

Kaitaki report

Cultural Impact Assessment

Taumarere Cycle Trail



Final Document: 26 October 2024

Introduction

The extension of the Pou Herenga Tai Cycle Trail from Taumārere to Ōpua is currently in the preparatory phase for obtaining resource consent. To support this process, Barker & Associates reached out to Ngāti Manu to carry out a cultural impact assessment for the proposed project. This document serves as our Cultural Impact Assessment.

Ko wai mātou?

This assessment has been developed by descendents (uri) of Ngāti Manu and their relations. Members of this working group were chosen by Ngati Manu for their experience in Tai Ao related work, particularly in the marine and coastal interface. The group all hold postgraduate degrees, along with extensive backgrounds in Kaupapa Māori methodologies.

Kaumatua Arapeta Hamilton is a graduate of Victoria University with diplomas in Social Work and Teaching. He has significant experience in environmental advocacy, having served as Chairperson of the Te Awa Tapu ō Taumārere Committee and as a member of the Northland Conservation Board. Over the past few decades, he has represented his iwi in various claims to the Waitangi Tribunal and holds the role within Ngati Manu as Historian. Additionally, he is a composer of traditional waiata and haka, a skilled carver, and kairaranga and creates whatu korowai. He is deeply passionate about environmental issues in the Taumārere/Bay of Islands area.

Peter van Kampen: A marine biology master's graduate who serves his iwi and other iwi taketake (indigenous peoples abroad) to develop solutions focused on the restoration of te tai ao (the natural world). His work emphasises indigenous leadership in environmental initiatives.

Elizabeth Strickett: A Kaupapa Māori researcher with a focus on Hauora Māori (Māori health). She has significant experience in Māori research and evaluation, working with iwi and Māori communities on projects that prioritize indigenous food sovereignty and hapori derived solutions to oranga (wellbeing).

Introduction to Ngāti Manu

Whakapapa

Ngāti Manu the iwi traces its lineage to Ngāti Manu the tipuna, who derives from Tohe. Ngati Manu once resided in the Muriwhenua region, where his people served as guardians of Te Rerenga Wairua. Following a conflict with Ngāti Whatua, Tohe sought peace by marrying his mokopuna, Raninikura II, to a Ngāti Whatua chief, leading to their relocation to Te Wairoa and later to Dargaville. Longing to see Raninikura before his death, Tohe embarked on a journey across Te Tai Tokerau, naming various places along the way. He eventually died at Riripo, where his eyes were said to have been consumed by birds, thus giving rise to Ngāti Manu's name. Ngāti Manu later moved to the Bay of Islands under the leadership of Te Rawheao, linking them to Ngāti Rahiri through his marriage.

Their notable descendants included accomplished warriors. The mokopuna of Te Rawheao, Te Inumanga, played a significant role in their history, acquiring land in Hokianga that was later lost to colonial land courts in the 1870s.

The iwi of Ngāti Manu consisted of various groups, each with their distinct locales, one of which including Hautai, Te Parenga and her husband Te Huru at Taumarere.

