

**I TE KŌTI TAIAO Ō AOTEAROA
IN THE ENVIRONMENT COURT
OF NEW ZEALAND**

**ENV-2019-AKL-117
ENV-2019-AKL-127**

UNDER the Resource Management Act 1991 (the Act)

IN THE MATTER OF appeals pursuant to Clause 14 of the First
Schedule of the Act against decisions of the
Northland Regional Council on the proposed
Northland Regional Plan

BETWEEN **Bay of Islands Maritime Park Incorporated**
ENV-2019-AKL-117

**The Royal Forest & Bird Protection Society of
New Zealand Incorporated**
ENV-2019-AKL-127

Appellants

AND **Northland Regional Council**

Respondent

**STATEMENT OF EVIDENCE OF CARMEN HETARAKA
ON BEHALF OF TE URI O HIKIHIKI HAPU**

19th March 2021

Solicitor Acting
Jason Pou
Tu Pono Legal Limited
1222 Eruera Street
Rotorua
E: pou@tupono.co.nz
Ph: 07 348 0043

Barrister Acting
Rob Enright / Ruby Haazen
Arapeta Chambers &
Magdalena Chambers
Wānaka / Tamaki Makaurau
E: rob@publiclaw9.com
Ph: +64 21 276 5787

Evidence of Rangatira Carmen Hetaraka

1. I was born and raised in the rohe of Ngāti Wai ki Whangaruru and Otangarei / Whangarei. I am of Te Uri o Hikihiki, Patu Harakeke and Te Kapotai.
2. I bring this evidence as a descendant of my Tupuna Heta te Kauwhata who signed Te Tiriti o Waitangi for Ngāti Wai.
3. I speak on behalf of my hapu Te Uri o Hikihiki and my whanau. Te Uri o Hikihiki is a hapū of Ngāti Manaia / Ngāti Wai.
4. For more than 25 years I have developed and implemented programs through the social and criminal justice sectors. I have also sat on indigenous drug and addictions councils, and world indigenous drug and addiction forums, including Healing Our Spirit Worldwide. I continue to apply my knowledge and support to incarcerated tangata whenua and native Hawaiian populations.
5. I have been part of Moana Nui, an international indigenous group which addresses issues of globalisation and militarisation in and around Te Ara Tapokopoko a Tawhaki (*the Pacific region*). This work has taken me to many different islands within Te Ara Tapokopoko a Tawhaki and to Asia. This work has given me a knowledge of the effects and experience of colonisation and exploitation of indigenous people and resources across Te Ara Tapokopoko a Tawhaki.
6. I am currently the Cultural Advisor for Ngati Manuhiri Settlement Trust, a hapu of Ngatiwai. Ngati Manuhiri are an Iwi Authority under the Resource Management Act and a mandated Iwi Authority under the Treaty of Waitangi Act 1975.

7. I was raised in Mokau and Otangarei / Whangārei under the tutelage and the learnings of my kaumatua.
8. I have been out on our rohe moana with my grandfather and my father's generation since I was seven, eight years old. I was there when my kaumatua shared our knowledge with western scientists; Roger Grace, Wayne Doake and Vince Kerr and was privy to the western knowledge that was shared with my uncles and kaumatua. Roger Grace, Wade Doak and Vince Kerr worked with my whanau to document the ecological significance and decline of the health of our rohe moana including Mimiwhangata. Roger Grace and Vince Kerr worked along most of the Ngāti Manaia coast as far south as Tawharanui.
9. As the majority of our old people have now passed on we have inherited the responsibility to continue building on the foundations that they laid.
10. One of our great historians and leaders Morore Pīripi recorded that Ngāti Wai people were a people of prophecy. Our tohunga had sacred caves with pools of fresh water in our rohe moana where they would gain inspiration and direction for the well-being of their people. 'Ko nga mana katoa o Ngati Wai kei te wai, i nga taniwha me o ratou manawa' : 'All the mana of Ngati Wai comes from the sea, from its guardian taniwha/mauri and their spiritual force.' This whakatauki underpins the importance of this kaupapa and the reason why I am here today.
11. In this statement I will cover:
 - a) Te Uri o Hikihiki is the largest mana whenua group in the coastal and marine area from Motukokako to Mimiwhangata;
 - b) Crown legislation which has undermined Te Uri o Hikihiki control, Kaitiakitanga and guardianship of the rohe moana;
 - c) Maturanga maori (*ancestral knowledge*) of Te Uri o Hikihiki;

- d) Te Uri o Hikihiki attempts to address the decline of our Taonga species (that we refer to as Mauri) within our rohe;
- e) Te Uri o Hikihiki wish to exercise its unique functions and customary interests under sections 6(e & g), 7(a & aa) and 8 of the Act; and
- f) Te Uri o Hikihiki wish for a positive future of restored biodiversity and productivity of our rohe moana which for us is inextricably connected to cultural and social well-being.

