

In the Waitangi Tribunal
Te Paparahi o Te Raki Inquiry District

Wai 1040
Wai 2389

In the Matter of the Treaty of Waitangi Act 1975

And

In the Matter of Te Paparahi o Te Raki Inquiry District
(Wai 1040)

And

In the Matter of a claim by Tahua Murray, Rapine Hona,
Louis Hohaia and Mereihe Kool on behalf
of themselves and Ngatirumamahue hapu
(Wai 2389)

Brief of Evidence of Huia Walters

Dated 3 November 2016

RECEIVED

Waitangi Tribunal

3 November 2016

Ministry of Justice
WELLINGTON

Morrison Kent
Lawyers
Wellington and Auckland

Wellington Office

Person Acting	:	Dr B D Gilling / S S Lotoaso
Telephone	:	(04) 472-0020
Facsimile	:	(04) 472-0517
Box	:	10-035
DX	:	SP20203

May it please the Tribunal:

Nga Puna Wai te hapu O Ngai Tupango Te Ngaere.

Te Maunga Ko Whakarara

Nga awa ko Wairere mee waiwhao

i rere atu ki te moana o te Ngaere

1. Ko enei nga maunga o Ngai Tupango me nga pa te mauri o matou tupuna.

Introduction

2. My name is Huia Walters, I was born on 21 November 1948, at the Kaeo Hospital. My Father was Tokapuritia Williams of Ngai Tupango and Ngati Ruamahue and my Mother was Karangahape and Ngati Kahu.
3. I am providing this brief of evidence to supplement my father's brief of evidence (Wai 1040; #S27a) with a particular focus on our Ngai Tupango waterways. My father has passed away since he filed his brief of evidence last year under Wai 919.
4. Before I go on however, I would like to say that Maori have karakia, korero whakapapa, moteatea and tikanga connected to our knowledge of the past that deserve acknowledgement.
5. Our tribal histories are very unique. Our ancestors mana, whakapapa, turangawaewae and marae needs to be spoken about to keep these stories alive, not hidden but shared, so it won't be lost.

Whakapapa

Ko Maatatua te Waka

Ko Whakarara te Maunga

Ko Wairere Waiwhao nga awa

Ko Ngaitupango te Marae

Ko Kiripaka te Whenua

Ko Ngaitupango te Hapu

Ko Ngapuki te iwi

Ko Puhimoana te ariki

Ko Huia Walters ahau te tangata ngaitupango

Education

6. I first went to Wainui Native School.
7. I then attended Matauri Bay Native School until I was 13 years old. We lived near Kauri Cliffs and would walk 2 kilometers to school. To keep our feet warm we would stand in cow manure. I would not do this today.
8. Some of the children were covered in kutu and lived in poverty. We would avoid the children with kutu so you did not catch it. Today there has been a lot of improvement in a child's health.
9. I remember being chastised and strapped with a yardstick and leather strap for speaking Te Reo at Matauri Bay Native School. The boys got it worse. If I was not strapped then I would have to hold my hands out with chalk, all day without dropping the chalk for speaking Te Reo.
10. We eventually got a Maori teacher and the strapping stopped but we were still not allowed to speak Te Reo. At least the Maori teachers got the Pakeha children to stop discriminating against us. The only Maori culture we learned at school was waiata and kapa haka, which was insufficient.
11. I was sent to Auckland Girls Grammar on a scholarship. I stayed at the Presbyterian Church Hostel in Mount Eden where I would walk to school every day. I was very homesick and would cry most nights because I missed my whanau but I knew I needed to get an education.
12. Unfortunately, I could not finish my school because I got Tuberculosis and was hospitalised for 6 months. I was brought back to Whangaroa College so that my parents could look after me.

Growing Up

13. I am the eldest of sixteen children.
14. My Father carried out the homebirths for most of us children, and he buried our pito and afterbirth on our lands in line with Maori tikanga. At the time I never knew why he did this because I was too young but it was because we are tangata whenua so he was returning our whenua back to our turangawaewae and land. It was our claim to our land.
15. I have fond memories and we were all very close knit even with our Matauri Bay and Wainui communities.
16. It was a hard life growing up. I had to wake up and make 9 lunches. As the eldest child a lot of responsibility fell on me to take care of my siblings.
17. Our father was a good provider and we did not go hungry. Our Dad taught us how to work the land and go fishing to provide for ourselves. We never starved because our fisheries provided us with kai.
18. When we lived in Matauri Bay we would row out along the bay and Mum taught us where the fishing grounds were and how to net. My mum would row out to Cavalli islands to collect kina, and paua. Mum would then row back, collect fish and feed us. She baked 7 loaves of bread every day. We would then trade our bread with the Pakeha kids bread.
19. I moved to Whangarei when I was 18 years old to be a house maid and waitress for a couple of years. I met my husband in Whangarei. My Father did not want me to move out so I would make £11 a week and the bus back home was £6 pound, so there was really no point in me working. I left to work in Mangonui Hotel. I then moved to Australia to be with my husband because I did not feel there were any job opportunities. I wanted to see the world and not get stuck in the rut of drinking, which is what I saw so many people around me doing.
20. Throughout my time I was always yearning for New Zealand, I never applied for Australian Citizenship because of my yearning for New Zealand.