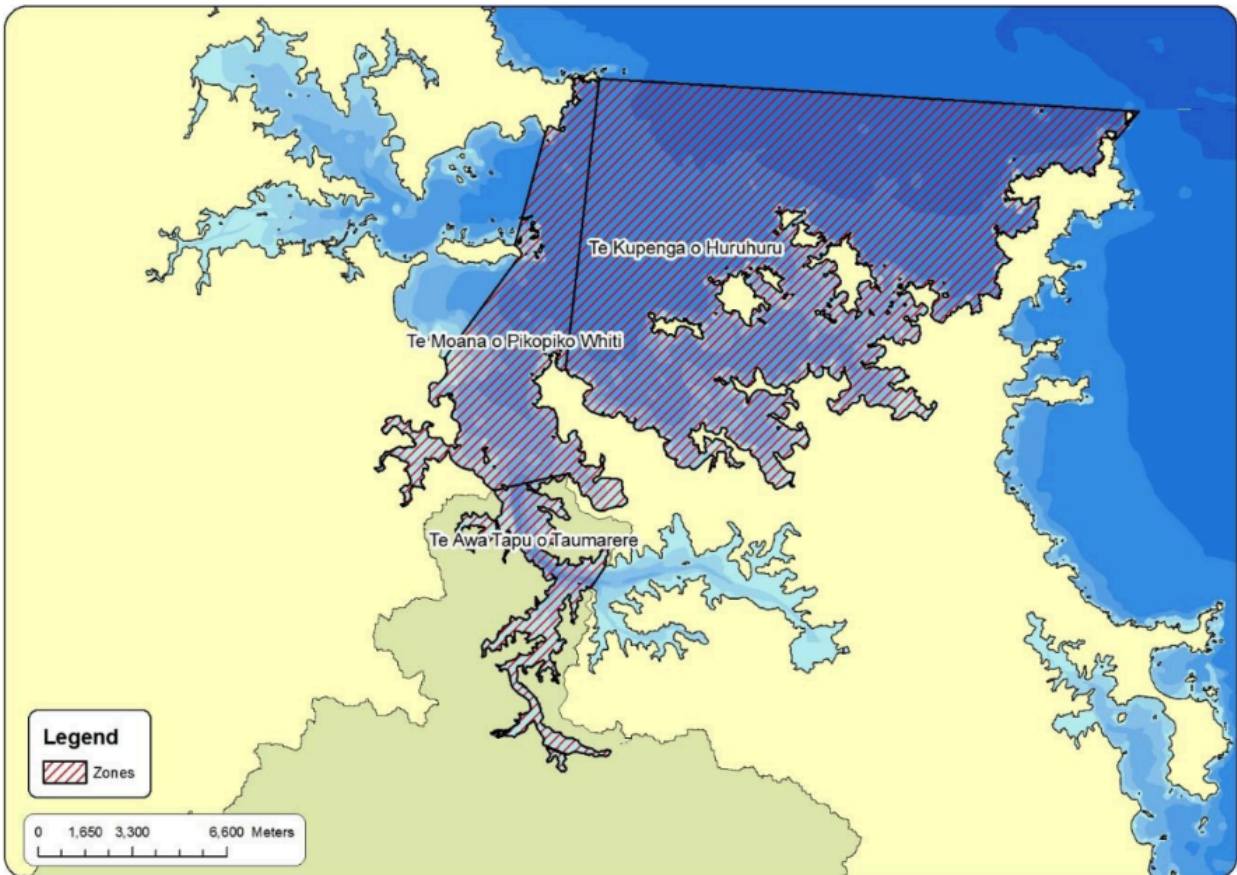
Since this time, Ngati Manu have continued to depend upon the resources provided by Te Awa Tapu o Taumarere. It was, and still remains, a source of food, materials, transport and trade, lore and ritual. The mauri of the awa is therefore connected to that of Ngati Manu.

Rohe

Ngati Manu have occupied Kororareka/ the Bay of Islands for centuries. They are kaitiaki over particular whenua, sea, rivers and streams. Ngati Manu split the Bay of Islands into 3 distinct areas (Map 1):

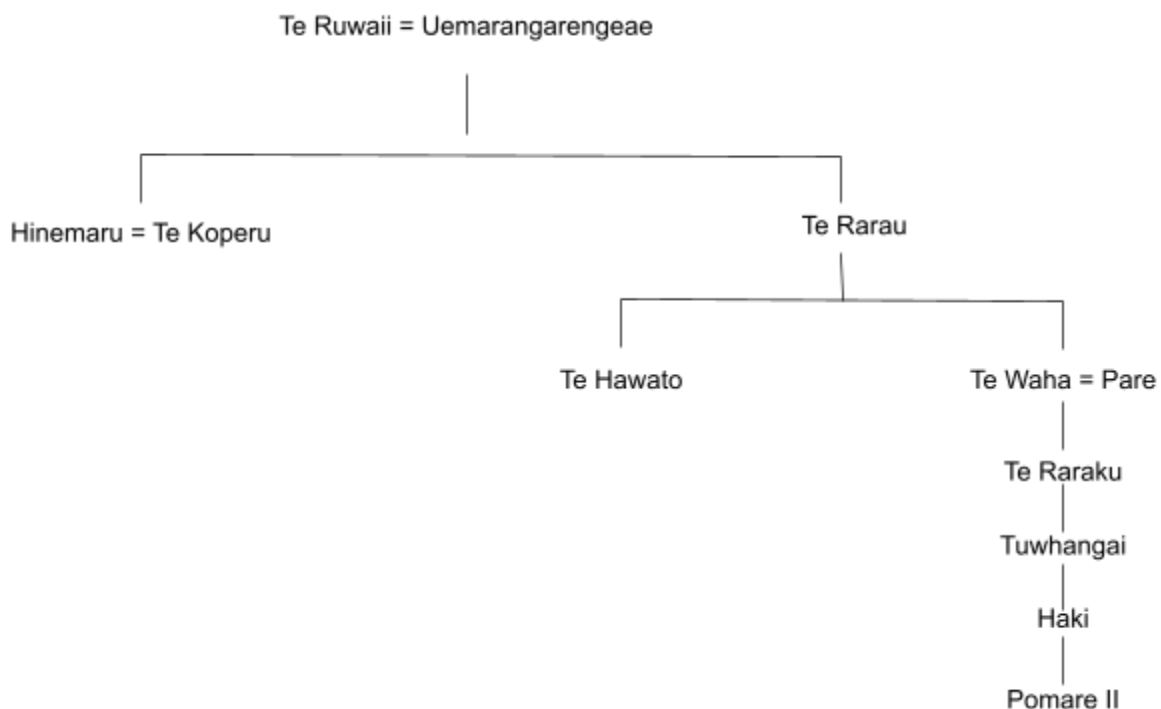
1. Te Kupenga o Huruhuru is the area that covers the outer bay;
2. Te Moana o Pikopiko Whiti is the area that covers the inner bay; and,

