or the effects it might bring. This does not mean that we do not like you.
- Consultation does not equate to agreement.

TRONR **undertakes** that AKA will, to the best of our capacity:

- provide honest and timely advice to all applicants on their proposal and the actual or potential effects on Ngāti Rēhia and our taonga;
- be available to review your application and discuss a process for identifying cultural effects that might arise from it;
- work with you to help make your proposal the most sustainable option;
- seek to build a durable relationship with you based on utmost good faith;
- provide a quality professional service;
- report back regularly to TRONR and Ngāti Rēhia on all applications of interest to the hapū; and
- provide a written report to all applicants recording our consultation.

If you are happy to continue consultation with Te Rūnanga o Ngāti Rēhia we ask you sign this form and then we can complete the consultation process on the next page.

\_\_\_\_\_  
Applicant or authorised agent

/ /

\_\_\_\_\_  
Ahi-Kā Advisors Administrator

/ /

## Applicant Details

1. I \_\_\_\_\_ (*Insert name*) is/are applying (*Delete which is not applicable*) to the Far North District Council / Northland Regional Council / Department of Conservation (*Delete which is not applicable*) for a resource consent / permit / concession / other (*Delete which is not applicable*).

Please insert the application number if you already have it: \_\_\_\_\_.

2. The applications are to (brief description of activity):

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3. Copies of all relevant information is/are (*Delete which is not applicable*) provided.
4. Ahi Kā Advisors will review/has reviewed (*Delete which is not applicable*) the application and information.
5. Ahi Kā Advisors will/will not (*Delete which is not applicable*) undertake a site visit to familiarise themselves with the location and proposal on \_\_\_\_\_ (*Insert date*) at \_\_\_\_\_ (*Insert address*).
6. Ahi Kā Advisors will prepare a written report recording:
- a) Any issues arising from the application review.
  - b) Any issues arising from the site visit.
  - c) Any recommendations to the applicant and/or Te Rūnanga o Ngāti Rēhia, including:
    - i) whether all necessary information has been received;
    - ii) whether there are potential adverse effects on Ngāti Rēhia, their culture and values associated with this activity;
    - iii) whether further consultation is required and with who; and
    - iv) whether a Cultural Impact Assessment is advisable.

7. Other agreed steps are:

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8. The primary point of contact for the applicant is:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Cellphone \_\_\_\_\_

Email \_\_\_\_\_

## Fee Schedule

Te Rūnanga o Ngāti Rēhia (“TRONR”) seeks to provide, through Ahi-Kā Advisors, a reliable professional service on behalf of the hapū o Ngāti Rēhia. Such a service can provide a valuable asset for the hapū, the agencies, developers and the community.

Historically, Ngāti Rēhia, like many tangata whenua has fulfilled its Kaitiaki responsibilities on a voluntary basis. Unfortunately, this is not sustainable. Unlike the statutory agencies, TRONR are not externally resourced to fulfil the various statutory and customary responsibilities we have. Therefore, all requests for consultation or service from the Resource Management Act are subject to the following fee schedule:

<i><b>Description</b></i>	<i><b>Fee</b></i>
Initial Consultation Meeting (1/2 hour)	free
Additional Consultation Process	\$80.00 per hour
Participation on Council / Agency Working Parties	\$65.00 per hour
Research, Report writing	\$80.00 per hour
Site Visits	\$80.00 per hour
Monitoring	\$80.00 per hour
Travel	\$ 0.70 per kilometre
Venue Hire (for hui, marae-based meetings, etc)	By negotiation with the marae
<b>Upfront Retainer</b>	<b>\$2,000.00</b>

**ALL CHARGES ARE EXCLUSIVE OF GST**

## 17 KAITIAKI PROTOCOLS

TRONR is the hapū authority of Ngāti Rēhia. Te Riu o Ngāti Rēhia is below:



### Te Riu o Ngāti Rēhia He whenua tuku iho ki nga uri o Ngāti Rēhia

Scale 1:225,000 Main Map  
Data Sources: Landcare 25m grid background and LINZ Topographic data (crown copyright reserved)

**Our offices are located at:**

6 Homestead Rd  
KERIKERI  
PO Box 49  
KERIKERI

**Our phone/fax is:**

09 407 8995

**Our email is:**

[ngatirēhia@xtra.co.nz](mailto:ngatirēhia@xtra.co.nz)

**Our solicitors are:**

Kaupare Law & Consultancy Ltd

**Our accountants are:**

Whitelaw Weber



# Mana Whakahono ā Rohe

Statutory agreement between Northland Regional Council and hapū of Te Taitokerau d



# Hapū Mana Whakahono ā Rohe

## Definitions:

“The hapū” – means an individual hapū signatory

## 1. Karakia

Ko Rangi e tū iho nei,  
Ko Papa e whakaahuarangi nei,  
Ka puta ko ngā atua Māori,  
Ko Tuu,  
Ko Rongo,  
Ko Tāne,  
Ko Haumietiketike,  
Ko Tangaroa,  
Ko Tāwhiri,  
Ka puta te ira tangata ki te whei ao ki te ao mārama,  
Ka tuhi ki runga, ka rarapa ki raro  
Whakairia ake rā e Rongo ki runga kia tina, tina!  
Whano, whano haramai te toki,  
Haumie, hui e  
Tāiki e!

## 2. Whakatauaki

Kei te whānau te mana whenua,  
Kei te hapū te kaitiakitanga,  
Kei te iwi te whakaae,

### 3. Mihi

Ka whati te tii,

Ka wana te tii,

Ka rito te tii,

He mihi mōteatea ki ngā hunga wairua,

Kua tānikohia e rātou te kahu tapu, e ngā mate haere, haere, whakaoti atu rā

Āpiti hono tātai hono, te hunga wairua ki te whenua

Āpiti hono tātai hono, ko te whenua ki te hunga ora

Ngā reo korokī me te reo korohī

E ngā mana

E ngā reo

E ngā rau rangatira mā

Mauri tū, mauri tau, mauri ora

## 4. Te tuāpapa o te whakaaetanga | Agreement foundations

### 4.1 Te Tiriti o Waitangi

Te Taitokerau hapū are extremely passionate about their heritage and give regard to Te Tiriti o Waitangi as the founding document of this country. It recognises a partnership between Māori and the Crown, and for Māori, further cements the intent of He Whakaputanga o Te Rangatiranga o Nū Tīreni (1835 Declaration of Independence).

He Whakaputanga o Te Rangatiranga o Nū Tīreni (Declaration of Independence) and Te Tiriti o Waitangi provide the foundation doctrines of authority and partnership that are being sought by hapū in Government, including Local Government.

### 4.2 Te Pae Tawhiti | Vision

*“He waka hourua, eke noa” - “A double hulled canoe embarking on a voyage of unity”*

This whakatauki is a metaphor that represents:

- Partnership.
- A challenging journey requiring determination and collaboration.
- The application of te Ao Māori in our journey e.g. the wairua dimension.
- Understanding, caring for and adapting to our natural environment.
- Self-reliance and a sustainable economy.

### 4.3 Kaupapa | Context

Te Mana Whakahono ā Rohe is a binding statutory arrangement that provides for a structured relationship under the Resource Management Act 1991 (RMA) between tangata whenua and councils.

The intent of Te Mana Whakahono ā Rohe is to improve working relationships between Tangata Whenua and Councils, and to enhance Māori participation in RMA decision-making processes, acknowledging that statutorily RMA decision making resides with councils.

Te Mana Whakahono ā Rohe does not replace the legal requirements for Te Mana Whakahono ā Rohe between the Northland Regional Council and Iwi authorities.

Te Mana Whakahono ā Rohe cannot limit any statutory requirements set out in Māori settlement legislation or any other legislation that provides a role for Māori in processes under the RMA (e.g., particular rights recognised under the Marine and Coastal Area Act 2011).

### 4.4 Ngā Roopū | Parties

This Te Mana Whakahono ā Rohe is between the Northland Regional Council and the hapū, Ngāti Rēhia, who is represented by Te Rūnanga o Ngāti Rēhia.

(refer Schedule 1 for the statement by Ngāti Rēhia).

### 4.5 Te tauākī whanaungatanga o Te Kaunihera ā rohe o Te Tai Tokerau | Relationship statement – Northland Regional Council

The Northland Regional Council is committed to fostering healthy relationships and connections with hapū, leading to better quality outcomes including:

- Supporting hapū mātauranga, expectations and aspirations.
- A greater understanding of one another's expectations and aspirations.
- Providing more clarity about priority areas of concern for hapū.
- Increased opportunities to support hapū led projects and to establish shared projects/joint ventures.
- Improved processes based on an understanding of one another's priorities, expectations and available resources.
- More efficient use of Council and hapū resources.

Healthy relationships are based on positive experiences, improving trust and confidence. The Northland Regional Council sees Te Mana Whakahono ā Rohe as a significant step in the development of these hapū-council relationships.

### 4.6 Ngā tikanga o te whanaungatanga | Relationship principles

These are the principles that have guided the development of Te Mana Whakahono ā Rohe and will continue to guide the relationship between the Northland Regional Council and the signatories:

- working together in good faith and in a spirit of co-operation
- communicating with each other in an open, transparent, and honest manner
- recognising and acknowledging the benefit of working together by sharing each other's respective vision, aspirations and expertise

- the Treaty of Waitangi Principles<sup>1</sup>

## 5. He Whakaaetanga | Agreement

The Northland Regional Council and the hapū agree:

- to meet all the obligations and commitments made in Te Mana Whakahono ā Rohe.
- cover their own costs to meet the obligations and commitments (unless otherwise stated).

Any obligation or commitment in a particular circumstance may be varied with the agreement of the Northland Regional Council and the relevant hapū.

