

In the Waitangi Tribunal

**Wai 785
Wai 207**

Under **the Treaty of Waitangi Act 1975**

In the Matter of **the Northern South Island Inquiry (Wai 785)**

And

In the Matter of **a claim to the Waitangi Tribunal by Akuhata Wineera, Pirihiira Hammond, Ariana Rene, Ruta Rene, Matuaiwi Solomon, Ramari Wineera, Hautonga te Hiko Love, Wikitoria Whatu, Ringi Horomona, Harata Solomon, Rangi Wereta, Tiratu Williams, Ruihi Horomona and Manu Katene for and on behalf of themselves and all descendants of the iwi and hapu of Ngati Toa Rangatira**

BRIEF OF EVIDENCE OF MATIU NOHORUA TE REI # 2

Contemporary Issues

Dated 9 June 2003

BRIEF OF EVIDENCE OF MATIU NOHORUA TE REI

1 My name is Matiu Nohorua Te Rei. I have lived in Wellington since January 1982 and my current address is 141 Aro Street, Wellington. I have already given evidence before this Tribunal during this hearing.

2 I am employed by Te Runanga O Toa Rangatira Incorporated as Executive Director. I have held this position since the Runanga's incorporation on 17 March 1989. I am authorised by the Runanga to give evidence personally and on behalf of the Runanga.

3 Prior to my appointment as Executive Director of the Runanga, my previous roles within Ngati Toa have been as Chairman, Takapuwhia Marae, Chairman, Porirua Committee, Raukawa Trustee, and Te Manawhakahaere o Te Wananga o Raukawa.

4 I want to briefly traverse the history of the efforts made in the last fifteen years to bring the iwi together and recapture the political and economic strength that Ngati Toa had before the Crown undermined our position and place on either sides of Raukawa. One of first concerns was to ensure that there was a body which could represent Ngati Toa and safeguard its interests.

The establishment of the Runanga

5 Te Runanga O Toa Rangatira Incorporated was registered as an Incorporated Society on 17 March 1989. I am the Executive Director of the Runanga and have held this position since its establishment.

6 The named claimants of Wai 207 have authorised the Runanga to manage and pursue the claim on behalf of all Ngati Toa. The Runanga has established a Claims Committee to work on these claims. The Claims Committee is open to all those who wish to attend. Regular members are three of the remaining Ngati Toa claimants (the fourth is currently in a nursing home) being Ruihi Solomon (Uncle Luti), Ariana Rene (Aunty Eileen), and Tiratu Williams (Aunty Pip). The Claims Committee is run by Miria Pomare and it is a huge job due to the split in the Ngati Toa claim to three inquiry districts, which has made it difficult to maintain momentum. There are only four of the original fourteen named claimants living today so we are greatly disappointed that this claim has taken so long to be heard. Their evidence would have been invaluable before this Tribunal.

7 Prior to the establishment of the Runanga the principal Ngati Toa bodies were the Marae Committees. By and large the Marae Committees dealt with all Iwi matters prior to the establishment of the Runanga. Ngati Toa business did not extend far outside of the Maori arena. At that stage Ngati Toa had no formal representative body and no comprehensive policy in terms of Treaty claims.

8 The Takapuwhia Marae Committee at Porirua had taken on the role of co-ordination of a lot of Ngati Toa activities because it was based around Takapuwhia. The Marae at Takapuwhia is the traditional seat of power of Ngati Toa and has been since the conquests. The name Takapuwhia originates from Kawhia and it was also the seat of Ngati Toa prior to the migration of Te Rauparaha.

9 Although the marae matua is at Takapuwhia, there have always been strong connections between Ngati Toa in the North and South Islands. There has been constant travel to and from the North and South Island by Ngati Toa people and representatives of the Ngati Toa organisations in the North Island.

10 The Runanga was established at the time at which Koro Wetere was Minister of Maori Affairs. He held discussions at Hui around the country. Koro Wetere was promoting the setting up of Iwi authorities to take over the functions of government agencies, i.e. Iwi Development. The intention was that Maori affairs would be replaced and down-sized to a policy unit. Eventually the Iwi Runanga Bill was enacted.

11 After the publication of the policy statement Te Urupare Rangapu and the tabling of the Runanga a Iwi Bill in Parliament, both of which were designed to encourage iwi corporate development, we held a hui-a-iwi of all Ngati Toa at Takapuwhia and at that hui, we came to the conclusion that the formation of a Runanga would be a good idea for Ngati Toa.

12 Some of the kaumatua who were instrumental at Committee level in bringing about the formation of the Runanga were Matuaiwi Solomon, Ihakara Pene Ruruku, Molly Wineera, my father Patariki Te Rei, Takuna (Girlie) Hippolite, Pene and Hazel Ruruku, Uncle Saul and Aunty Millie Solomon.