3. Te Awa Tapu o Taumarere (the Taumarere) is the area that covers the inner inlet and river excluding the Waikare.



Map 1: The three zones of Ngati Manu within The Bay of Islands, New Zealand. Te Kupenga o Huruuru covers the outer Bay. Te Moana o Pikopiko Whiti covers the inner bay. Te Awa Tapu o Taumarere covers Opua to Otuihu and up the awa excluding the Waikare.

Connection to Taumarere



We, Ngati Manu derive our mana over Taumarere through Ngati Tu and the union between Te Ruwahi and Uemarangarengae. It is Ngati Tu that links the contemporary iwi with interests over Taumarere.

A matou moemoea/ whainga (our vision and aspirations)

The recommendations and perspectives provided in this assessment are based on the interests and vision of Ngati Manu (image one). In the context of the sacred relationship they hold as kaitiaki over Taumarere, they advocate that their vision “Ko te oranga o tatou awa rangatira, ko te oranga o nga whanau, hapu, iwi” is to be embodied in this project through the following actions:

- Increase whanau use and protection of awa
- Provide opportunities for community development and training
- Provide opportunities to learn about and celebrate our river heritage

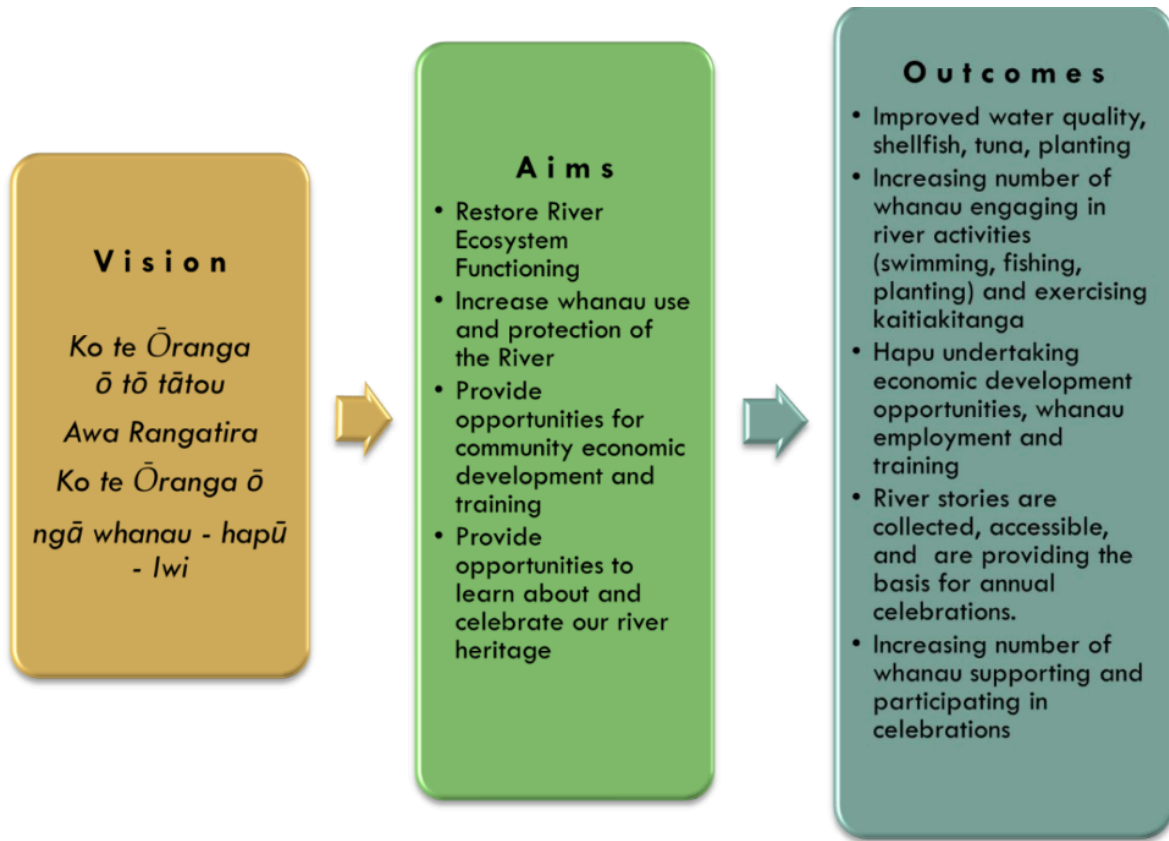


Image one: The vision Ngati Manu hold in relation to Taumarere, and the subsequent goals and outcomes they are seeking to realise it.

Legislation Framework

Treaty of Waitangi

We are pre-settlement and are working with other Iwi of Te Whakaaetanga to achieve a mandate to progress with direct negotiations.

Resource Management Act 1991

The Resource Management Act 1991 acknowledges the Treaty of Waitangi and its underlying principles, providing statutory recognition of these important foundations. It introduces a Māori resource management framework by recognising concepts such as

kaitiakitanga and Tino rangatiratanga, and grants Territorial Local Authorities the authority to delegate decision-making power to iwi regarding relevant resource management issues. The Act comprises over 30 sections that require Councils to take into account matters significant to tāngata whenua.

Key provisions include:

- The principles of the Treaty of Waitangi and our relevance to resource management (Section 8).
- Recognition and accommodation of the relationship between Māori and our culture and traditions with ancestral lands, water, sites, wāhi tapu, and other taonga (Section 6(e)).
- Consideration of the iwi's role in exercising kaitiakitanga, or guardianship over resources (Section 7(a)).