## 6. Te mahere tauākī ā rohe | Regional plan and regional policy statement - processes and participation

Regional plans and regional policy statements are the primary regulatory tools in the Northland Regional Council's tool box for managing the use of natural and physical resources in Northland.

Regional policy statements provide an overview of the significant resource management issues of the region and objectives, policies and methods to achieve integrated management of the natural and physical resources of the region. It includes direction on tangata whenua participation in decision making plan development, consents and monitoring.

The Regional Plan includes objectives, policies and rules for the following matters:

- Soil conservation
- Water quality and quantity
- Aquatic ecosystems
- Biodiversity
- Natural hazards
- Discharge of contaminants
- Allocation of natural resources
- Assessing impact on tangata whenua values.

### 6.1 Te mahere tiakina taiao ā hapū | Hapū Environmental Management Plans (HEMPs)

#### 6.1.1 Ngā mahi o mua | Background

Hapū Environmental Management Plans (HEMPs) may include:

- Whakapapa (genealogy) and rohe (area of interest)
- environmental, cultural, economic and spiritual aspirations and values
- areas of cultural and historical significance
- outline how the hapū expects to be involved in the management, development and protection of resources

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<sup>1</sup> Refer Waitangi Tribunal principle of the Treaty - <https://www.waitangitribunal.govt.nz/treaty-of-waitangi/principles-of-the-treaty/>

- expectations for engagement and participation in RMA processes.

The RMA requires HEMPs to be taken into account when preparing or changing regional policy statements and regional and district plans - provided they have been recognised by an iwi authority and lodged with the council. They can also provide important guidance in the assessment of resource consent applications and other council functions.

### 6.1.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Provide a contestable fund of at least \$20,000 per year as a fund to assist Tangata Whenua to develop or review their environmental management plans<sup>2</sup>.
- Set criteria for applications to the fund.
- If the hapū has lodged a HEMP with the Northland Regional Council:
  - When preparing a plan change<sup>3</sup>, the Northland Regional Council will provide the hapū with a written assessment of how the HEMP was taken into account in a draft plan change, and will provide at least 20 working days for the hapū to provide written comment back to the Northland Regional Council on the assessment and the draft plan change.
  - Record in the Section 32 report for all plan changes how relevant HEMPs have been taken into account when preparing or changing a policy statement or plan (as required by sections 61 and 66, RMA), and will report on any comments made by the hapū on the draft plan change in relation to the HEMP.
  - The Northland Regional Council will, in all resource consent decision documents for activities within the rohe of the hapū, record the HEMP and will provide a summary of how the HEMP was considered.

The hapū will:

- If applying to the contestable fund, demonstrate how the application meets the criteria.
- Provide the Northland Regional Council with a copy of any draft HEMP the hapū develops (and intends to lodge with the Northland Regional Council) and allow the Northland Regional Council at least 20 working days to provide comment.
- Provide the Northland Regional Council with an electronic copy of any HEMP they produce and want to be taken into account in resource management decisions.
- Provide evidence of endorsement from the hapū of any HEMP they provide to the Northland Regional Council.
- Agree to the Northland Regional Council recording on its website an electronic copy of any HEMP provided to the Northland Regional Council and a map showing the geographic extent of the HEMP.

## 6.2 Te mana i te whenua | Identifying sites or areas of significance (SOS)

### 6.2.1 Ngā mahi o mua | Background

The Regional Plan includes:

- a) a set of rules and policies for the protection of SOS.

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<sup>2</sup> The funding is not limited to signatory hapū. It is a contestable fund open to tangata whenua of Taitokerau.

<sup>3</sup> "Plan change" includes variations, changes to the regional plan or regional policy statement, and a new regional plan or regional policy statement.

b) criteria a SOS must meet to be considered and/or included in the Regional Plan.

c) maps of SOS.

The Regional Plan can only include SOS in freshwater or the coastal marine area. SOS on land are covered in district plans.

There are currently only a few SOS recorded in the Regional Plan. Hapū may want to add additional SOS to the Regional Plan to get the benefit of protection from the rules and policies.

The only way a SOS can be added to the Regional Plan is by a plan change. A plan change is a process set out in the RMA which requires notification, ability for people to make submissions and hearings.

### 6.2.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Provide the hapū with advice on the preparation of the processes and documentation required to meet the SOS criteria in the Regional Plan.
- Provide GIS assistance to the hapū to map their SOS (noting that staff resources may be limited at times through availability).
- Include any SOS provided by the hapū to the Northland Regional Council, which meets the Regional Plan criteria (as determined by the Northland Regional Council) and has the necessary supporting documentation, in the next relevant plan change to the Regional Plan as determined by the Northland Regional Council.

The hapū will:

- Give at least 40 working days' notice of any request by the hapū for GIS assistance to map SOS. This will allow time for the Northland Regional Council to plan the work around other commitments.
- Ensure that any SOS provided to the council for inclusion in the Regional Plan includes:
  - Documentation to demonstrate how the SOS meets the criteria in the Regional Plan (Policy D.1.5)
  - A map of the SOS
  - A worksheet for the SOS consistent with the worksheet used for existing SOS in the Regional Plan.
- Provide the Northland Regional Council a minimum of 20 working days for the opportunity to comment on the draft documentation supporting a SOS before it is formally lodged with the Northland Regional Council.
- When submitting a proposed SOS to be included in the Regional Plan, provide at least one contact who will be available to talk with people who may be impacted by the SOS.
- Put forward an expert on the SOS who will be available to provide advice on the SOS e.g. at a hearing or preparing evidence for the Environment Court.

## 6.3 Te tauākī kaupapa here matua | Policy statement and plan-change prioritisation

### 6.3.1 Ngā mahi o mua | Background

The Northland Regional Council prioritises the preparation or change of a policy statement or plan based on many factors including environmental risks, national requirements, available resourcing and the priorities expressed by the community and tangata whenua.

### 6.3.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Provide an opportunity to hapū to share their views with the Northland Regional Council on their priorities for changes to the Regional Plan or Regional Policy Statement. This opportunity will be provided every three years prior to the notification of the draft Long Term Plan for submissions. (The Long Term Plan sets out the Northland Regional Councils services, activities and finances. It is updated every three years).
- Upon request of the hapū, provide a written statement summarising how changes to the Regional Plan or Regional Policy Statement set out in the Long Term Plan were determined.

The hapū will:

- If providing the Northland Regional Council with their views on priorities for changes to the Regional Plan or Regional Policy Statement, set out:
  - An explanation of why the hapū consider the changes are a priority.
  - Provide suggested wording changes to the Regional Plan or Regional Policy Statement (even if just in general terms) that are consistent with the form and structure of the Regional Plan or Regional Policy Statement.

## 6.4 Te mātanga o ngā mahere tauākī me te kaupapa here | Consultation when preparing or change of a proposed policy statement or plan

### 6.4.1 Ngā mahi o mua | Background

There are many benefits to consultation with Tangata Whenua including:

- identifying resource management issues of relevance
- identifying ways to achieve Tangata Whenua objectives in RMA plans
- providing for their relationship with their culture and traditions with ancestral lands, water, sites, wāhi tapu, and other taonga as set out in s6(e) of the RMA
- ensuring all actual and potential environmental effects are identified
- providing Tangata Whenua with active involvement in the exercise of kaitiakitanga

The Treaty of Waitangi provides for the exercise of Kāwanatanga, while actively protecting Tino Rangatiratanga of Tangata Whenua in respect of their natural, physical and spiritual resources. When acting under the RMA councils and Tangata Whenua must take into account the principles of the Treaty of Waitangi (s8). Similar obligations are imposed on councils under the Local Government Act 2002 (LGA).

Statutory obligations and case law developed under the RMA have helped to translate how the obligations under Te Tiriti o Waitangi are to be given effect to in practice. Consultation, or the need to consult, arises from the principle of partnership in Te Tiriti o Waitangi - this requires the partners to act reasonably and to make informed decisions.

### 6.4.2 Te Whakaaetanga | The agreement

For every regional plan or regional policy statement change or preparation, the Northland Regional Council will:

- Ask hapū for their views on how consultation with Tangata Whenua should be carried out. This will occur prior to the first time the Northland Regional Council carries out any public consultation (e.g. release of an issues and options paper or draft plan change) and ideally during the project planning for the change or preparation.

- Prepare a Tangata Whenua consultation plan which sets out how the Northland Regional Council will consult with tangata whenua (either stand alone or part of a wider consultation or engagement plan).
- Provide a copy of the draft Tangata Whenua consultation plan to hapū and provide 20 working days for the hapū to make any comments.
- Provide a copy of the final tangata whenua consultation plan to hapū.

The hapū will:

- Provide any comments on the draft Tangata Whenua consultation plan to the Northland Regional Council no later than 20 working days after receipt.

## 6.5 Te tira mahere tauākī, me te kaupapa here | Regional plan and policy statement hearing panel

### 6.5.1 Ngā mahi o mua | Background

The role of the hearing panel is to make recommendations to council on what changes should be made to the proposed wording of a change to a regional plan or regional policy statement.

In most instances, the hearing panel will include hearings commissioners, who are people with specialist expertise (e.g. water quality, planning and /or te Ao Māori and Tikanga Māori).

### 6.5.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Maintain a set of criteria to be used when appointing an independent Māori commissioner (e.g. a commissioner with an understanding of te Ao Māori/ Māori concepts and values associated with natural and physical resources, knowledge of tikanga Māori and a process for identifying conflict of interests).
- When preparing or reviewing the criteria to be used when appointing a Māori commissioner, invite the hapū to provide their views on the criteria.
- If the Northland Regional Council chooses to appoint a Māori commissioner:
  - The hapū will be invited to nominate one candidate.
  - The Northland Regional Council will assess all the candidates (including those nominated by the hapū) against the criteria.
  - The Northland Regional Council will inform the hapū of the selection of the successful candidate.
- If the Northland Regional Council intends to not appoint a Māori commissioner, then the Northland Regional Council will communicate this to the hapū including the reasons.