Te Uri o Hikihiki: Tangata Whenua

12. Our rohe moana spans from Motukōkako Island at Rakaumangamanga (*Cape Brett*) in the southern Bay of Islands, to Mimiwhangata. It goes well out beyond the Regional Council's Coastal Marine Area at the 12 nautical mile limit. At our northern boundary our rohe overlaps with Ngāti Kuta and Patukeha at Rakaumangamanga (Cape Brett). And in the south, our rohe overlaps with Te Whanau Whero and Te Aki Tai at Mimiwhangata.
13. Te Uri o Hikihiki is recognised by the Waitangi Tribunal as the mandated Hapu for the area from Motukokako to Mimiwhangata, and has a registered application with the Office for Maori Crown Relations (Marine and Coastal Area Act – MAC -01-01-144).
14. All down this north eastern coastline between Te Pewhairangi (the *Bay of Islands*) to Mimiwhangata and beyond to our southern boundaries to Aotea (*Great Barrier*) were Pā, Nohoanga Tāwhito (*settlements*), Wahi Tapu (*burial grounds*) and battle sites. The Tuatara is the symbol of our connection to all of the land and islands within our rohe as a tuakana, an elder to us and was one of the first creatures created at the same time as Te Paraoa (*the whale*). In the Ngāti Wai creation story, tangata whenua were created after these Mauri and therefore we are Kaitiaki, guardians, caretakers and protectors of these taonga for our tamariki and mokopuna (*prodigy- Uri Whakatupu*).

15. Our moana reflects our genealogical ties to all Hapu of Ngāti Manaia / Ngāti Wai.

“He aha te kai o te Rangatira?

Ko te korero”

*The knowledge of the ancients teach us
how to protect all our taonga.*

“He aha te mahi o te Rangatira?

Ko te Manaakitanga”

*The mana of the chief is measured not
by how much he has but on how much
he can share.*

16. How can we uphold our Rangatiratanga when the Taonga of our Rohe are depleted to such an extent that we cannot provide for our manuhiri (*visitors*) or our own people.

Our Cultural Landscape

17. Our cultural landscape can be identified by first looking at:

- a. **Nohoanga Tāwhito**- where are our ancient dwelling places, papa kainga. Where are our pā? Where are our mara kai? Where are our **Tauranga Moana** (*fishing grounds*)?
- b. **Wahi Tapu** – where are our scared places, burial grounds?
- c. **Pēpeha** – identifies our connection to our mountains rivers and streams, families and extended family and waka.
- d. **Purakau** – all the stories and whakapapa that weave these places, taonga and our people together.

- e. **Whatu Kakahu**- the plants and everything that we use from our environment for clothes and buildings and tools, i.e Taruke (*crayfish pots*), Kupenga (*nets*) are made out of those resources.

Proposed Management Areas

18. The proposed Management areas for Te Uri o Hikihiki includes:

- a. “Area C” which runs from Rakaumangamanga to Mimiwhangata,
- b. the “Rahui Tapu”/ “Area A” around Mimiwhangata; and
- c. the buffer areas either side of the Rahui Tapu area.

19. Our whanau on the coast would fish an area under the oversight of their Kaitiaki and Tohunga. As the size of marine life reduced and sometimes the numbers, the whanau would move further down the coast to a new area. All the time the Kaitiaki would monitor the state of the marine life and the recovery of areas fished previously, where the whanau would return to. The marine life within our rohe was maintained in a near pristine state for generations via our cultural practices and Matauranga. This customary practice broke down in the 1800s, but our Kaitiaki and Tohunga retained this knowledge and these Kaumatua and Kuia formed Te Au o Morunga.

20. The kaupapa for protecting our customary marine management knowledge and protecting Mimiwhāngata was led by the group Te Au o Morunga of Te Uri o Hikihiki. This group worked on trying to get mussel farms for Te Uri o Hikihiki and tried to push for a rahui tapu at Mimiwhangata. The name “Te Au o Morunga” is part of an ancient pray. Te Au o Morunga is named for the “Current on the Horizon” - the North-East Pacific current or East Auckland current.