- The obligation to consult with iwi and hapū regarding consents, policies, and plans, as outlined in a combination of the sections mentioned above and Clause 3(1)(d) of Part 1 of the first schedule of the Resource Management Act.

Wai 49, Wai 354

Ngāti Manu, alongside other hapū, continue to face significant challenges due to Crown development around the Taumarere River, particularly highlighted in the Wai 49 claim filed by Sir James Henare on December 1, 1988. Claimants from Ngāti Hine, Ngāti Manu, Te Kapotai, and Ngāpuhi assert that the Crown has not adequately protected our cultural, spiritual, and economic relationships with the Taumarere, its waters, fisheries, and foreshores. They highlighted a specific grievance regarding the Department of Conservation's consent for reclamation projects, such as the Gateway Marina at Opuā, and expressed broader concerns about Crown developments that undermine our mana and ownership rights over this significant waterway.

Wai 354 in 1993 builds upon the foundational Wai 49 claim on behalf of descendents of Ngāti Manu tipuna, Pomare II, and affiliated iwi, addressing historical grievances related to the Taumarere River and surrounding areas. This claim highlights the Crown's failure to recognise the claimants' mana and the wrongful alienation of tribal lands and resources, particularly concerning the Taumarere bed. The claimants assert that both historical

injustices, including Crown aggression during the northern war, and contemporary issues like damage from reclamation projects have undermined Ngāti Manu rights. The claim sought for the return of whenua, rangatiratanga over water resources, and management of cultural sites to restore our autonomy and cultural identity.

Methodology

This assessment is based on a comprehensive background desktop study, supplemented by an on-site visit conducted by project members who are descendants of Ngāti Manu. In developing this cultural impact assessment, we used the framework, 'Awa Whiria' (braided rivers) (Macfarlane, Derby, & Macfarlane, 2024). The Awa Whiria framework (image two), as articulated by Angus Macfarlane, utilises the concept of woven rivers to illustrate how independent and diverse streams of knowledge and perspectives can be integrated in environmental research, policy, and practice. By adopting this approach, we aim to weave together mātauranga Māori with Western science regarding the environmental and cultural impacts of this project, bringing to light a shared understanding of potential issues.