The hapū will:

- If nominating a candidate for a Māori values commissioner, include an assessment of the candidate against the criteria.

## 6.6 Te tira mahere tauākī, me kaupapa here - Regional plan and policy statement hearings

### 6.6.1 Ngā mahi o mua | Background

The RMA provides a lot of flexibility for the running of hearings for regional plans and regional policy statements. This includes where hearings are held and the process for running the hearing.

The RMA requires that when a hearing is held, tikanga Māori must be recognised where appropriate, and evidence can be written or spoken in Māori<sup>4</sup>.

It is common practice for councils to hold some of the hearings on a marae.

### 6.6.2 Te Whakaaetanga | The agreement

The Northland Regional Council will, for any regional plan or regional policy statement hearing:

- Ask the hapū whether the hearings (or part of) should be held on a marae, and if so, which marae.
- Consider the advice from hapū when making a decision as to when and if part or all of a hearing will be heard on a marae and which marae.

The hapū will, if proposing a particular marae for a hearing:

- Outline the reasons why all or part of a hearing should be heard on the marae.
- Take into account the submitters (e.g. the number of submitters likely to attend if part of the hearing is on the marae, the geographic spread of the submitters and the costs to submitters of attending the hearing).
- Set out any particular tikanga that should be observed (e.g. because of the subject matter, people involved, or location).

## 7. Aronga angitū | Monitoring opportunities

### 7.1 Te mauri ā-taiao me te aronga o ngā Mātauranga Māori | State of the environment and Mātauranga Māori monitoring

#### 7.1.1 Ngā mahi o mua | Background

The Northland Regional Council monitors the state of Northland's environment. Northland Regional Council does not currently have a Mātauranga Māori-based environmental monitoring programme in place.

The use of Mātauranga Māori is a key opportunity for greater recognition of the role of hapū in the management of natural and physical resources. Opportunities for hapū to operationalise Mātauranga Māori in contemporary environmental monitoring allows them to realise a number of aspirations including fulfilling their obligations as kaitiaki and providing for the retention and transfer of traditional knowledge to successive generations. When hapū are leading these discussions they can ensure that Mātauranga Māori is protected from misuse and misappropriation.

#### 7.1.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Upon request of the hapū, meet with the hapū to discuss:
  - The state of the environment monitoring (current and planned) in their rohe
  - Any aspirations the hapū has to undertake state of the environment monitoring on council's behalf
  - The potential to accompany council officers when they undertake state of the environment monitoring

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<sup>4</sup> Section 39.

- Any aspirations the hapū has for council support of mātauranga Māori based environmental monitoring, including:
    - Financial support
    - Input into the design of any council supported regional Mātauranga Māori based environmental monitoring framework
    - Providing information and advice to assist hapū with their mātauranga Māori based environmental monitoring
    - Providing training to hapū
    - Incorporating the results and recommendations of hapū monitoring in council's monitoring reports.
  - Ensure the Northland Regional Council's Group Manager responsible for state of the environment monitoring attends the meeting.
  - Provide a written response to the matters discussed at the meeting, no later than 30 working days after the meeting.
- Note: To be clear - the Northland Regional Council is not committing to deliver on any of the monitoring matters the hapū wishes to discuss.
- Should the Northland Regional Council decide to support a regional Mātauranga Māori-based environmental monitoring framework, it will ensure the hapū have opportunities to have input into its development and implementation.

## 7.2 Te aronga o ngā whakaaetanga rawa taiao | Resource consent monitoring

### 7.2.1 Ngā mahi o mua | Background

The Northland Regional Council must monitor compliance with resource consent conditions and their impact on the environment. There is the ability to involve hapū in resource consent monitoring including (for example) undertaking monitoring on council's behalf or accompanying council officers to monitor compliance. However, for this to happen there are issues that would need to be worked through, including capacity, health and safety requirements and legal issues of delegating authority to undertake council's monitoring functions.

### 7.2.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Upon request of the hapū, meet with the hapū to discuss the potential for people nominated by the hapū to be involved in monitoring compliance with resource consent conditions. This could include undertaking monitoring on council's behalf or accompanying council officers to monitor compliance.
- Ensure the Northland Regional Council's Group Manager responsible for resource consent monitoring attends the meeting.
- Provide a written response to the request no later than 30 working days after the meeting.

The hapū will:

- provide a report to the Northland Regional Council at least 10 working days prior to the meeting with the Northland Regional Council, which outlines:
  - The proposal.
  - The reasons for the proposal.
  - If the proposal includes undertaking resource consent compliance monitoring on council's behalf, it must include an outline of capability and capacity to undertake the monitoring and what the benefits would be for undertaking the monitoring (instead of council staff).

## 7.3 Arotake o te mahere tauākī, kauapapa here | Review of the regional plan and regional policy statement

### 7.3.1 Ngā mahi o mua | Background

The Northland Regional Council is required by the RMA to review the Regional Plan and the Regional Policy Statement every five years (section 35). The review assesses whether the provisions are fit for purpose and whether any changes should be made. One of the matters considered when undertaking a review are Hapū Environmental Management Plans (HEMPs).

### 7.3.2 Te whakaaetanga | The agreement

The Northland Regional Council will:

- Fund an independent planner with expertise in Māori perspectives to undertake a review of the Regional Plan and Regional Policy Statement when required by the RMA. The scope of the independent planner's review will be to assess the efficiency and effectiveness of the document being reviewed to implement Tangata Whenua aspirations.
- Invite the hapū to nominate one candidate for the independent planner's role.
- Assess all the candidates (there may a range of candidates e.g. nominated by other hapū or iwi organisations).
- Appoint the independent planner.
- Inform the hapū of the selection of the successful candidate and the reasons for that decision.
- Invite the hapū to a hui to discuss the document being reviewed. The outcomes from the hui will be recorded as part of the independent planner's review.
- Ask the hapū to provide any written comments they may have on the document being reviewed. The hapū will have up to 30 working days to provide written comments from the date of the invitation for written comments.
- The independent planners review will include an assessment of the hui outcomes, HEMPs, and any other relevant information that may inform tangata whenua perspectives of the document being reviewed (e.g. settlement legislation).
- The draft report from the independent planner will be circulated to hapū who will have 20 working days to provide comments. The independent planner will consider the comments in finalising the report.

## 8. Te whakataunga me ōna hua | Decision making and other opportunities

### 8.1 Te tuku mana - Delegation of functions, powers or duties

#### 8.1.1 Ngā mahi o mua | Background

Section 34A of the RMA enables the Northland Regional Council to delegate any of its RMA functions, powers or duties (with some exceptions).

#### 8.1.2 Te Whakaaetanga | The agreement

Northland Regional Council will:

- Upon request, meet with the hapū to discuss the delegation of any of the Northland Regional Council's RMA functions, powers or duties to the hapū (in accordance with section 34A of the RMA). The meeting will include the Northland Regional Council's chief executive officer and chair.

- Provide a written response to the delegation request no later than 30 working days after the meeting.

The hapū will:

- Prior to the meeting with the Northland Regional Council, provide a report which outlines:
  - The proposed function, power or duty to be delegated and any conditions of the delegation
  - The costs and benefits of exercising the proposed delegation compared to the Northland Regional Council exercising the functions, powers or duty
  - The capability and capacity of the hapū to exercise the delegation

## 8.2 Te tira whakaaetanga rawa taiao me te kaupapa here - Resource consent hearing panels

### 8.2.1 Ngā mahi o mua | Background

The Northland Regional Council regularly delegates decision making on notified resource consent applications to a hearing panel. In most instances, the hearing panel will include hearings commissioners, who are people with specialist expertise (e.g. water quality, planning and /or tikanga Māori).

### 8.2.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Maintain a list of preferred independent Māori commissioners<sup>5</sup>.
- Consider a nomination from the hapū to be added to the list of preferred independent Māori commissioners.
- Provide a written decision on whether the nominee will be added to the list of preferred independent Māori commissioners within 40 working days of receiving the nomination. If the decision is to decline the nomination, the written decision will outline the reasons why.
- Decide whether a Māori commissioner is appointed to the hearing panel for notified resource consent application. If a Māori commissioner is to be appointed, it will be from the list, unless there is good reason not to (e.g. due to unavailability or potential conflict of interest).
- If requested by the hapū, provide a written response within 20 working days of receiving the request outlining the reasons for its decision, for a notified resource consent application, to:
  - Include a Māori commissioner on the hearing panel.
  - Select a particular Māori commissioner.

The hapū will:

- If it wishes, nominate a Māori commissioner to be appointed to the list. The person nominated must, as a minimum, have a current Ministry for the Environment hearing commissioner's accreditation.
- As part of the nomination, provide a written report outlining why the person is nominated and what skills and/or expertise they have.

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<sup>5</sup>Commissioners with an understanding of te Ao Māori/ Māori concepts and values associated with natural and physical resources, knowledge of tikanga Māori and a process for identifying conflict of interests

## 8.3 Te huarahi whakaaetanga rawa taiao - Resource consent application processing

### 8.3.1 Ngā mahi o mua | Background

The Northland Regional Council has the responsibility to process and make decisions on resource consent applications. Hapū can be involved in various ways including engagement with applicants prior to applications being lodged, receiving copies of resource consent applications within their rohe, or being an 'affected party' and making submissions on notified consents.