21. Puke Haika and his cousins were early adopters of scuba in our area in the 1950s, and they used this to understand what was happening under the sea in the areas they had

traditionally managed for their whanau and hapu. He was able to tell Dr Roger Grace and Vince Kerr (then with DOC) of where fish species could be found in the 1950s and the changes in marine life in our rohe as the Government's fisheries agencies allowed more intense and industrial fishing practices.

22. Our kaumatua Puke Haika and Houpeke had a deep knowledge of our customary marine management. Puke Haika and Houpeke also grew up learning from their elders about our Rohe Moana and Matauranga and they had themselves observed the rohe since the 1950s. Puke and Houpeke had a very clear and very detailed picture and understanding of what was natural and healthy.
23. The area identified as "Area C" in our relief, we, Te Uri o Hikihi refer to as "Te Akau Roa". Because under the water throughout this area is all Akau Roa (*long reefs*). Te Akau Roa are the kainga for our Taonga that we refer to as Mauri (identified below at para [53]). The Tauranga Moana (*Fishing grounds*) are where our taonga species traverse through. Te Tai Whakararou (*The North-Eastern Current*) brings down the Taonga species from Te Ara Tapokopoko a Tawhaki (*The Pacific Ocean*), and their spawn is carried by Te Tai Marangai (*the East Auckland Current*) into our estuaries and fisheries.
24. The names of the key Tauranga Moana (*Fishing grounds*) within Area C are identified on maps provided in the evidence of Di Lucas.

The northern part of our rohe guides the Te Tai Whakararou (*The North-Eastern Current*), from New Caledonia down into the Hauraki Gulf. Many tropical elements come with this current - whale sharks, manta ray, sunfish and reef corals into the northern part of our rohe and sometimes further south. The effect of this current is that our rohe moana are the most diverse in terms of fish species and also importantly most similar to the tropical reefs and waters of the rest of Te Ara Tapokopoko a Tawhaki (*The Pacific Ocean*).

25. Our tupuna knew all of these reefs in the rohe and connection to them. They would identify the location of the reefs by taking sightings from our Maunga (*mountains*) i.e Huruiki, the headlands along our coastline and the islands including Tawhiti Rahi and Aorangi (*the Poor Knights*).

Ancestral Leadership

26. When Hongi Hika returned from England he knew that to set up as a trading nation under a trading flag as the only way forward. He was advised that we come under an international charter that would guarantee us protection.

27. That was what Te Whakaputanga was about. So that no one could take away our hereditary rights.

28. Te Tiriti stated that: It recognised He Wakaminenga and it guaranteed Tino rangatiratanga. We are here seeking our rights to exercise our unique functions and customary interests under section 8 of the Resource Management Act.

29. All the principal heads of families and extended families were the mana of the leadership. The kaihautu of your Waka and the tohunga that were attached to them.

30. The Settler's laws and regulations that were brought in left right and centre after Te Tiriti not only dispossessed us of our land and resources, but also our leadership. The classic example of this is that we as whanau and hapu are recognised by what is essentially the runanga or Iwi Authority or Trust Board.

31. The Ngatiwai Trust Board has trustees from 13 marae. But the Trust Board is governed through a pakeha process. It is a in theory we are told a democratic process. However, this democratic process doesn't incorporate or reflect tikanga.

32. We did not operate under democracy; we operated under *atuatanga*. Leaders consecrated everything for the benefit of everyone. This describes the dynamics of *whanaungatanga*, the sharing of resources. The *mana* of *rangatira* wasn't measured by what he owned but what he could provide.
33. Now we are severed from that, we now have a *marae* structure that would be foreign to our ancestors. From our 13 *marae* come 13 members who are supposed to represent all the family groups on the Trust Board. *Marae* chairs are just meant to take care of the *marae*. Then in the NTB is a financial advisor, and a lawyer, and a chairman who have assumed all the rights to decision making.
34. The runanga/NTB was a fishing company but with Government support and has attempted to become a mandated Treaty of Waitangi settlement body¹. The Waitangi Tribunal has found that the Ngatiwai Trust Board was not fit for purpose as a mandated Treaty settlement body.
35. The NTB as an example is a foreign structure. The traditional authority of *taumata* are not represented on the board and this was identified by the Waitangi Tribunal.
36. These days the word *rangatira* is used for any leader such as Pita Sharples. But in ancient times *rangatira* was just one of a number of leaders in a traditional structure that worked.
37. The *taiopuru* was the highest-ranking chief. There were chiefs that ranked higher than Heke or Kawiti. *Taiopuru* was the protector of tides, the protector of resources and also people. The children are the incoming tide and the elders the outgoing. Then there were *Ahupiri*. Most of the *Ahupiri* were *tohunga*.