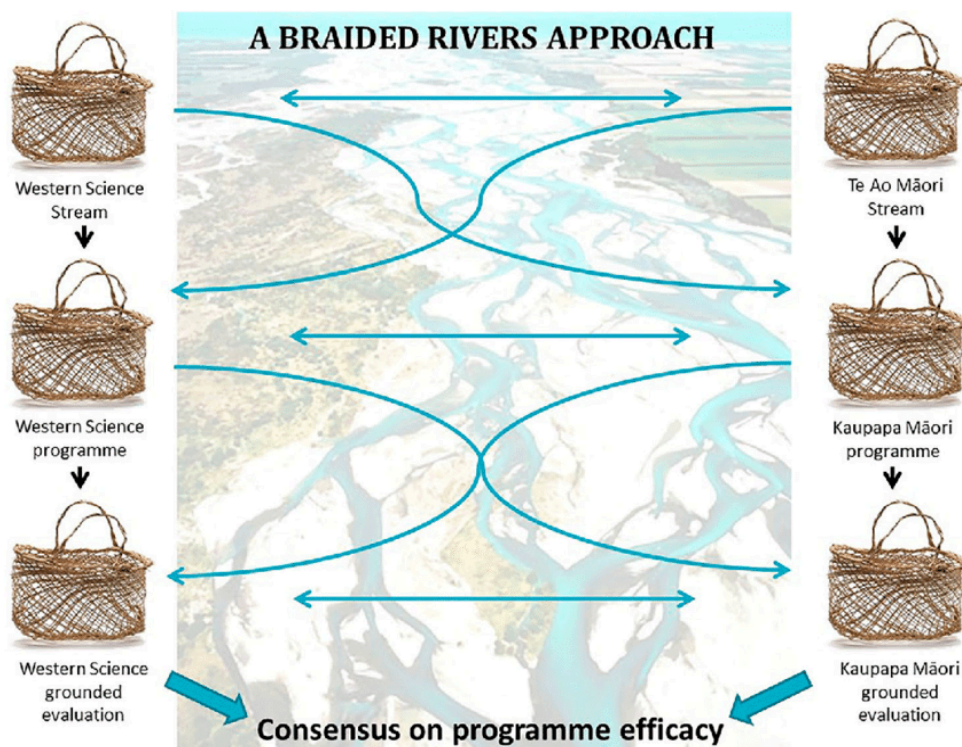


Image two: He Awa Whiria; a braided rivers approach (Macfarlane, Macfarlane & Gillon, 2015).

A key component of our methodology involved centering the oral kōrero from Ngāti Manu Kaumātua, which provided rich cultural knowledge and insights into the site, enhancing our respect and understanding of its significance. We have evaluated key cultural health indicators using a risk matrix categorised as low, medium, and high. Our cultural health indicators are:

- Mauri: Life force/ essence
- Wairua: Spiritual essence/ soul
- Oranga: Wellbeing/ vitality
- Whenua: Land
- Wai: Water(s)
- Hau: Wind
- Rerenga rauropi: Biodiversity
- Wahi Tapu: Sacred sites of significance in a traditional, spiritual, religious, ritual or mythological space
- Taonga Tuku Iho: Cultural gifts handed down

Site assessment

The site in question involves the reopening of a portion of the railway line between Taumārere and Opuā (ref: Ecological Impact Assessment- Far North District Council). This project will necessitate the relocation of the cycle trail at these locations. The proposed new trail alignment will generally run alongside the existing railway line, covering an approximate distance of 5.15 km from Taumārere Station to just before Opuā. This whenua is collectively described as ‘the site’ throughout this report.

Kawakawa is the closest township to the site, situated only 4 km from the proposed site. Other local communities and towns include Karetu, Moerewa and Opuā. Scattered, low density, urban development is also present between Opuā and Paihia, and at Okiato (opposite Opuā). A limited number of light industrial and commercial activities are concentrated in Kawakawa and Opuā, including the Opuā Port and Bay of Islands Marina. A

number of small, rural settlements are also located in the catchment, but the scale and intensity of development associated with those settlements is minimal.

Most of the site will be situated at the boundary between an estuarine environment (or occasionally open water) and native/exotic scrub on the hillsides above the Kawakawa River. The new cycle trail route will intersect with six significant vegetation types: mangrove forest, oioi rushland (salt marsh), kānuka forest/shrubland, raupō-kuta rushland, mingimingi shrubland, and exotic vegetation, including pasture.