### 8.3.2 Te Whakaaetanga | The agreement

#### Circulation of resource consent applications

The Northland Regional Council will:

- Encourage resource consent applicants to talk with hapū if the application is within the rohe of the hapū.
- Provide a copy of all resource consent applications within the rohe of the hapū after the application has been formally received.
- Provide hapū 20 working days to respond to the Northland Regional Council from the date the Northland Regional Council sent the copy of the resource consent application.
- If the hapū responds, the Northland Regional Council will talk with the hapū representative (phone or meeting, followed by email) to get a better understanding of the hapū concerns or to let the hapū know what the Northland Regional Council's response is to the concerns raised (with an explanation). This is to occur prior to a formal request for further information from the resource consent applicant, or before the decision on the resource consent application if no formal request for further information is made.

The hapū will include in any response to the Northland Regional Council circulation of a resource consent application:

- A brief description of the cultural values of concern and the effects of the proposal on them.
- A hapū representative and their contact details with whom the Northland Regional Council can discuss the resource consent application with.

#### Fund for assisting hapū with their participation in significant resource consent applications

The Northland Regional Council will:

- Maintain a fund of \$20,000 per year<sup>6</sup> to assist hapū with funding their participation in significant resource consent applications (e.g. notified applications)<sup>7</sup>.
- Set the criteria for the fund, including that it can only be used for providing evidence of cultural impacts and it cannot be used to support an appeal against a council resource consent decision.
- Make the decision on whether to fund a hapū application.

The hapū will:

- When applying to the fund, demonstrate how the application meets the criteria.

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<sup>6</sup> This is in addition to the fund supporting the review and preparation of HEMPs

<sup>7</sup> The funding is not limited to signatory hapū. It is a contestable fund open to tangata whenua of Taitokerau.

## 8.4 Akoranga - Training

### 8.4.1 Ngā mahi o mua | Background

An important way to increase the capability of hapū to participate in resource management is to provide training. The number of Māori RMA technicians that have had any formal training is limited, and they are often expected to provide expert advice on a variety of complex planning and technical issues across a range of specialist areas.

The aim of the hearing commissioner's accreditation course is to provide participants with the skills and knowledge to guide them through the ethical, legal and practical requirements of decision making under RMA. Participants may not necessarily aspire to be hearing commissioners – the course provides a good overview of the RMA and how decisions are made.

### 8.4.2 Te Whakaaetanga | The agreement

#### ***Resource Management Act Training***

The Northland Regional Council will:

- Host a minimum of two and a maximum of four hui or wānanga a year to provide training to hapū about the RMA and RMA processes.
- Provide up to \$500 to support hosting each hui or wānanga and make available staff to give presentations.
- Ask the hapū their views on venue, dates and the details of the hui or wānanga.

#### ***Hearing Commissioner Accreditation***

The Northland Regional Council will:

- Maintain a contestable fund to cover the course costs<sup>8</sup> of three (3) Tangata Whenua per year to attend a Ministry for the Environment's "Making Good Decisions" course (the courses to achieve certification to be a commissioner under the RMA)<sup>9</sup>.
- Set criteria for the fund which will include eligibility and accountability criteria (e.g. must attend the full course and demonstrate capability to pass the course).
- Refuse to fund any nominee if they do not adequately meet the criteria as determined by the Northland Regional Council.
- Upon request, discuss how the Northland Regional Council may be able to provide successful candidates assistance or support in their preparation for the course.

The hapū will:

- Include the reasons why the person wants to do the course and demonstrate that they have the capability to pass the course in a nomination to receive funding from the contestable fund.

## 9. Ngā raru huna | Conflicts of interest

Te Mana Whakahono ā Rohe must include a process for identifying and managing conflicts of interest (S58R, RMA).

A conflict of interest is where a person's position could be used to unfairly gain benefit for another interest.

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<sup>8</sup> \$2,148 excl gst per person as at January 2019.

<sup>9</sup> The funding is not limited to signatory hapū. It is a contestable fund open to tangata whenua of Taitokerau.

Any council staff making a decision relating to the implementation of Te Mana Whakahono ā Rohe will abide by council policies for managing conflicts of interest.

Any councillor making a decision relating to the implementation of Te Mana Whakahono ā Rohe will abide by the council's Code of Conduct.

The risk of conflicts of interest arising for the hapū implementing Te Mana Whakahono ā Rohe is considered very low. The Northland Regional Council is the decision maker for actions where there may otherwise be such a risk (such as allocation of funding). However, if the Northland Regional Council is of the view that there is an undue risk of a person representing the hapū or a person receiving any benefit arising from the implementation of Te Mana Whakahono ā Rohe having a conflict of interest, the Northland Regional Council may ask for evidence of endorsement from the hapū of the person. The Northland Regional Council may withhold from implementing the relevant action until the Northland Regional Council is satisfied with the evidence of the endorsement.

A conflict of interest does not arise for a person representing the hapū or receiving any benefit arising from the implementation of Te Mana Whakahono ā Rohe merely because they are a member of the hapū.

## 10. Ka tau te raru | Dispute resolution

Should a dispute arise about the implementation of Te Mana Whakahono ā Rohe, the hapū and the Northland Regional Council undertake to work together in good faith to resolve the dispute.

If the dispute cannot be resolved, the following steps will be taken:

- a) Any dispute may be referred to mediation in which an independent mediator will facilitate a negotiation between the hapū and the Northland Regional Council between the Parties. Mediation may be initiated by either party by notice in writing to the other party and must identify the dispute which is proposed for mediation.
- b) Upon receiving notice of the mediation, the other party will set out their position in relation to the dispute or disagreement in writing no later than 20 working days after receiving the notice.
- c) A suitable representative from the hapū and the Northland Regional Council with authority to resolve the dispute must attend the mediation.
- d) The mediation is to occur between 40 and 60 working days after the notice of mediation is received.
- e) The parties will agree on a suitable person to act as a mediator, or alternatively will request the Arbitrators and Mediators Institute of New Zealand Inc to appoint a mediator.
- f) If the dispute is not resolved by mediation, then it shall remain unresolved, and neither party is obliged to carry out any action relating to the dispute.
- g) Each party to pay for their own costs for the mediation, except the Northland Regional Council will pay for the mediator.

## 11. Arotake | Review

Regular reviews of Te Mana Whakahono ā Rohe will ensure it works effectively and remains fit for purpose. The RMA requires a review every six years from the signing of Te Mana Whakahono ā Rohe as a default (section 58T).

### 11.1.1 Agreed review process

- a) The first review will start no later than three months following the five year anniversary of the first hapū signing Te Mana Whakahono ā Rohe (hereon referred to as the review start date).
- b) The Northland Regional Council will undertake a review which will include (but is not limited to)
  - An analysis of the extent the obligations and commitments of have been met.
  - An assessment of whether the obligations and commitments are still effective and remain fit for purpose.
  - A recommendation on what changes (if any) should be made to Te Mana Whakahono ā Rohe. This may include the termination of Te Mana Whakahono ā Rohe either in its entirety or with individual hapū.
- c) The Northland Regional Council will provide a written copy of its review to the hapū. This must be provided to the hapū no later than 60 working days after the review start date.
- d) The hapū will undertake their own review and provide a written copy of it no later than 100 working days after the review start date.
- e) The Northland Regional Council will organise a hui at a geographically central marae to discuss the reviews:
  - i. The hui will be held between no later than 140 working days after the review start date. The hui will be facilitated by an independent facilitator<sup>10</sup>.
  - ii. The hui will be with all the hapū.
  - iii. The Northland Regional Council will appoint the facilitator and will aim to appoint someone with experience in tikanga, Māori perspectives and the RMA.
  - iv. The Northland Regional Council will cover the costs of hosting the hui (but not the costs of the hapū attendance) and the independent facilitator.
  - v. The chief executive officer and the chair of the Northland Regional Council will attend the hui.
  - vi. The equivalent of the chief executive officer and/or chair of each hapū will attend the hui.
  - vii. A key objective of the hui will be to get a clear understanding of the respective views of the parties, including matters of agreement and disagreement.
  - viii. At the end of the hui, the outcomes will be recorded and each party will confirm that it is an accurate record.
- f) The record of the outcomes will be reported to the Northland Regional Council at a full council meeting and the governance body for the hapū. Direction from council will also be sought on the next steps, with the objective of reaching agreement between the Northland Regional Council and the hapū - but recognising that this may not be possible.

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<sup>10</sup> The facilitator is a dispute resolution practitioner who helps the parties reach their own resolution in mediation, but does not decide the outcome. The facilitator must be impartial and independent, fairly and objectively listen to the areas of disagreement and help the parties to identify common ground and areas where agreement can be reached.

## 12. Ngā tīhanga | Amendments

Te Mana Whakahono ā Rohe may be amended at any time with the agreement (in writing) of the hapū and the Northland Regional Council.

## 13. Whakamutua | Termination

Te Mana Whakahono ā Rohe shall conclude six years from the date of signing, unless otherwise agreed by the hapū and the Northland Regional Council.