¹ Ngatiwai Mandate report WAI 2561, Waitangi Tribunal Report (2017).

38. Under them were the sergeants at arms, the generals, the Noaia. Under the Noaia were the Kaitahutahu Ariki, a person with great responsibility. And under him the Konini or Kohere, whose role was to relate messages to whanau and hapu leaders. And at that level, there were the rangatira. So there were seven lines of authority to the rangatira.
39. Those that would fish, the kaitiaki had a relationship with the kohunga and the 'advice' that kohunga provided to the elders and ultimately chiefs. In this way ultimate authority was directly linked to the man or woman who caught a fish where, when and how it was caught and the health of that location. In this way the management of local resources and ecological health were guided by the collective body of traditional knowledge held by that hapu.
40. Decision making was completely different to how we are forced to do it now. For example if there were five whanau groups with an issue they needed support for and one of those groups disagreed with the others, the rest would not move. So the rangatira related their need to the Kohere who went back to the ahu piri council who restructured to bring the other group back in.
41. This Aho Ariki (leadership) operated in our rohe in ancient times.
42. The hegemonic structures that were imposed on Ngatiwai killed us. We were people that listened to our patriarchs and matriarchs that gave direction. They were matakite. They told us what we were to do and it wasn't up for discussion. It was whakae - you agreed. Our leadership was an ancestral leadership. Leaders were born of the right because of their family and whakapapa. They were not autocratic, they were theocratic, from a lineage going back to atua.

43. This is the basis of the rest of my evidence, I believe why the Crown and local government has been able to commit these breaches of Te Tiriti is because they have systematically attacked our leadership structure, and local government have not addressed their as an agent for the Crown.
44. Local government has exercised Crown kāwanatanga over resources of significance to Māori through the Resource Management Act, such as coastal management. Whether we are trying to set up aquaculture or trying to get control of land owned by Department of Conservation (DOC). We have had no success because the leadership model has been severed. The process that we are forced to work under splits us all.
45. This shows in the Crown's settlement policy and all the problems we have with the Trust Board. They are trying to settle our claims but there is no communication, no working together, no direction and no accountability because of the lack of trust in the current leadership structure.
46. Many of the hapu of Ngatiwai acknowledge our whanaungatanga as Ngatiwai, but there is a clear lack of trust in the construct of the Ngatiwai Trust Board.
47. Currently the Ngatiwai Trust Board is wrongly being taken by others as representing Ngatiwai the iwi. Yet, they are misrepresenting our tikanga and leadership structures.
48. The Office of Treaty Settlements are rushing things through. They dangle this carrot of settlement in front of us while scaremongering that we have to sign before a certain date or we will miss out. The process puts to the forefront leadership that is not our customary leadership. It is a colonial tool of divide and rule. And if we want to find resolutions, we have to go to pakeha Courts and go through a pakeha process.

49. We had a legal framework. This is confirmed in Te Tiriti through its reference to the hereditary chiefs of He Whakaminenga. That legal framework was stripped away and we are left with a process that continues to fail us.

50. What Te Uri o Hikihiki are seeking through these proceedings are the wishes dreams and aspirations of our Taumata as set down in the recordings of Te Au Morunga. It is a call to support our traditional leadership and role as kaitiaki and benefit all New Zealand by beginning an era of restoration of our mauri and rohe moana. We have not come here to offer you nice words and thoughts we are a people of action and doing that is what kaitiakitanga is.

Matauranga Maori

51. The areas we have identified relate to our relationship with our ancestral marine waters and our customary management of these areas. Te Uri o Hikihiki Matauranga Maori for these areas and our management of the coastal environment is at the core of our seeking protection of these areas, as we are the Kaitiaki for these areas jointly with Ngati Kuta and Patukeha for Te Au o Morunga.

52. Te Uri o Hikihiki and Ngāti Wai use the word Mauri rather than Kaitiaki or Taonga species. We focus on four Mauri that are sensitive to changes in the marine ecosystem.