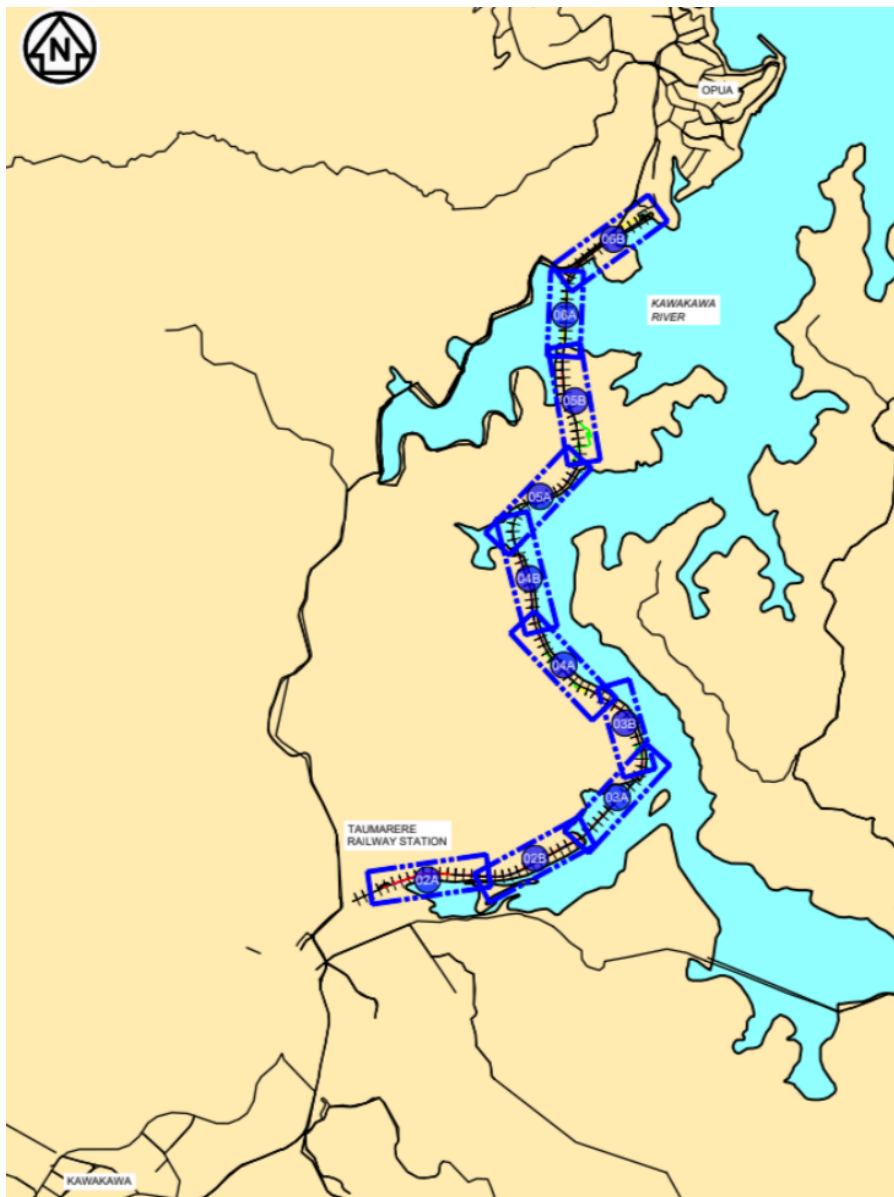


Image 3: Index plan of proposed works

Cultural Significance of Site

The Taumarere has long been central to the daily and cultural life of Ngāti Manu (State of the Taumarere report). Ngāti Manu have depended upon the resources provided by Te Awa Tapu o Taumarere. This awa serves as a site for gathering kai and as a gathering place for tamariki to swim and play. The waters of the upper Karetu valley were utilized for drinking, cooking, and irrigating crops. It is also a place where pūrakau are exchanged, allowing mātauranga about significant people, places, and events to be transmitted from one generation to the next.

Mahinga kai were dotted along the awa, often named based on the type or quality of resources they produced. For example, one section of the Taumarere is named Whangai (meaning to feed or nourish) because of the abundance of food it provided, particularly tuna, which were caught through methods like spearing, bobbing, and using punga (hinaki, traps).

Despite the severe environmental degradation of the awa, it has remained a vital source of food, materials, transport, trade, lore, and ritual. According to the State of the Taumarere report, the number, distribution, and size of traditional middens in the area provide a clear indication of the importance of marine resources to Māori living there. These sites reflect the intensive intergenerational occupation and use by Ngāti Manu.

As such, there are a number of wāhi tapu of significance to Ngāti Manu immediately adjacent to the site.

Name	Description	Coordinates (~250m)
Matariri	Wahi Tapu	174.1058526 -35.3547314
Hiringa	Mahinga Kai	174.1058526 -35.3547314
Nga Mahanga A Te Rarau	Pa	174.1058526 -35.3547314
Hanga Hanga	Wahi Tapu	174.1058526 -35.3547314
Te Raupo	Kainga	174.1058526 -35.3547314
Rotopouri	Wahi Tapu	174.1058526 -35.3547314
Ongaru Mai	Pa	174.1058526 -35.3547314