# Hapū Statement

Schedule 1 to Hapū Mana Whakahono ā Rohe

**Date:** December, 2020

**Author:** Te Rūnanga o Ngāti Rēhia on behalf of the hapū, Ngāti Rēhia

## PEPEHA O NGĀTI RĒHIA

Ko Matakā te tutei ki te taha hauraro o te puaha  
 Ko Rākaumangamanga ki te Rāwhiti.  
 E rere atu nei te Kerei Manqonui, te Awa o ngā Ranqatira  
 Titiro whakararo ki Orongo, ki Tākou awa  
 Te wāhi i mataaraaratia ai e Puhi  
 Te waka tupuna o Mataatua e moe mai rā  
 Whiti whakateuru ki te nqāherehere nui o Te Puketi  
 Pohutu noa atu ki te moana o Omapere  
 Awhiowhio te rangi ki runqa o Whakataha Maunga  
 Kei raro ko te Awa o Waitangi  
 Ka hirere ki Pokākā  
 Tōtika ki te whatumanawa o Ipipiri  
 Ko Ngāti Rēhia te hapū  
 Ko Ngāpuhi te iwi  
 Ko Whitiora, ko Hiruharama Hou, ko Takou ngā marae  
 Tihewa mauri ora ki te wheiao, ki te ao marama

Tokerau is the sentinel mountain that stands at the northern aspect of the harbour mouth  
 Rākaumangamanga stands in the East  
 Both Kerei Mangonui and The River of Chiefs flow there-ward Gazing Northward to Mount Orongo,  
 and the River of Takou  
 The territory cautiously guarded by our ancestor Puhi  
 The ancestral canoe Mataatua there gently sleeps  
 Before crossing westward to join Puketi Forest Sweep past  
 And onward to plunge into Lake Omapere  
 We turn rising skyward to Whakataha Mountain  
 The fountain head of Waitangi River below  
 Gushing eastward to Mount Pokākā  
 Inexorably to the heart of the Bay of Islands  
 Ngāti Rēhia the tribe  
 Ngāpuhi the nation  
 Whose Marae are Whitiora; Hiruharama Hou and Takou  
 This breath drawn life animates the emergent world into broad day light

As set out in this pepeha, today, Ngāti Rēhia describe ourselves as a key hapū of Ngāpuhi covering a  
 geographic area from Oromahoe, Lake Omapere and Waitangi in the south to Puketi, Te Tii and Takou  
 Bay in the North, including the Bay of Islands and all the mountains, rivers, and forests in the general  
 area depicted on the map attached. In the contemporary management system of today, Ngāti Rēhia  
 are the recognised Tangata Whenua, Ahi Kā and Kaitiaki of our rohe moana and whenua.

## WHAKATAUKI O NGĀTI RĒHIA

Ngāti Rēhia matakaka  
 Ngāti Rēhia matamomoe

Ngāti Rēhia the sleeping giant  
 Ngāti Rēhia when awakens faces all challenges

Embedded within our whakapapa, stories, memories and landscapes are the pathways for the expression and practice of our values and tikanga. It is through this whakapapa that we are inextricably linked to our world. Our social, cultural, environmental, and economic well-being is dependent on that continued connection and knowledge. The whakatauki above describes well the last two decades of history for Ngāti Rēhia. Despite the numerous pressures and challenges faced by Ngāti Rēhia over the years as a result of colonisation, Ngāti Rēhia have consistently taken advantage of opportunities provided to us to ensure our connection to our world, our culture and our mātauranga tuku iho is not lost.

It is from this lens that Ngāti Rēhia established Te Rūnanga o Ngāti Rēhia (TRONR) in 2002, to provide the platform for the political and operational leadership for our hapū within our rohe moana and whenua. The main objective of TRONR is to develop a sustainable economic, social, and cultural base for the continued growth of our hapū and to become actively involved in a range of issues associated with our role as tangata whenua and kaitiaki.

Since 2002, the Rūnanga has recorded our position as follows:

- Te Rūnanga o Ngāti Rēhia (TRONR) is the hapū authority of Ngāti Rēhia. Ngāti Rēhia hold Mana i te whenua and Mana i te moana over the traditional rohe of the hapū. TRONR acknowledges that such mana is not necessarily held exclusively. TRONR considers that overlaps in traditional authority between ngā hapū o Ngāpuhi are areas of “shared interest” rather than areas of conflict;
- Te Rūnanga o Ngāti Rēhia, on behalf of Ngāti Rēhia claim ahi-kaa and tangata whenua status over this rohe
- Ngāti Rēhia are proudly Ngāpuhi and acknowledge the guardianship of times past and the mana in which resources were shared with other Ngāpuhi hapū, whose lives, stories, and whakapapa are also interwoven into the landscape. We acknowledge those common interests and kaitiakitanga of our neighbouring whanaunga hapū.
- As of 2004, Ngāti Rēhia hapū were estimated to constitute a population of approximately 3,700, including those living at Takou and Te Tii as well as many residing around Kerikeri and the Bay of Islands.

## WHAKATAUNGA HOROPAKI

Our history and whakapapa, the pā on the ridgelines and the very names our ancestors bestowed on all parts of the landscape are testimony of a time before resource management, biodiversity, global warming, fee simple land title, council rates and carbon sinks. A time when our kaitiakitanga was the preferred management system and the tools of rāhui, tapu, manaaki and karakia were used in place of reserves, regulation and policy.

In those times, the failure to live sustainably and in harmony with the environment and the seasons had severe and drastic consequences for our people. Successful management was entirely reliant on the strength of the whānau and hapū to work together for the collective good. It was reliant on the relationships forged by whanaungatanga and kotahitanga.

Since the advent of colonisation and the introduction of new cultures, species, values and processes, the management of our rohe and our resources has taken on many new characteristics. For the sustainability of the resources and rohe for which we are kaitiaki to be achieved relationships today are far more complex. Not only are there all the traditional relationships to honour and nurture and reinforce with whānau, hapū and iwi but there are our relationships with all the new communities that have arrived, and continue to arrive, not to mention all the various agencies of government – at local, regional and central levels. We welcome these relationships.

Over the past decade or more, Ngāti Rēhia has witnessed an explosion of development in our rohe moana and whenua. This has led to an increase pressure on our hapū to provide advice and input into a variety of challenging and complex environmental, resource management, and treaty redress issues. These issues are compounded by the increasing desire for coastal lifestyles, the expansion of the Kerikeri-Waipapa urban area, and the growth in tourism.

Some key issues for Ngāti Rēhia in the environmental space are (including but not limited to):

- Degradation of the freshwater and coastal water bodies from development pressure, poor landuse practices, sedimentation, and pollution;
- Loss of biodiversity throughout the rohe moana and whenua;
- Biosecurity risks to taonga species and habitats;
- Aquaculture and water allocation policies;
- Western Science not recognising Kaitiakitanga methodologies;
- Alienation of land and loss of access to traditional freshwater and coastal kai gathering areas.

The need to prepare an environmental management plan was identified by TRONR many years ago. The current Ngāti Rēhia Hapū Environmental Management Plan (Third Edition, 2018) sets out our vision, values and responsibilities as Tangata Whenua and Kaitiaki of our rohe. TRONR believe that strong partnerships and relationships are fundamental to the successful application and implementation of our Hapū Environmental Management Plan and the aspirations of our hapū.

Ngāti Rēhia have and will continue to actively participate in the decision-making processes with the regional council, where those decisions affect the hapū, our values or taonga.

## MANA WHAKAHONO Ā-ROHE

As set out above, Te Rūnanga o Ngāti Rēhia (TRONR) represents the Hapū of Ngāti Rēhia within its rohe moana and rohe whenua, Ngāti Rēhia is the recognised Tangata Whenua, Ahi-Kā and Kaitiaki of this area. Ngāti Rēhia see the whenua and moana as taonga. We have existed together with these taonga mai rano, and our relationship with the land and sea is built on respect and the understanding that we are the Tangata Whenua, Ahi-Kā and Kaitiaki. Ngāti Rēhia believe in and promote the agreements and promises made in both He Whakaputanga o Te Rangatiratanga o Niu Tirenī and Te Tiriti o Waitangi and are of the view that they are the founding documents of Aotearoa. The Waitangi Tribunal Te Paparahi o Te Raki 2016 Stage 1 Report found that Ngāpuhi never ceded sovereignty. It is on this basis that Ngāti Rēhia seek to meaningfully engage with the Northland Regional Council (NRC) on a regular basis. Additionally, the introduction to the Local Government Act 2002 and the amendments to the Resource Management Act 1991 have underscored the need for the agencies to provide for the participation of tangata whenua in their decision-making and forward planning processes. Ngāti Rēhia welcomes these statutory directives and looks forward to working directly at this level with this formal agreement. The main objective of TRONR is to develop a sustainable economic, social and cultural base for the continued growth of Ngāti Rēhia

# TE RIU O NGĀTI RĒHIA



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Pā Sites</li> <li> Ngā Kāinga</li> <li> Māunga</li> <li> Waka Landing</li> <li> Conservation Lands</li> <li> Landcorp Lands</li> </ul>	<h2>Te Riu o Ngāti Rehia</h2> <p>He whenua tuku iho ki nga uri o Ngāti Rehia</p>	<p>0 2 4 8 Kilometres</p> <p>Scale 1:225,000 at A4</p> <p><small>Data Sources: LINZ Topographic data (crown copyright reserved) / ©CHES 2008-2009 / Imagery supplied by SPOT Imaging Services / NZTM Grid Projection / Mapping completed by Sinclair Knight Merz, 2012</small></p>
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"KM7"



**TE RŪNANGA O NGĀTI RĒHIA  
("TRONR")**

**SUBMISSION ON THE  
FAR NORTH DISTRICT COUNCIL  
("FNDC") LONG TERM PLAN**

**4 APRIL 2018**

## KUPU WHAKATAKI / INTRODUCTION

Kia pāpā te whatitiri, uira kapakapa ki runga o Taihoronukurangi. Hikihiki tū nei te papa a Tāne i tūtaki nei te Pōuriuri, te Pōtangotango ka whiti te rangi e tū iho nei. Ko Tāne i wāhia mai ai a Taihoronukurangi ki te whare a Māui Tikitiki-a-Taranga, Te Moana-nui-a-Kiwa e takoto mai rā e. Tapuwaenuku, Tapuwaerangi, he mūmū, he āwhā, ko Te Iho o te Rangi e tū iho nei, ko te tohi o Tohinui-a-Rangi, tūtū nui, tutu roa, tutu pōkerekere, he hīkoi ngā Ariki i te tapu, i te whatu, i te nana hauriri e. Pakipaki ana te tai i Te Paparapanui-a-Tāne, Pikipikirangi Tākiritū, Tākirirangi ki runga ki te pā o Rēhua. Tuputupu whenua ki te pū o te Ika-a-Māui e tū nei. Tohi ki te kura, i tohia ko Tāwhaki, ko Tāwhakinui-a-Hamanga. Haere te moana, puta ki te whai ao ki te ao mārama tūturu kia whakamaua kia tina, haumie, huie, taiki e!