53. We use our Mauri as a point of reference to tell the whakapapa and creation story that gives us our identity as Ngāti Wai. The origin of these species denotes our role within Te moana nui a Toi (Hauraki Gulf) and that gives us our rights of succession and responsibilities within Te moana nui a Toi/Te Ara Tapokopoko a Tawhaki.

- a. **Tūkaiaia (mollymawk)** - *He au here Toroa whai mai ra ki au.* "The current on the horizon links me to the Albatross, follow Me" (Patere o Ngatiwai (Saying of

Ngatiwai). Tūkaiaia is a small albatross known as Buller's mollymawk, and is seen feeding along the eastern Northland coast with other seabirds, fish and dolphins. They still breed at Manawatāwhi, the Three Kings Islands, north-west of Te Reinga.

- b. **Tuatara** live on rat-free islands along the eastern Northland coast and in the Hauraki Gulf where they share burrows with nesting seabirds. They can be more than 100 years old and have been in Aotearoa for 200 million years. Although the tuatara are not at sea, the health of their populations are reliant on healthy seabird populations, as the tutara feed on large insects in the guano-rich soils of these islands, other lizards and seabirds at times.
- c. **Whai Repo (electric ray)** Whai Repo lives on sandy sea floor of the Hauraki Gulf. They feed on fish, crabs and shrimps and other life just under the surface of the sandy bottom, which they stun with a 50 volt electric current.
- d. **Tautahi (white pointer)** "*He rei ngā niho, he paraoa ngā kauae*". To wear the tooth of a great fish, you must have the jaw to hold it, and the knowledge that accompanies it. This top predator lives along the eastern Northland coast and in the Hauraki Gulf, but they are moving between Aotearoa, New Caledonia and Australia regularly. They feed on fish and seals, and occasionally feed on dolphins and small whales. Female tautahi come into Pārengarenga and Kaipara Harbours, and shallow coastal waters to give birth.

54. Tohu o te ao hurihuru, that's signs of changing times in our rohe moana and our world:

- a. **Tara Iti (fairy tern, *Sterna nereis*)** the tara iti is related to the tara (terns) that are observed in Tahiti and Rapanui and referred to as Manu Tara. The Tara Iti

and its tuakana, the “Taranui” are manu taonga connecting us to Te Ara Tapokopoko a Tawhaki (*the pacific ocean to its southern boundary*). The Tara iti, the Tara Nui and the piper feed on the same small organism we call Ngore Ngore. The Kahawai feeds on the Takeke (piper). Where you have the Kahawai feeding on the Takeke you will find the Haku (*the Kingi*) feeding on the Kahawai and where you have the Haku (*the Kingi*) then the Mango (*the Shark*) feeding on the Haku (*the Kingi*). Therefore where you see the Tara Nui feeding over the water, you know that the kahawai will be present. For this reason the Tara Nui is also known by Pakeha as the ‘Kahawai bird’ as it indicates where the Kahawai are located. The Tara iti is now close to extinction. Its plight is a sign of the break in this chain of mauri, the balance that has been disturbed.

- b. We are now seeing other species entering our rohe that have come down from warmer waters, such as turtles and more tropical fish. This is a result of climate change that our rohe is becoming kainga to different species and our taonga are being forced south to colder waters.
- c. **Mango** are also coming closer in to feed as the food is less and less in the deeper waters. This is a tohu/sign for how little kai moana is left.
- d. **Rimurimu**, the kelp or forest of the sea. Tane is the architect of te Ao in that Tane separated Papatuanuku and Ranginui. Rimurimu holds the same role in te moana. We are seeing the violation of our moana and the loss of our kelp forests through the proliferation of kina barrens. The kina barrens are the tohu.
- e. **Koura** (*Crayfish*) When I was going out on the water with my uncles and kaumatua at seven and eight years old, crayfish were in abundance. At that time, my father and Puke Haika could get enough crayfish to host Manuhiri (*visitors*) and Hau kainga (*locals*) for a three day tangi during one dive. The change now is

that you can send out a whole team of divers with scuba gear and be lucky to get enough Koura (crayfish) for the kai hakari (the main meal).