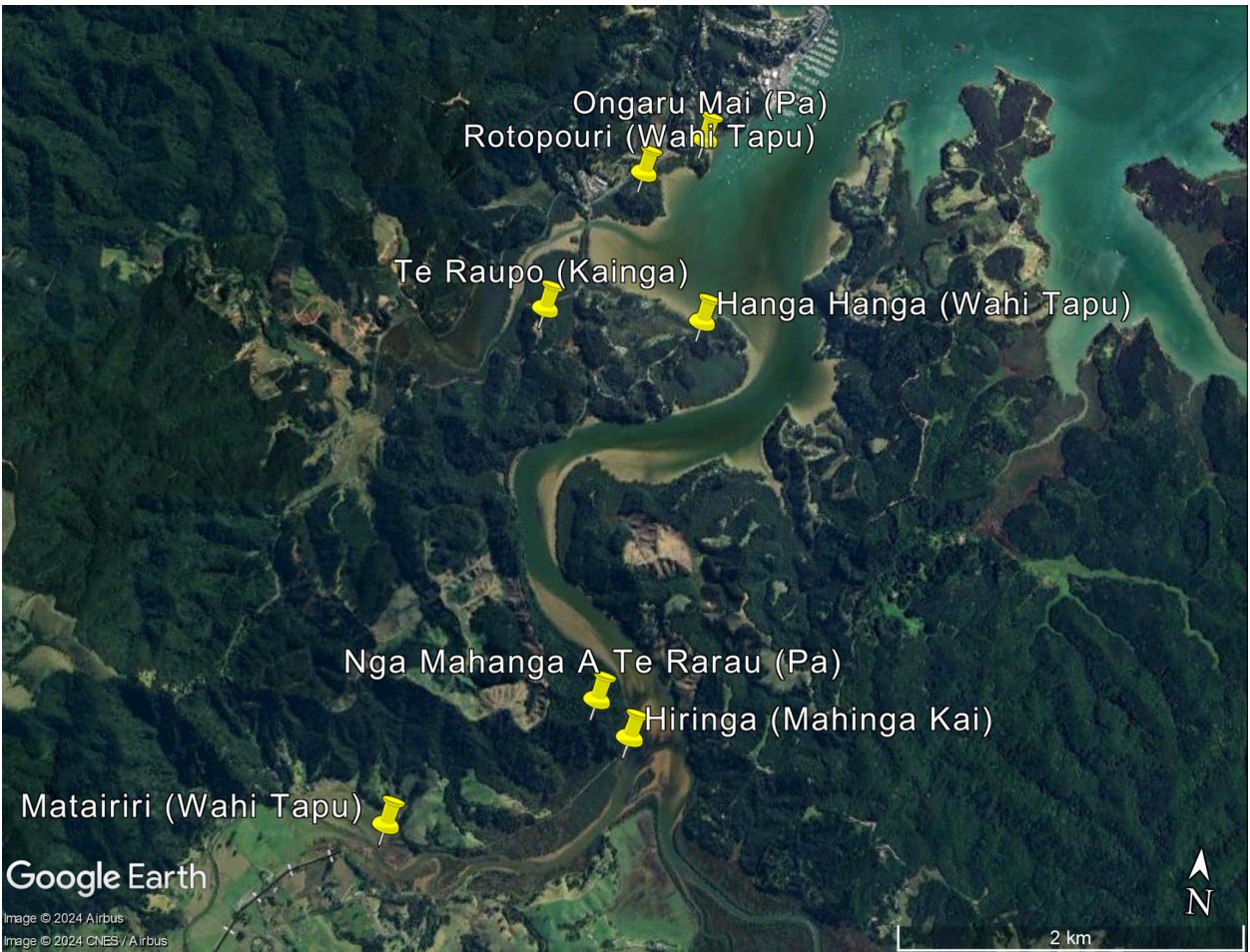


Image 4: Cultural Sites of Significance to Ngati Manu adjacent to proposed work site.

Environmental Impacts/ Risks

In assessing the impacts of the proposed project on Ngati Manu, practitioners examined the proposed work within the broader historical and ongoing environmental context of development in and around Te Awa Tapu o Taumarere.

Various support documents, including the State of Taumarere report, describe the advocacy efforts of Ngāti Manu in response to the degradation of the awa and the loss of its traditional resources. It has been noted that the mauri of the Taumarere has suffered due to the cumulative effects of land and marine-based activities, leading to the loss of significant pipi beds, declines in fish populations, sediment runoff, and wastewater pollution affecting environmental quality. Further concerns include the introduction of invasive species, dredging, destruction of traditional taonga like eel traps, and waste dumping. These are just a few examples of the stressors, which Ngati Manu believe are cumulatively diminishing its mauri of the Taumarere. This is important context for this proposal, as parts of the awa are no longer considered safe to swim in, and its ability to provide for Ngati Manu to exercise manaakitanga in hosting manuhiri/ visitors is believed to have been compromised.