21. I lived in Australia from 1967 to 1995. I had everything back in Australia, my own home but I returned to look after my father in 1995 with my husband. My husband passed away in 2010. There was no incentive to stay in New Zealand because there were no jobs on offer. A lot of my siblings and I had to live in Australia.

Housing

22. We were always sick. At the time we did not know that our house was always making us sick.
23. Our house was damp because water would seep through the house. The condensation would trickle down the walls. We would have to wipe the walls down to keep it dry. There was no insulation and it was very cold. We always had bronchitis, the flu, pneumonia, and asthma.
24. We had an outdoor long drop.
25. We did not have a fridge so mum would hang a safe on a tree where the wind blew to keep our meat cold.

Land Loss

26. Prior to the signing of Te Tiriti o Waitangi, title to land was maintained in a number of ways namely whenua raupatu (conquest and discovery), through ahi kaa and through the most important means, take oku tupuna. A rarely used form of title could be gained through tuku or cede land in compliance with some custom.
27. The gaining of land through conquest or discovery is referred to as raupatu and tauraha whenua. In order to establish rights and responsibilities of this land it was necessary to occupy the land.
28. Long term consequences of land loss on many Maori people include in terms of economics, social organisation and health but more importantly on mana Maori.

Maori Land Court

29. It has been a struggle retaining our hapu and whanau lands. My father was forever there in the Court fighting for his land. He would fight for lands

that were being claimed for rate arrears. He was not liked by Judges because he spoke up for all our lost lands.

30. We always had trouble trying to build on our whenua because the Maori Land Court always held up the process. This would cause a lot of raruraru within the whanau.
31. The Maori Land Court cause whanau division because you are forced to side against each other for land.

Te Wairere River in Te Ngaere

32. My great grandfather Wiremu Paora Kira owned all the land in Te Ngaere.
33. I have fond memories of swimming in this river and of mum putting corn in the river to make kanga piro. Bags of kina were also placed in this river for 2 to 3 days to remove all the salt and make it sweeter to eat. It was also used for hangi and water would be carried from this river for drinking, bathing and washing of the clothes.
34. Now you would not even think about placing food in the creek or using it to drink from. In the late sixties and early seventies, houses and bachs started being built. The sewage from the homes ends up polluting the river. The river is close to the beach and the water ends up in the Taiaue or Te Ngaere Ocean
35. We used to be able to eat oysters along the rocks but this is no longer possible. Sometimes we can smell the sewage in the creek and green slime can be found on the rocks alongside the creek. It was pure clean water when we were growing up. We could not use this now, we would just get sick.

Puna Wai

36. There are many puna wai throughout our hapu that whanau use for drinking water and I am aware of three or four other: puna wai at Ngai Tupango; and one on my land block Matauri 2F2B and on Matauri 2D.
37. The life source of our own very being is our waterways, punawai, ponds, and springs come under our own pa and maunga Whakarara to keep the

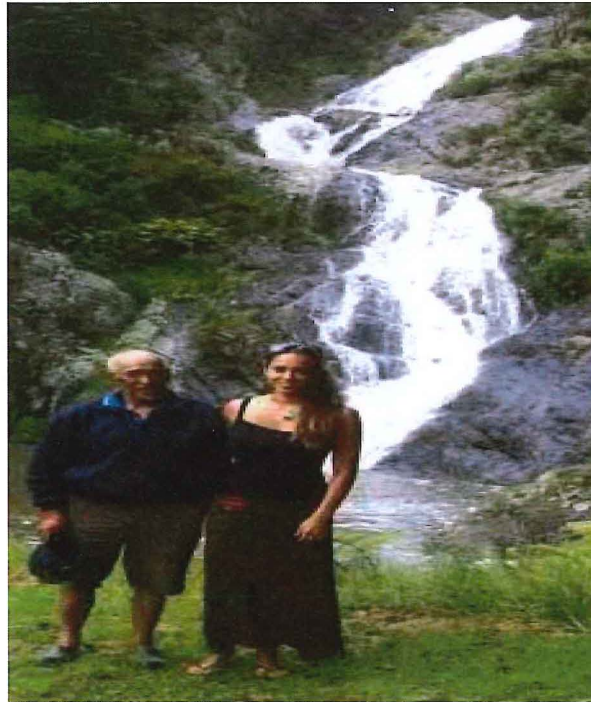
ahika burning. Our use and land rights to our waterways, puna wai, and awa reflect our tangata whenua status to our whenua.