Kia pēnei noa ake te kī ki a rātou mā kua kore te kitea mai te hāhātanga o te whenua haere, haere, haere. Haere kia tātai atu rā koutou ki te pua tāwhiwhi o tautoru e puta ai te kōrero ko Matiti Kura, ko Matiti Hānā, ko Matiti Muramura, ko Matiti Kaiwai, ko Matiti Rautāpata, ko Matiti Raurehu, ko Matiti Āngina, ko Te Ata Uraura, ko Te Ata i toia. Haere e te kāhui o Takurua i kī ai ko wai te kōrero wero i te ninihi, wero i te kokota, wero i whakaata i pungawerotia ai o koutou tinana, ko Takurua a Uru ko Takurua a Ngina, ko Kakurua a Io. Ko te aweawe o te rangi ki a rātou, ko te aweawe o te whenua ki a tātou. Tihe mauriora!

Tēnā koutou katoa. We are providing this submission in response to the Far North District Council (“the Council”) Long Term Plan 2018 – 2028 Consultation document.

We thank the Council for providing this opportunity to be involved in the long-term planning of our region. It is our hope that our feedback to this document will be taken into serious consideration by the Council and that our relationship moving forward will be one built on partnership, good faith and a shared interest to make Northland a great place.

## NGĀTI RĒHIA

Ngāti Rēhia Mata Momoe, Ngāti Rēhia Mata Kaka, Tiakina ngā maunga, ngā awa, ngā moana me ngā whenua tapu o Ngāti Rēhia

*Ngāti Rēhia the sleeping Giant, Ngāti Rēhia faces all challenges, when awakened Ngāti Rēhia protects your sacred mountains, rivers, seas and lands*

As the Council will be aware, Ngāti Rēhia are a principle hapū within the Bay of Islands. Our tribal area, or *Te Riu o Ngāti Rēhia* is captured in the following pepeha and detailed map:

### Te Riu o Ngāti Rēhia

Ko Tokerau te tūtei  
Ki te hauraro o te pūaha  
Ko Rākaumangamanga ki te Rāwhiti

Tokerau is the sentinel mountain that stands at the northern aspect of the harbour mouth  
Rākaumangamanga stands to the east

E rere atū nei Te Kerei Mangonui

Both Te Kerei Mangonui and Te Awa o ngā Rangatira

Te Awa o ngā Rangatira	flow there-ward
Titiro whakararo ki Orongo ki Tākou Awa Te wahi i mataaraaratia ai e Puhi Te waka tūpuna a Mataatua moe mai rā	Gazing northward to Mount Orongo and Takou river The territory cautiously guarded by our ancestor Puhi The ancestral canoe Mātaatua there gently sleeps
Whiti whaka te uru Ki te ngāherehere nui o te Puketi Pohutu noa atu ki te moana o Omapere	Before crossing westward To join Puketi forest Sweep past and onward to Lake Omapere
Āwhiowhio ki te rangi Kei runga Whakataha maunga Kei raro ko te awa o Waitangi	We turn rising skyward To Whakataha mountain The fountain head of Waitangi river below
Ka hirere ki Pokākā Tōtika te whatumanawa o Īpipiri	Gushing eastward to Mount Pokākā Inexorably to the heart of the Bay of Islands
Ko Ngāti Rēhia te hapū Ko Ngāpuhi nui tonu te Iwi	Ngāti Rēhia the Tribe Ngāpuhi the Nation
Ko Whītiora, ko Hiruharama Hou, Ko Takou ōnā marae	Whose marae are Whītiora, Hiruharama Hou and Takou
Tehwa mauri ora, ki te Wheiao Ki te Ao Mārama.	This breath drawn life animates the emergent World Into broad daylight.



**Te Riu o Ngati Rehia**  
He whenua tuku iho ki nga uri o Ngati Rehia

Scale 1:225,000 Main Map  
Data Sources: Landcare 25m grid background and LINZ Topographic data (crown copyright reserved)

We are recognised as Kaitiaki of the areas that reside within Te Riu o Ngāti Rēhia and we hold Ahi-Kaa within those areas. We are committed to fulfilling our obligations and the duties that we carry as Kaitiaki within our rohe.

We, as Ngāti Rēhia, have a mission to develop a sustainable economic, social and cultural base for the continued growth of our whānau and hapū. But also, for all those whānau that are currently living in, and also visit, the areas that reside within Te Riu o Ngāti Rēhia.

We are a charitable Trust and as a voluntary organisation we operate largely on the limited resources of our trustees. It is our intention to continue to build into a permanent and professional organisation dedicated to the sustainable development of our region.

Ngāti Rēhia has four core activity areas:

**Te Tiriti o Waitangi / Treaty Claims** – Ngāti Rēhia has two claims before the Waitangi Tribunal, Wai 492 and 1341. Ngāti Rēhia along with other Ngāpuhi Hapū and claimants have just completed the Tribunal Hearings regarding the Te Paparahi o Te Raki (Northland) Inquiry and are awaiting the release of the Stage Two report and settlement negotiations with the Government.

**Kaitiakitanga** (monitoring of our natural resources) – Ngāti Rēhia is an active participant in the sustainable development of our taonga. We have established Ahi Kaa Advisors (“AKA”) as our Kaitiaki business unit. AKA has been responsible for implementing our Ngāti Rēhia Hapū Environmental Management Plan (“HEMP”). Ngāti Rēhia also work with various organisations and members of the local community regarding Resource Consent applications and related issues.

**Social Development** – TRONR has a track record of social development initiatives including housing, education and papakainga, as well as driving initiatives for rangatahi / young people as seen in our involvement with the Ngāti Rēhia Hapū Rangers.

**Economic Development** – TRONR promotes Hapū based sustainable development initiatives. This includes aquaculture, environment and tourism and forestry for example, as well as progressing current economic activities.

It is for these reasons, that we are also committed to working with the Council to achieve positive outcomes for the Far North generally.

## GENERAL COMMENTS

After considering the entirety of the Consultation document, Ngāti Rēhia provide the following initial general comments regarding the Councils Long-Term Plan for the Far North:

1. By and large, Ngāti Rēhia agree with the proposed Community Outcomes and the focus on growing and succeeding. Additionally, Ngāti Rēhia commend the Council for the inclusion of relevant whakatauki to sit alongside each outcome. However, we note that mention of Te Iwi Māori, Tangata Whenua or hapū is non-existent within the
-

Outcomes themselves. It is our belief that if the Far North is to grow and succeed, a key area must be the development and strengthening of relationships with hapū, Tangata Whenua, Te Iwi Māori within Northland.

We strongly believe that a focus and commitment to Māori representation, engagement and participation in Northland needs to be included within the Outcomes themselves and not merely alluded to in the whakatauki or the translation of the Councils vision.

2. Ngāti Rēhia understand that a main focus for the Council (in terms of funding and priority) must be on infrastructure and development within Northland. And we agree that there are priority areas (such as Kerikeri Sewerage and Omanaia Water Quality) that must be a focus for this Council. However, it seems that as a result, almost no priority and/or funding has been provided to Māori cultural or economic initiatives and development moving forward. We note that the Long-Term Plan mentions, *“things that make life pleasant, such as walking and cycling tracks, playgrounds and sports fields”* as a continued focus, but once again, Māori issues or initiatives are not mentioned. As the Council will be aware, the Māori economy is estimated at \$50 billion and it's growing. Compared to the country's GDP, which was at \$265 billion at March this year, that makes the Māori economy 19% of the whole country's wealth. The Council would be remiss not to acknowledge the current Māori economy and should work with Māori within Northland to take advantage of the opportunities that this market will bring for the growth and success of the Far North. Ngāti Rēhia believe that this then should be included in the Long-Term Plan.

## SPECIFIC COMMENTS

### 1. Kerikeri Waste Water Sewage

The Council has listed the Kerikeri Waste Water Sewage System as one of its major projects for the Long-Term Plan. Ngāti Rēhia support this project and are committed to working closely with the Council to ensure processes and practices align with our duties as kaitiaki in Kerikeri. As the Council will be aware, Ngāti Rēhia have been working closely with contractors and we have asked to be included in all milestones moving forward and that they contact us at all points.

We are glad to report that the kaimahi have been receptive and are happy to have us on board.

### 2. Proposed 10 Year Capital Work Programme

At page 13 of the Long-Term Plan, Council outline the proposed allocation of funding over the next 10 years. As suggested by Council, the majority of the funding will be distributed to Roding, Water Supply and Waste Water treatment. But once again, out of the total \$575,597,571 projected over the 10 years, Ngāti Rēhia do not see exactly where the Council intend to invest specifically in Māori, hapū, tangata whenua initiatives in the Far North.

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If these types of initiatives are encompassed in other areas of funding allocation, could you please advise.