13 As well as the importance of a Runanga for the development and initiation of opportunities for Ngati Toa as an iwi, it was also commonly perceived that there was a need for a central Ngati Toa body to represent Ngati Toa in legal proceedings and to safeguard Ngati Toa interests throughout its rohe. This became particularly relevant during the Maori Appellate Court case in 1989. The Runanga had not been formed at that time. Although Ngati Toa was represented as an iwi at that case, we were fundamentally short on resources and were unable to represent Ngati Toa in an adequate way against the enormous resources of Ngai Tahu. We also realised the vital need for Ngati Toa to be properly represented in cases before the Waitangi Tribunal.

14 At the time that the Runanga was established, there was pressure from others to join their Runanga. Principally there were two sources of pressure, Ngati Raukawa (to the north at Otaki) and the Runanganui (to the south in the north of the South Island). These offers were declined. In short, Ngati Toa had allegiances to the north and to the south, but opted for independence. These decisions were made at full hui-a-iwi.

The Runanganui

15 As I understand it, the Runanganui came into existence at about 1987 or 1988. Initially a delegation, including Ken Taylor from Palmerston North and others met with kaumatua at Takapuwhia Marae. They indicated that they were endeavouring to set up some sort of Runanganui in Te Tau Ihu. They invited Ngati Toa to participate and invited Ngati Toa to send a delegation to a hui in the South Island.

16 A strong delegation of Ngati Toa Rangatira was sent to the South Island including kaumatua Ruta Rene, Takuna Hippolite, Ringi Solomon, Millie Solomon, Hohepa Solomon, Utauta Hau, Patariki Te Rei as well as myself (on at least one occasion). My recollection is that there were two or perhaps three meetings.

17 As I understand it, representatives of several iwi were present at the various hui in relation to the proposed Runanganui. The iwi are set out below, grouped in accordance with the waka on which they arrived in this country:

Taranaki	-	Atiawa
	-	Ngati Tama
Tainui	-	Ngati Toa
	-	Ngati Waikauri
	-	Ngati Koata
	-	Ngati Rarua
Kurahaupo	-	Rangitane
	-	Ngati Apa
	-	Ngati Kuia

18 At the Hui in Waikawa, in Picton, Ngati Toa Rangatira made it known that it was not prepared to join the Runanganui. This was reached by way of an overall consensus of those attending the Hui following discussions at iwi level. We felt it was more important to retain Ngati Toa's customary associations and allegiances with particular iwi, rather than all of the iwi in a particular area. We felt we would be better able to maintain Ngati Toa's contemporary and historical interests through an independent vehicle, which was another factor in the formation of the Runanga.

19 However, the Working Party did work in close co-operation with Te Runanga o Raukawa, which was establishing a Runanga and a Constitution at the same time. In particular we worked closely with Whatarangi Winiata and came up with two very similar constitutions.

Objectives and functions of the Runanga

20 The Runanga constitution was such that it had broad objectives for the benefit of all Ngati Toa. Ngati Toa is defined as including those who are genealogically Ngati Toa, their spouses and whangai, and other persons as approved by the Runanga. The matter of who is Ngati Toa has always been simply a matter of Whakapapa and identity.

21 The Runanga has broad objectives in relation to the Ngati Toa Rangatira people. The geographical references in the constitution are broad. In addition to referring to broad areas in both the North and South Islands, the constitution clearly states that the objectives of the Runanga are related to the Ngati Toa people and to any place or places where Ngati Toa people are resident.

22 The Runanga has been logistically stretched, particularly at the developmental stage. Nevertheless, the Runanga has remained committed to all Ngati Toa.

23 At times the Runanga has had limited resources (particularly during its early stages) and this has limited the extent to which it can fulfil its objectives. However the Runanga is now developing its functions within the initial Runanga vision. The Runanga is having an increasing input in respect of cultural activities, marae development, maintenance of Ngati Toa lands, consultation with the Crown and local bodies, rental properties (especially for kaumatua), the health service Ora Toa, Maori radio development, our fishing company Ika Toa and broader issues in relation to Ngati Toa. The Runanga is the umbrella organisation for a number of subsidiary companies and services.

24 Our health unit Ora Toa is not a company but a service. It is a non-profit business which receives funding contracts from Health Providers. The medical practice is separate from that, but still under the umbrella of Ora Toa. To see a doctor you usually only have to pay \$10 a visit – we are hoping to make that free for our kaumatua at least. There is also a drug and alcohol service, Rangahaua Mauriora, which is separate from Ora Toa.

25 We have a commercial fishing business called Ika Toa which operates two surface long lining vessels. We send a boat up north for tuna several times a year. Ngati Toa also own and run Kapiti Tours which is a licensed ferry service from Paraparaumu to Kapiti, and that includes guided tours of the island. You will be taken to Kapiti on the site visit on Friday using this service. Ngati Toa also own and manage a holiday park.

26 The Runanga employs approximately 16 people although there are up to 40 people employed at Ora Toa as well as the Runanga staff. The numbers vary from time to time. The employees have varying degrees of responsibility and in various different areas. To a large extent the individuals have pockets of responsibility without necessarily having titles. Most of the Runanga employees are of Ngati Toa descent. We give priority to members of Ngati Toa but when new jobs arise we advertise and interview everyone, because from time to time the best candidate for the job is not Ngati Toa. Most but not all of our employees are Maori.