- f. **Kutai** (mussels). Mussel spat was prominent in the Whangaruru harbour and unlimited amounts were found at places like Paparahi point. Now they are not there at all.
 - g. **Tipa tipa** (*scollops*) were in abundance at Mimiwhangata and Whangaruru harbour and now nothing.
 - h. **Tuatua / Kokota** (*flat pipis*) and **Huwai** (*round pipis*) used to be in abundance and bigger, now you can't even find the bed and when you do find the bed they are tiny. Now they are so tiny we don't take them.
 - i. **Paua** at the time of my childhood Paua were everywhere down out coast. We have a famous place for Paua between Home Point and Rakaumangmanga (*Cape Brett*) the Kau Arika (the diving place of the chiefs) called Waiata Paua (singing pauas). There is nothing left in this place except scarce and hard to find juveniles.
55. As kaitiaki we need to address the violation of our mauri so that they can be enhanced and restored to their former sacredness.
56. A Ngātiwai whakatauki that demonstrates our connection to both land and sea states "*Ngātiwai ka tu ki uta, Ngātiwai ka noho ki te moana*". The literal translation means, "Ngātiwai stands on the shore, but Ngātiwai lives on the sea". From a metaphorical perspective, "we are the guardians of the incoming and outgoing tides".

57. Te Uri o Hikihiki and Ngātiwai are the protectors of the incoming and outgoing tides, where the incoming tide represents unborn children still to come and the outgoing tides represents older people ready to pass onto the next world.

58. The protection of the areas Te Uri o Hikihiki have put forward will enhance the wellbeing of the four mauri and promote mauri ora.

Control of Oyster

59. The management and use of oyster has always been important to our people.

60. In 1974 Matiu Rata, on behalf of the Mokau marae, tried to start an oyster spat Motukauri. We wished to get oysters at Motukauri to provide for the needs of our marae and provide economic opportunities, however Motukauri was privately owned.

61. The Department of Land and Surveys initially helped us to get the land back into public ownership and we assumed that they were doing so that we could manage the native oysters once it was back in public ownership.

62. However once the land was put into public ownership, instead of being managed by the local people, it was put into a reserve. This meant that we were in the same position as before, we could not harvest oysters to meet the needs of our people.

Mussel Industry

63. The management and use of mussel has also been important to our people. The commercial farming of mussel was seen as a means to provide for our marae and exercise control over our marine resources. Our attempt at aquaculture was a response to depleting wild stocks which had resulted from pakeha policy.

64. Our kaumatua and kuia formed Te Au Morunga Trust because the Northland Regional Council, Whangarei District Council, Ministry of Fisheries and DOC would only recognise us if we had a legal entity.
65. Through our rangatiratanga and under the direction of Te Au Morunga Kaumatua, we put the mussel lines in, applied for consent, under the notion that when the first harvest was ready, we would have worked through the consent process.
66. We had managed to secure a commercial partner, Mac Lab, and had also partnered with the Ministry of Fisheries to assist us in our enterprise. To seek their support Te Au Morunga had numerous meetings with the Northland Regional Council, Whangarei District Council, and DOC. this involved discussions with Chris Carter the Minister of Conservation around the government wanting marine reserves at Mimiwhangata, this along with the rapid depletion occurring on our coast would mean we would need to look at other ways of gathering our kaimoana.
67. Discussions also took place with Pete Hodgson the Minister of Fisheries regarding our desire to enter in aquaculture.
68. The act of putting in the lines was one of tino rangatiratanga. We knew what our needs were. We knew what our assets were and what our ocean could provide. We decided we could allow the wild fish stocks to replenish and still feed our people so we put the mussel lines in. The lines cost \$140,000 to put in, which our business partners met.
69. We were issued abatement notices by the Whangarei District council to remove the lines. I advised our elders against it. We eventually secured aquaculture management areas, however these were done away with when coastal legislation changed.

Mimiwhangata

70. Mimiwhangata has always been of significance for our people. It was originally the territory of Ngati Manaia, who came to Taitokerau on board the waka Mahuhu-ki-te-Rangi. It was the scene of various battles between iwi, a number of pa sites were erected. Next to these pā are areas of mara kai, papa kainga, urupa, wahi tapu and whatu kakahu. The name Mimiwhangata itself refers to the stench of urine which occurred after one of these battles.

71. Mimiwhangata is also a site of significant natural beauty. At one point it had an abundance of marine resources and it is perhaps because of this that it was so keenly contested in earlier times. The East Auckland current swirls down onto Mimiwhangata, bring marine life, and warm waters from the Pacific to the shores of our rohe.

72. Despite the significance of Mimiwhangata to our history, we have been excluded from its management for over 100 years.