38. To this day our awa is still very tapu to all families especially for drinking with so much talk about water mining we now have to defend our rights to the waterways and puna wai flowing underground to be sourced and named.
39. I write this so my descendants of Ngai Tupango will never be denied their absolute rights to puna wai, or water on our ancestral lands at Te Ngaere.
40. We are mana whenua to Papatuanuku and these waterways, which flow above her and punawai below her are our life force and mauri.
41. There were 10 families living either side of the awa and they have absolute respect for the mauri of the waterways in Te Ngaere, which flow above her and punawai below her are our life force and mauri.
42. Our Kuia and Kaumatua's and their grandchildren now live near the awa and continue to respect the awa. Families collect watercress, taro and pump water to drink, so we use our wai for many households and many other reasons.
43. Our people use water for marakai, mahinga kai, and drinking water and cared for huge orchards of fruit trees, which sustain them with food.
44. The families left home to get work in the cities and in those days Maori Affairs helped those looking for work. Now they have returned with their own families to live on their ancestral lands left by their tupuna.
45. Wairere and Waiwhao are the true life force of our closely knit community mostly whanau.
46. Without the flow of the two awa Wairere and Waiwhao, we would be unable to survive.
47. We are continuing the ancestral ahi ka to our land, waterways, and forestry of our native trees, plants, gardens and native birds, insect and native fish which live off our waterways, punawai, and awa.

48. Our awas were also used to chill and keep our food cold and fresh. Water would be poured into the water tanks for the cows to drink, and also use parts of the awa. People washed and bathed in the awa. The Wairere was used for a majority of uses. The other awa, Waiwhao, is used mainly for food use (drinking water, water for marae food and hangi etc)
49. These stories and details show how very important our puna wai and waterways are to our Ngai Tupango community. It is necessary for the survival of our families and their descendants to come forever and ever. It is to be everlasting and it is never ever to be taken away just because the Crown says so.
50. The Crown's attitude towards the ownership of our waterways, awa and puna wai on Maori land is a controlling dictatorship.
51. Our mana whenua, mana kaitiakitanga, mana wairuatanga and whanaungatanga over our status of ahi ka to our lands, waterways, awa and puna wai come from our maunga Whakarara which flows out to Taiaua Bay.
52. Our waters are crucial to our being. They nurture our spiritual and physical needs.
53. Different waterways have different purposes. Both Rivers join together and run past Paihia and into Te Ngaere Bay or Taiaua Bay

The Wairere River

54. The waterways were considered tapu, especially Wairere waterfall. The Wairere waterfall is considered tapu because it is a place of spiritual cleansing and healing rivers. These pools are where our ancestors were cleansed after death, so tapu has been there since then and has never been disturbed.
55. We were unable to use these waters for drinking because it was used to cleanse bodies.



Picture 1 My father Toka Williams with moko at Wairere

The Waiwhao River

56. This awa comes from Whakarara behind the marae. This was and is our food river.
57. The water from this was mainly used for cooking and drinking and food for hangi, and the whare kai.
58. The rivers brought tuna, taro, watercress, whitebait. In the wet season water encouraged puha, ruruhau.
59. This awa is very important to us.

Kahika-paehau

60. It is important for me to discuss this sacred site of significance as it is located on my whanau lands: Matauri 2F21.
61. It is a historical tree for us and New Zealand because of its connection to He Whakaputanga in 1835.
62. Growing up we always camped under the tree not knowing the significance of the tree.

63. I seek the protection of this tree as a cultural site of significance. Any discussions about the conservation of this tree must be held at Ngai Tupango marae with tangata whenua.

The Forest

64. Native trees such as puriri, rimu, kahikatea, kauri and totara still grace our forest and encourage lots of native birds and insects. Birds like pigeons can still be seen at times. There are lots of kiwis too, you can hear them calling out at night. There are kingfishers, piwakawaka, parakeets and rosellas, moreporks, pheasants and California quails.
65. Back in the 1950s and 1960s the kai was abundant.