27 The Runanga offices are on Takapuwhia Marae and most of the Runanga employees work within these offices. Ora Toa is on a separate property adjacent to the Marae.

28 The Runanga holds hui-a-iwi as and when required but generally this amounts to hui a couple of times a year. All of the Runanga meetings are completely open. No information is deliberately withheld and anyone can attend meetings and participate. This has always been the way with Ngati Toa and continues to be so within the Runanga.

29 Ngati Toa mandate is renewed annually at a hui-a-tau, which is usually held in November at Takapuwhia. The Runanga is mandated to continue to represent the interests of the iwi over the coming year.

30 The Runanga has, since its inception, represented the Ngati Toa iwi to the Crown. The Runanga has had dealings with Te Puni Kokiri, the Department of Justice, has dealt with Treaty claims in Wellington (including the Wellington claim, the decision on which was recently released) and Te Tau Ihu, and will represent Ngati Toa in its other Treaty claims. The Runanga has also had dealings with the Crown Congress Joint Working Party, DOSLI, Ministry of Agriculture and Forestry and the Crown Forestry Rental Trust as well as Te Ohu Kai Moana. The Runanga also liaises directly with the Department of Conservation, and various local authorities including the Porirua City Council, the Wellington City Council, the Wellington District Council, the Kapiti District Council, the Marlborough District Council, the Nelson City Council, and the Tasman District Council. The Runanga makes no distinction between matters relating to the South Island members of the iwi and/or South Island lands, and matters relating to the North Island members of the iwi and/or North Island lands.

31 The Runanga has attended to resource management issues to the extent it is able as required to date. Often, however, there are very real time and funding constraints. Ngati Toa is further hampered by the attitude of the Councils in Te Tau Ihu. Whereas in the North Island the Councils have in the most cases actively sought input from the Runanga, our input into South Island matters has not been actively sought. In the meantime, the Runanga continues to address those issues, to the extent that it is able with current resources, in the South Island.

- 32 The Runanga does not directly manage anyone else's resources except in respect of the cemeteries. Iwi land which is not owned by individual Ngati Toa is owned by Trustees.
- 33 Ngati Toa and the Runanga are very concerned about the constant erosion of our traditional rights over the coastal marine area and fisheries.
- 34 The Runanga has taken action to protect Ngati Toa's traditional interests in the coastal environment and customary fisheries. Often witnesses have given evidence before local authorities, government departments, interest groups, developers and the courts about the importance to Ngati Toa of the sea, the coast, and other waterways such as its harbours and lagoons and fisheries. With limited resources, the Runanga has been forced to take action to preserve what remains of these customary interests in the last few years and also to preserve and protect the environment from inappropriate development with related adverse effects. Some examples include:
- Appeals of Council decisions allowing various reclamations along the Kapiti Coast.
 - Objections to and participation in decisions on the proposed marine reserves at Kapiti, Taputeranga and D'Urville Island. We are currently in negotiations with the Minister of Conservation over the Taputeranga Marine Reserve.
 - Submissions on the review of the Marine Reserves Amendment Act 1971.
 - Currently in Te Tau Ihu working with other iwi and the Ministry of Fisheries to consider options for the protection and enhanced management of customary fisheries resources including the use of traditional management tools like maataitai and raahui.
 - On the northern coastline of the Cook Strait, along the south west coast of the North Island, Ngati Toa play an active role in fisheries compliance and enforcement to ensure the protection of traditional kaimoana sources, and hope to extend compliance activities across the Cook Strait to include Te Tau Ihu region in the future.
- 35 At present we are one of the parties to the Marlborough Sounds Foreshore and Seabed litigation and we are presently awaiting a decision on this case from the Court of Appeal. We have been waiting for this decision from the Court of Appeal for eleven months now following years of procedural and substantive hearings in inferior courts on this issue.
- 36 One of our reasons for participating in this case was our concern with regard to the ongoing erosion of our traditional coastal waters by non-Maori aquaculture owners and other such activities without adequate controls on such activities under the Resource Management Act 1991 or by Local Authorities.
- 37 It is my view that particularly in recent times, the Runanga has achieved the objectives it was set up to achieve. In particular, we have been able to project a Ngati Toa version of our history and sustain a Ngati Toa presence, to the extent we have been able, in a number of forums. We would like to do more, particularly in Te Tau Ihu, but due to funding and resourcing constraints to date it has been very difficult to do anything more than 'fire fight'.
- 38 The recent Wellington Report was an important step for Ngati Toa. For the first time in a long history of battle with the Crown and officialdom some kind of recognition was accorded to Ngati Toa for the injustices against it over the past two centuries. We hope that the Te Tau Ihu report likewise provides an opportunity for Ngati Toa to finally seek some redress from the Crown for past wrongs, for which the iwi retains a very real sense of grievance and wrong.