73. Mimiwhangata passed out of my tupuna's possession before the Treaty of Waitangi was signed and was passed along a number of pakeha owners. Some time prior to 1840 Mimiwhangata was sold to a Mr Blanchard, who then on sold the property to Henry Holman in 1838. Mr Holman sold 460 acres to Mr William Searancke in 1863 by Hori Wehiwehi and other local Ngatiwai.

74. I have read that between 1863 and 1874 the area fell into disuse. Instead of awarding the land back to my tupuna, the block was awarded to a group of Auckland settlers under the Waste Lands Act 1867.

75. More land was alienated from my tupuna between 1874 and 1897, to increase the size of the holding. I have read that the land increased to over 2000 acres. This larger

property was on-sold to a Welsh man, who used my ancestral lands as a summer farm home and went back to Wales during winter. My tupuna were not involved in managing the farm and the land itself suffered under his guardianship with erosion of the soil. Whaling also became an industry at this time.

76. In 1942 Mr Corbett died and the property was passed to Irene Powdrill. While she owned the land dunelands behind Kaituna, Okupe Beach and other beaches to the south were reclaimed for pasture. Several ancestral pa sites such as Te Rearea, Tarapata and Kaituna were affected by this development.

77. In 1962 Mimiwhangata was bought by New Zealand Breweries who intended to develop the area as a tourist resort. A series of environment impact studies were commissioned for the proposed resort in the early 1970s, including an archaeological survey.

78. During planning of the resort, it was discovered that the site had important historical value for us. It was then put into a charitable trust and the public was allowed to return to Mimiwhangata in the form of a farm park. However, we were not involved in managing this trust, despite being recognised as having a significant interest in the land.

79. During the 1970s, the Crown tried to confiscate coastal land. Our elders were against these confiscations as Mimiwhangata has significant wahi tapu areas. Ngatiwai protested these actions by the Crown.

80. In the 1980s my cousin Howie Reti also protested the lack of involvement of local Maori in the management of the land. He occupied the area for a few days before eventually running away and hiding out in the bush until everything died down.

81. In 1993 the Crown exchanged land in Wellington with NZ Breweries for Mimiwhangata. After gaining title to the land, it was placed under the management of the DOC. No

provision was made for the involvement of local Maori, and to this day we have no meaningful say in Mimiwhangata's management and development.

DOC management of Mimiwhangata

82. Our lack of involvement in the management of Mimiwhangata is made worse by the fact the marine resources in and around Mimiwhangata have been actively mismanaged by the Crown. The sea around Mimiwhangata peninsula once had an abundance of marine resources including tuatua, kina, scallops, crayfish, mussels, oi and fish. Our kaumatua Puke Haika told me that in the 1950s you would always come across schools of large snapper and lobster. This abundance had turned to scarcity by the mid-1970s.

83. DOC have been responsible for the marine park since the Crown acquired the park. An ecological survey was taken during the 1970s by Dr Bill Ballantine, Dr Roger Grace and Wade Doak. The authors noted that the ecology of the area would be threatened if protective measures were not applied. In 1984 a marine park designation was introduced by Ministry of Fisheries in an attempt to protect and restore the Mimiwhangata marine environment. Special fisheries regulations were established which restricted recreational fishing by specifying methods that could be employed and species that could be taken. The intention was for all other species to be protected as a healthy background of marine life.

84. Over a ten year roll out period commercial cray-potting and fishing for snapper was banned, with commercial fishing completely ending in 1994. I was told by Vince Kerr however that in 1994 it was realised that an omission in drafting of the special fisheries regulations for Mimiwhangata meant that, although species and gear restrictions were introduced in the regulations, all other marine life was not protected as intended. The regulations were effectively unenforceable and in practice many people continued fishing in the Marine Park in accordance with normal recreational fishing regulations.