### **3. Kaikohe Community and Civic Hub**

At page 20 of the Long-Term Plan, Council outline their proposal to establish a hub and civic centre in Kaikohe that meets community needs and brings Council services together in one place. As pointed out by Council, the kind of facility envisaged is similar to Te Ahu in Kaitaia. Ngāti Rēhia support proposal “option 1a” listed in the Consultation document. Ngāti Rēhia agree that hapū within the Kaikohe area will play a key role in the development and success of this project. Ngāti Rēhia would be happy to assist the hapū and Council with this project.

Additionally, Ngāti Rēhia see merit in a hub of this kind being established within Kerikeri as well. Ngāti Rēhia have developed strong relationships with key stakeholders within the Kerikeri area and believe that a Hub of this nature would add value, growth and would ultimately benefit the wider Kerikeri area. Ngāti Rēhia currently have a number of ideas about how we could work with Council to utilise existing assets to achieve this goal.

Ngāti Rēhia would be grateful to discuss this in more detail with the Far North District Council directly.

### **4. Placemaking Projects**

At page 25 of the Long-Term Plan, Council outline their current position of providing financial support to community, sport and recreational groups that help to make the Far North a great place. Council have suggested the establishment of a placemaking fund to provide for funds for projects that improve the “liveability” of places.

While we are not opposed to the proposal itself, we seek additional clarification on what activities specifically this fund would assist? Following that clarification, Ngāti Rēhia would be in a position to provide further detail on how and who we believe should be making the decision on how those funds are allocated.

### **5. Community Infrastructure Projects**

At page 26 of the Long-Term Plan, Council outline their proposal to keep the current funds at \$100,000 in 2018/19 instead of restoring it to \$200,000 as planned.

Given that it seems this fund incorporates cultural community projects that Ngāti Rēhia would directly be interested in, we do not support the Councils proposal and suggest that the fund be restored to \$200,000.00. We also believe that community boards rather than councillors themselves should decide which projects receive grants under this fund. Additionally, we believe that there should be adequate and effective Māori representation on these boards.

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We seek clarification from the Council on whether there is a separate fund, or any priority given to te reo Māori me ōnā tikanga initiatives or whether initiatives of this kind are considered alongside every other general “community project”?

**6. What will you get for your rates dollar?**

Lastly, we note at page 36 in the diagram, “*What will you get for your rates dollar?*”, Council has listed 3c for “Māori engagement”. Ngāti Rēhia seek clarification on how that 3c is allocated to Māori engagement as it is not clear in the Long-Term Plan itself.

We appreciate the opportunity to provide feedback on this Consultation document and look forward to the speaking to these submissions in the near future.

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*Te Runanga o Ngati Rehia*

## ***A Submission on the Aquaculture Technical Advisory Group Report***

**Submission made on behalf of Ngati Rehia**

**16 December 2009**

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**Tena koutou,  
Te mihi tuatahi ki te runga rawa  
Te mihi tuarua ki nga tini mate e hinga mai na ia tatou marae maha  
Ki a ratou haere, haere, haere  
Ki a tatou nga kanohi ora, tena koutou tena koutou tena tatou katoa**

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### **Introduction**

1. Te Runanga o Ngati Rehia represents the hapu / whanau o Ngati Rehia within the rohe moana and whenua from Takou, Wharengaere, Kahiki, Purerua, Te Awa o te Rangatira (Kerikeri Inlet), Kerikeri, Te Tii Mangonui, Matoa, Parengaroa.
2. The hapu of Ngati Rehia is recognised as the kaitiaki of its identified rohe moana. Kaitiakitanga is a Māori philosophy based on our holistic view of the world and how we live in it. We see the moana as a taonga. We have existed together with these taonga mai rano, and our relationship with the sea and land is built on respect and the understanding that we are kaitiaki.
3. Ngati Rehia is committed and has always been committed to developing sustainable policies and management processes in regards to our fisheries and the home of the fish. The development of sustainable hapu-based aquaculture is a high priority issue.

4. Te Runanga o Ngati Rehia appreciates the opportunity to make this submission. We seek to build partnership relationships with the Government and all agencies whose roles and functions affect our rohe moana.

### **Submission**

5. Ngati Rehia submit that we would like to see easier access for Māori in terms of becoming involved in the Aquaculture regime. In the past, Ngati Rehia has faced a number of significant difficulties in establishing ourselves in aquaculture.
6. Ngati Rehia would like to have more significant input into which sites are selected for Aquaculture, especially when these sites are potentially located within our rohe moana and hapu area.
7. Ngati Rehia would like to see a Māori Working Party established to assist with the development of the new Aquaculture regime and to ensure that the best interests of Māori are recognised and included.
8. Ngati Rehia submit that the costs associated with setting up Aquaculture initiatives be very clear from the outset. Often in the past, Ngati Rehia has had to deal with various costs in its attempt to establish an Aquaculture venture. These costs were often unclear and substantial.
9. Ngati Rehia ask that the barriers which have hindered us in the past, for example legislation, be removed to ensure we have a clear path in order to establish our Aquaculture venture.

### **Conclusion**

10. Overall, Ngati Rehia wish to simply get on with our Aquaculture initiative and move forward. We ask that the Aquaculture regime be put in place effectively and efficiently, in consultation with Ngati Rehia and other hapu wishing to be involved in this initiative.
11. Ngati Rehia insist on full participation in all decision-making processes affecting the moana. We need to be involved to ensure appropriate determination of the nature and extent of our fishing rights. We wish to continue developing beneficial relationships with all stakeholders so that we participate in the management of our respective rohe moana.
12. On the whole, TRONR is supportive of the Technical Advisory Group's proposals.

Please contact us if you have any questions whatsoever.

Noho ora mai,

Tajim Mohammed  
Chairperson  
Te Runanga o Ngati Rehia



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Te Rūnanga o Ngāti Rēhia

## SUBMISSION TO NORTHLAND REGIONAL COUNCIL ON PLAN CHANGE 4 SUPPORTED BY TE RŪNANGA-Ā-IWI-O-NGĀPUHI

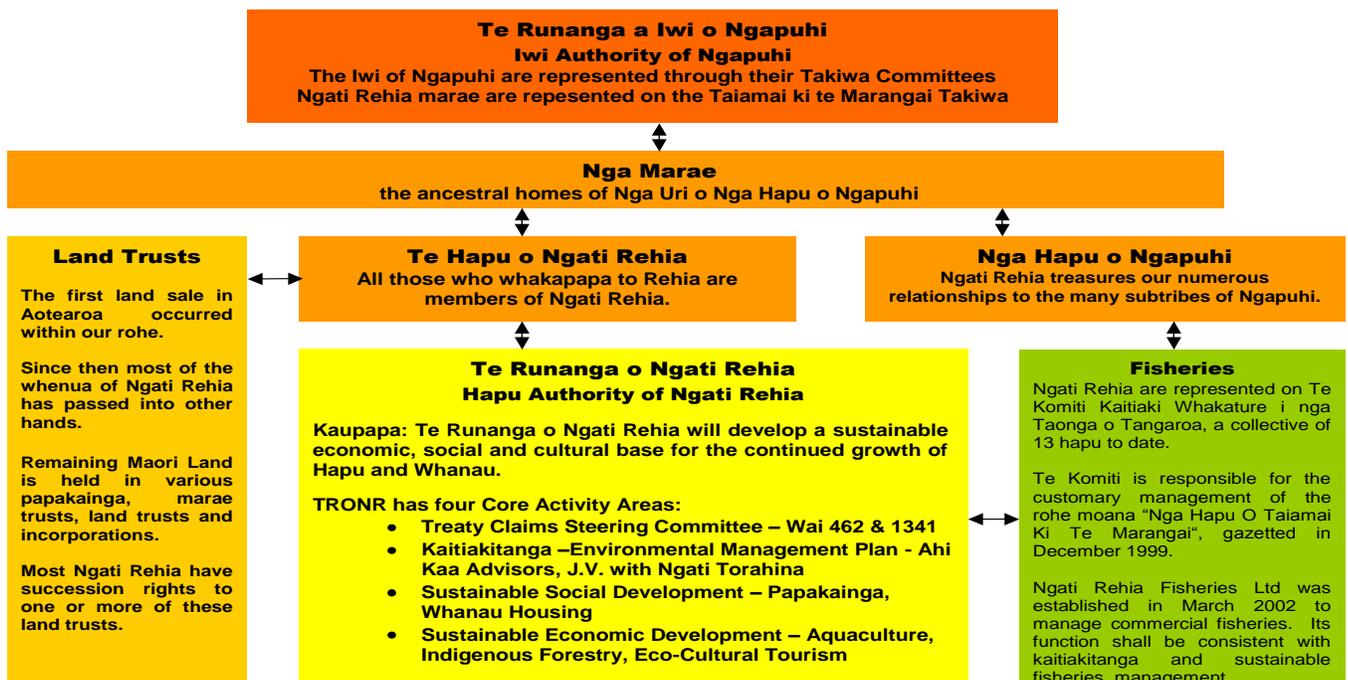
### Mihi

Ngā mihi ki Te Rūnanga-Ā-Iwi-O-Ngāpuhi mo tenei tautoko mo tenei tono ki te Northland Regional Council.

Kia ora,

**Nora Rameka**  
Secretary/Trustee

24 February 2012



## Introduction

Our tupuna knew all of our rohe – be this homes, gardens, trails, ceremonial areas, landing sites, fishing sites, battle sites, urupa, places where whenua were buried or tupapaku prepared for burial. All these places were named by our tupuna and in naming them they tied those places to our culture and our heritage forever.

Ngāti Rēhia claim a rohe in the general area of:

- Takou Bay
- Te Puna Inlet (Te Kerei Mangonui)
- Waitangi
- Purerua Peninsula
- Kerikeri Inlet
- Kerikeri
- Moturoa

Our seaward boundary is to Hawaiiiki.