Timber Milling

66. Milling of kauri at the top of Wairere River took place.
67. Huge logs were sent down the Wairere from the Whakarara whenua above Taumata Wherowhero.
68. Huge dams were built over Wairere waterfall to build the water up in the huge water holes up the mountains. When there was enough water built up so workers would collapse the damn to flush the huge logs down over the top of the waterfall and down through the valley. I was told by my Dad that they did have trams to bring the logs to Te Ngaere beach. From there the logs were picked up by boats and taken to Totara North Mill in Whangaroa.

Fishing

69. Historically, fishing was plentiful but over the last 30 years the seafood has deteriorated somewhat. We would fish along from Takou Bay all the way to Whangaroa. We were allowed to go anywhere and collect seafood. Tangata Whenua now have to have permits which are authorised by Fishing Officers
70. You cannot eat oysters because the Tengaere River is polluted.

71. We did not have far to go to catch a fish or get a feed of paua and crayfish. Today, there are no paua and few crayfish. I think that bringing the quota system in did not help manage our fishing system properly.
72. Our customary fishing has been affected by the Quota Management System.

He wha, tauwhara ki uta

He kiko tamure ki tai

73. We used to have an ideal living environment, which contained the abundant resources of the land and sea in close proximity. The coastline provided a wide range of seafoods from both sandy and rocky shore habitats.
74. Our waterways were kept glistening clean and our whanau were very aware that we had to drink the water. There are a couple of puna that we used. One provided water to our family bach on the seaside of our whenua. The water was also used for household and watering huge gardens of kumara and vegetables and many varieties of fruit trees.
75. Baches and holiday cottages along one side of the river have polluted the waterways.
76. Now I don't think anyone swims in there, only visitors who do not know the river is polluted. Sewage seeps into the river out to sea. Years ago when we were able to eat oysters off the rocks around the river and at the mouth of the river. Today green slime can be seen on the rocks.
77. Pipis can be collected on the main beach right along hopefully the pipis will not be polluted.

Recommendations

78. I seek the following recommendations:
79. The Crown to apologise to Maori for the loss of key economic resources;

80. The Crown to apologise and compensate for the severe impacts on land, Maori tribal structures and Maori economies it caused with the confiscation of our lands;
81. The Crown to apologise for the land system that it introduced, which failed to recognise tribal ownership land and allow Maori to control their economic interests;
82. The Crown to protect our wahi tapu's and other sites of significance forever;
83. The Crown to protect our customary rights to our resources; especially our kaimoana: crayfish, pipis, mussels, scallops, and oysters;
84. The Crown to recognise our tribal Maunga and allow us to be able to access and drive, bike, bus or walk up to our mountains and enjoy exquisite views from the top of our pas and mountains;
85. The Crown to protect and acknowledge that our freehold lands is never to be taken off Maori ever again forever;
86. The Crown to give Maori full power and authority to distribute some of our own resources including fisheries, minerals, whenua, beaches, pas and other taonga that we own;
87. The Crown to make allowances for the Maori to make roads so we are able to access our pa and wahi tapu sites. Our Pas and nearly all of our beaches are land locked by private purchases who have taken our lands and prohibit our access. How dare they do this? They are our lands. Maori Taonga access should be prioritised. We were here long before settlers came;
88. The Crown to protect and apologise to our people for neglecting to protect our mana and values of our tupuna before us;
89. The Crown to return and protect Maori from the collapse of our Haapu Tikanga;
90. The Crown to return our Tino Rangatiratanga of which the system was replaced and violated;

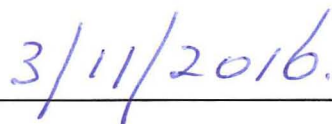
91. The Crown to uphold its duty to our Treaty of Waitangi agreements it solemnly made in the presence of Rangatira in their haapu in 1840;
92. The Crown to return or compensate for all lands confiscated from Maori tangata whenua;
93. The Crown to compensate or return our lands that were investigated in the Native Land Court;
94. The Crown acquired millions of hectares of and from Maori. Our tribes tried to strengthen their hold on their land but the Crown sought to buy more and more. These lands must be returned to us so we can control and use our lands to house our own people;
95. The Crown to allow Maori to help to manage our housing and roading infrastructure;
96. Lastly, the Crown to recognise and keep on supporting Te Reo. In particular, Ngapuhi need more funding and assistance to train and hire kiako to teach younger generations how to speak our own language.

"Waiho ma te rangata e mihi"

Let someone else sing your praises



Huia Walters



Date