85. The Statement of Houpeke Piripi, Kaumatua of Ngātiwai Iwi and the hapū of Te Uri O Hikihiki. November 12, 2003.

“Ka te tangi a Tūkaiaia, kei te moana, ko Ngātiwai kei te moana e haere ana, ka tangi a Tūkaiaia kei tuawhenua, ko Ngātiwai kei tuawhenua e haere ana” Ko tēnei whakatauki, mo te iwi o Ngātiwai, he uri nō ngā tūpuna maha i noho ki te taha moana, i mōhio rātou, ki ngā tauranga, ngā tapu, me ngā mātaimai o tēnei wāhi. Koiānei te take, te kōrero i runga ake nei, “ko Ngātiwai” he tamariki nō te moana. O rātou taniwha he ika, he mango, he whai, he kaahu, he tuatara. Ki ahau nei, kia kaha tātou ki te tiaki a tātou kai moana, ahakoa he aha, nā te mea kei te ngaro haere, hore kau e tino nui ana ngā kai mātaimai inaiānei, kua e tūkinotia. Kei memeha, kei ngaro. Ki tōku nei whakaaro, me whakatū he “Rāhui Tapu”, mo ngā tau rua tekau, rua tekau ma rima ranei, kia tupu ai he rimurimu hei whangai i ngā ika, ngā koura, ngā kina pāua me ērā atu kai mātaimai o te moana. Hei aha? Hei whāngai i o tātou uri kei te tupu ake. He moemoeā tēnei, mo tātou e Ngātiwai. Nā reirā, e ngā uri, me haere atu tātou ki te tautoko i te kaupapa i raro i ngā manaakitanga maha ā to tātou nei Matua-i-te-Rangi.

86. When the Mollymawk cries out at sea, Ngātiwai tribe is on the move at sea. When the Mollymawk cries over the land, Ngātiwai move inland. We are children of the sea. We need to take care of our sea food, no matter what they are, because they are becoming very scarce or near to extinction, because of the shortage of food for them. Even rare species of fish are gradually disappearing. I, myself feel that there should be a ban, a Rāhui Tapu placed for at least twenty to twenty five years, to allow the sea weed to regenerate so the rare species of fish, crayfish, kina, pāua etc. will return and grow, for our future generations to come. This is a desire, a dream for us Ngātiwai. Let us go forth together to support this great project under the guiding influence of our Creator.

87. The Government fisheries agency of today is MPI. They provide no assistance to us to enforce these regulations or monitor the health of the Marine Park. This hands-off management has been a failure. Our kaumatua have observed this for many years. Our observations and conclusions are backed up by all the reports from the University of Auckland and DOC and independent scientists that have assisted us in monitoring this special place.
88. Te Uri o Hikihiki has always stressed the importance of seafood and marine life to the people of Ngatiwai, and it has distressed us greatly to see the decline in our food supply over this time period.
89. Te Uri o Hikihiki and the Whananaki whanau have been supportive of implementing a rahui tapu in the area and we are looking to co-govern the Park. DOC was initially supportive of the idea, however their support of our plan quickly dissipated when they realised that we were pushing for co-governance and not co-management.
90. The Crown was happy for us to enter into a section 56 co-management agreement under the Conservation Act. But they refused to recognise our desire for traditional leadership Aho Ariki over the area which would have put us into a co-governance model. They would want the same thing. For us it was always about self-determination.
91. To this day, Mimiwhangata retains the marine park designation, with land and sea designations remaining under different pieces of legislation administered by separate Crown Agencies. Although DOC has tried to engage with us lately, not enough has been done to restore or protect marine life in the area. Currently there is no support for monitoring or compliance from Crown Agencies. We endured this silence from the Crown and inaction from the Crown since 2006 despite are many positive approaches to the various agencies.

92. In order to act as kaitiaki we have had to partner with non-government organisations such as Forest and Bird, and Mountain to Sea Conservation Trust. We have enjoyed working with them but I have found the Crown is not as helpful.

Trust Board Model

93. The current trust board model of governing Ngatiwai does not work. It suppresses hapu and kaumatua and kuia don't have the decision-making power as they should.

94. Traditional leadership has been lost, there has been no true model since the 19th century until Te Au o Morunga was established.

95. Traditional management was based on Te Aho Tapu and Te Aho Ariki, to maintain the mauri/mana of Ngatiwai ki Whangaruru, which are the ancestral words used by Ngatiwai to describe kaitiakitanga. This enabled us to uphold the mana and the mauri of these areas.

96. Traditional management tried to survive, but it was hampered by the European board model.

97. The current board model stems from the runanga system imposed by colonisation.

Conclusion.

98. This statement gives a brief overview of our attempts to exercise rangatiratanga and kaitiakitanga over our rohe. I have done so by putting out the processes we had and how we can trace our rangatiratanga through our whakapapa back to Whakaputanga.

99. We will continue to assert our right to exert our Kaitiakitanga, I need to because our environment is continually getting worse. I am hopeful about what the future holds and look forward to being able to exercise the rangatiratanga we were promised all those years ago.

Carmen Hetaraka

19 March 2021