Ngāti Rēhia claim Ahi-Kā over our rohe. We acknowledge the overlapping interests of other Ngāpuhi Hapū, just as Ngāti Rēhia overlaps the rohe of others. Such overlap comes from the closeness of our relationships, and our shared histories of whakapapa, marriage, alliances and conquests. We prefer to think of these overlaps as areas of common interest rather than as areas of conflict. Ngāti Rēhia (Ngāpuhi) tikanga is ably equipped to allow us to discuss and reaffirm our relationships each time we meet.

In terms of our kaitiaki responsibilities, our shared interests provide real opportunity for collaboration within and between Hapū. Ngāti Rēhia will strive to work with all tangata whenua for the common good of our environment. Below is a map showing Ngāti Rēhia's riu.



***He manako te koura e kore ai***  
*Wishful thinking will not get you a crayfish*

Ngāti Rēhia have always been fisher people. Our middens are testament to the range and quantity of kaimoana that have sustained us over the centuries. Traditionally we have shown manaaki to our manuhiri with all the delicacies that Tangaroa could provide.

In 1910 the Crown established a Māori Oyster Reserve adjacent to our papakainga at Te Tii Mangonui to serve the customary needs of Ngāti Rēhia. This reserve was expanded to a Māori Oyster Area under revisions of the fisheries regulations and still exists today. Similar oyster reserves have been given formal permanent protection under Treaty Settlement legislation in the Kaipara Harbour. Ngāti Rēhia consider that at least the level of protection provided for the Kaipara reserves will be eventually granted for our reserve at Te Tii Mangonui.

As recently as 1932, our reliance on our customary fisheries was such that the government saw fit to pay Ngāti Rēhia and all other Māori only half the dole given to the general population because of our ability to survive on our kaimoana resources. Our tribal record clearly documents the stories of our tupuna up in the first half of the twentieth century easily catching ample quantities of kaimoana of all sorts from our customary fisheries. Daily catches of dingy loads of large snapper caught on handlines in a few metres of water in most parts of the rohe moana was common up until the time of the “big kill” in the 1960s when fast commercial boats with extensive nets cleaned out most coastal waters. Our fisheries have never really recovered. The importance to Ngāti Rēhia of maintaining our customary/commercial fisheries cannot be overstated. All the key stakeholders, agencies, land owners and users, commercial, customary and recreational fishing interests need to collaborate closely if a viable fishery is to be passed on to our mokopuna. Te Rūnanga o Ngāti Rēhia (“TRONR”) considers that the maintenance of adequate customary fisheries is the highest priority issue.

Ngāpuhi is currently seeing the return of Treaty Settlement fishery assets, the first major Treaty Settlements to return to the Iwi. TRONR looks forward to full discussion with the Iwi on how the return of this Settlement is to be used to the greatest benefit of Hapū. The return of the fishery asset gives Ngāpuhi a significant interest in the sustainable management of the commercial fisheries of the rohe.

**Te Tiriti o Waitangi and He W[h]akaputanga o te Rangatiratanga o Nu Tireni**

The Crown has obligations under Te Tiriti o Waitangi.

The Hapū of Ngāti Rēhia recognises Te Tiriti o Waitangi and the earlier 1835 He W[h]akaputanga o te Rangatiratanga o Nu Tireni, also known as the Declaration of Independence, as foundation documents defining the relationship between Hapū and the Crown. We recommended that Te Rūnanga-Ā-Iwi-O-Ngāpuhi advise all agencies to consider both documents as “relevant planning documents”.

Ngāti Rēhia have customary fishing rights confirmed under Te Tiriti o Waitangi. These include the right to feed our families and our manuhiri from our customary waters. Ngāti Rēhia have never allowed our customary fishing rights to be extinguished, and consequently retain those rights uncompromised. Ngāti Rēhia is not obliged to compromise the retention of those customary rights to meet Crown policies or objectives.

Ngāti Rēhia customary fishing rights are intimately connected to our responsibility to care for the home of the fish. Customary rights and customary responsibility cannot be considered separately.

### **Aquaculture Issues**

The new frontier of fisheries is aquaculture. TRONR has been actively pursuing potential development in mussel farming and has formed a joint venture company with Mussels Far North (“MFN”) to establish both mussel farms and processing facilities. TRONR considers it has been unfairly treated in the recent debate and moratorium on aquaculture. Aquaculture is not a new science for Ngāti Rēhia. We still own the district’s first Aquaculture Management Areas (“AMA”), the Māori Oyster Area at Te Tii Mangonui, although Northland Regional Council (“NRC”) has failed to provide this formal AMA protection to date.

### **Opposition to Prohibited Activity Proposal – Plan Change 4**

TRONR opposes the proposal for the following reasons:

1. There are no environmental assessments supporting prohibiting aquaculture throughout the Bay of Islands.
2. Aquaculture may be appropriate in certain areas of the Bay of Islands, and the NRC should at least allow proposals to be put forward and assessed on their individual merits.
3. Prohibiting aquaculture fails to provide for the wellbeing of tangata whenua and to their relationship with their resources.
4. Prohibiting aquaculture is inconsistent with the Government’s intention to promote aquaculture, and the New Zealand Coastal Policy Statement.

The potential appropriateness of aquaculture in the Bay of Islands is reflected by the application by MFN for consent to establish a marine farm in this area. In particular:

1. This area is a feasible location for aquaculture, as evidenced by the fact of the proposal by MFN and TRONR, as it has the right conditions for a marine farm in terms of water depth and water quality.
2. The area is one where navigation and landscape/visual issues can be appropriately managed.
3. The area is an important and significant traditional fishing ground, as evidenced by the proposed mahinga mataitai area. To prohibit aquaculture here fails to provide for this use and Ngāti Rēhia’s relationship with our moana.

Please contact TRONR if you have questions or require clarification on any of the issues above.



# Applying for recognition of customary interests

UNDER THE MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011

## When to use this form

Use this form if you're an iwi, hapū or whānau applying for recognition of customary marine title or protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011.

The deadline for making an application is 3 April 2017.

## Getting more information

For more information about the Marine and Coastal Area (Takutai Moana) Act 2011 and help filling in this form, please go to [justice.govt.nz/maori-land-treaty](http://justice.govt.nz/maori-land-treaty) or email [maca@justice.govt.nz](mailto:maca@justice.govt.nz)

## Privacy statement

We'll use the information in this form to process your application, including researching historical information, land records and resource consent information. This form and our research may be:

- shared with other government agencies
- published on the Ministry of Justice website (as part of our public notification of applications)
- given to people requesting it under the Official Information Act 1992.

If you're concerned about protecting any sensitive or confidential information, please contact us at [maca@justice.govt.nz](mailto:maca@justice.govt.nz) before sending in your application.

## Sending in your application

The deadline for making an application is 3 April 2017.

Please send us this form and any supporting documents by emailing it to [maca@justice.govt.nz](mailto:maca@justice.govt.nz) or by freepost to: The Minister for Treaty of Waitangi Negotiations

Parliament Buildings  
Private Bag 18041  
Wellington 6160

## Step 1 Give us your details

### Who is this application for?

Name of iwi, hapū or whānau applying for recognition of customary marine title or protected customary rights.  
(An applicant group can be one or more iwi, hapū or whānau.)

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Name of the person, representative group or legal entity making this application on behalf of the iwi, hapū or whānau.

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### Who is the contact person for this application?

Full name 

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Postal address 

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Phone no. day 

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 evening 

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Email 

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### Can you give us any more information to help identify your group?

*This information isn't compulsory, but will speed up researching your application.*

*If you need more room, please attach extra pages.*

Who are the founding tūpuna and ancestors of your group?

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Which iwi, hapū and whānau are associated with your group?

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Which marae are associated with your group?

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## Step 2 **Apply for customary marine title**

Fill in this step if you're applying for recognition of customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011. *Go to step 3 if you're only applying for protected customary rights.*

Tell us the boundaries of your application areas. You can describe it or tell us the GPS coordinates.

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 Attach maps with the application areas clearly marked.  
If you need help getting a map, email us at [maca@justice.govt.nz](mailto:maca@justice.govt.nz)

Tell us anything else (and attach any supporting documents) that might help us assess your application, such as how you use the area or proof of ownership of neighbouring land.

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## Step 4 Sign and date this form

I understand the Ministry of Justice (including the Office of Treaty Settlements) will publicly release the information in this application. Such as names, contact details and general geographic location for this application. I also understand that the Official Information Act applies to all the information in this application.

The information in this application is true and correct to the best of my knowledge and belief.

Full name (of person completing this form) \_\_\_\_\_

Date \_\_\_\_\_

## Step 5 Do a quick check

### Before sending in your application check

Have you followed steps 1 to 4?

- Have you given us your contact person's and group's details in step 1?
- If you're applying for recognition of customary marine title, have you filled in step 2?
-  Have you attached a map?
-  Have you attached any supporting documents?
- If you're applying for recognition of protected customary rights, have you filled in step 3?
-  Have you attached a map?
- Have you ticked the boxes and dated this form at step 4?

**If you have any questions, please go to [justice.govt.nz/maori-land-treaty](http://justice.govt.nz/maori-land-treaty) or email [maca@justice.govt.nz](mailto:maca@justice.govt.nz)**

## Step 6 Send us your application

The deadline for making an application is 3 April 2017. Please send us this form and any supporting documents by emailing it to [maca@justice.govt.nz](mailto:maca@justice.govt.nz) or by freepost to: The Minister for Treaty of Waitangi Negotiations

Parliament Buildings  
Private Bag 18041  
Wellington 6160

### What happens next?

You'll get a confirmation letter and we'll begin an appraisal of your application. You can expect to hear from us if we need more information, and again when a decision is being made. It can take several months for your application to be processed.