Ngāti Manu's key Te Taiao (environmental) indicators are used to identify and categorize risks from our perspective as mana whenua. The matrix below helps to convey the degree to which each Te Taiao indicator is at risk with respect to the proposed development.

Te Taiao indicators	LOW RISK Unlikely to create adverse impact - Not identified as culturally significant site/ location - Conditions may apply -Easily mitigated	MEDIUM RISK Potential adverse impact - Known cultural associations for locality but not specific to site location - Requires conditions/actions to mitigate impacts	HIGH RISK Likely adverse impacts - Identified/ assessed as a culturally significant site/ location - Requires further investigation e.g., CIA/CVA report, expert assessment -Detailed mitigation plan required
Mauri (life-force)	x		
Wairua (spiritual connectedness)	x		
Oranga (wellbeing)	x		
Whenua (land)	x		
Wai (water) • Wai ora • Wai Māori • Wai repo • Wai tai		x	
Hau (air)	x		
Tiaki taiao (biodiversity)	x		
Taonga tuku iho (artefacts)	x		
Wāhi Tapu (sacred site)		x	

Comments on specific Te Taiao Indicators

After analysis of all supplied materials and korero with kaumatua, all but two Te Taiao indicators are considered low risk. Wai, particularly Wai repo/Wetlands and Wahi tapu are considered 'medium risk'.

The primary concerns for this proposed project are:

- Wai, and in particular wairepo represent valuable habitat within the Taumarere catchment, particularly the lower estuarine part. It provides habitat and refuge to many of our taonga species, in particular the Matuku *Botaurus poiciloptilius*.
- We note the loss of an estimated 0.03 ha of wairepo/wetland and the residual impact. We expect that any offsets will be like for like and within the Taumarere system.
- Temporary and ongoing habitat disruption: Increase in pedestrian foot traffic and as a byproduct increasing pressure on the surrounding environment (disturbance to native species/ taonga there)
- Environmental damage: Soil erosion, water pollution
- Litter/ pollution
- Numerous wahi tapu are situated along Te Awa Tapu o Taumarere, most sites identified are adjacent and not within the site.
- Respecting sites of cultural significance: We question how any existing or emerging sites be protected and also how cultural integrity will be protected.

Addressing these risks requires meaningful partnership with the Ngati Manu, careful planning, and the centering of Ngati Manu cultural perspectives into the design and management of the cycle trail. Engaging in a partnership approach that respects the values of Ngati Manu and seeks to protect our sacred sites is essential for mitigating potential impacts.

Conditions/ Recommendations

The following recommendations derive from the aspirations of Ngāti Manu for Te awa o Taumarere, which centers on enhancing whanau engagement, restoring its mauri, fostering community development and training, and celebrating the unique hononga Ngāti Manu have to the river.

Cultural

- Ngāti Manu actively partners in the project, providing input on naming and design features.
- Pou erected to mark the start and end of the trail, these pou acknowledge Ngāti Tu, which is where the mana for the Iwi with interests in the area derive from.
- A policy prioritizes the engagement of Ngāti Manu contractors, businesses, and kaimahi for any related works.
- Strict adherence to accidental discovery protocols is maintained during all works, including site visits.
- Ngāti Manu Tangata Kaitiaki conducts cultural monitoring of earthworks particularly the wai repo reclamation, with all associated costs funded by the applicant.
- Ngāti Manu Tangata Kaitiaki conduct cultural monitoring of works sporadically throughout the project facilitated and supported by the applicant.

Environmental

- Offsetting measures should be 'like for like' and within the same catchment.
- Re-indiginisation of the cycle trail via removal of exotic plants (e.g. pampas, wattle, privet, moth plant etc) and replanting with locally sourced natives.
- Contractors must be informed about the cultural and environmental risks outlined in this report, and areas of significance and concern should be clearly identified.
- Earthworks should be avoided during the rainy season.
- All earthwork machinery and vehicles must adhere to designated roads.
- Refueling and servicing of machinery should occur outside the riparian zone of the river; no vehicles should be serviced on-site.

-
- All chemicals, fuels, equipment, and building materials must be stored in designated areas that can contain spills and prevent environmental harm, away from watercourses and drainage lines.
 - Clearly delineate which activities will occur in specific areas of the site (e.g., cement mixing, stockpiling of materials) and restrict these activities to designated locations.
 - Spill kits must be available on-site during construction to address any hydraulic spills from earthwork machinery or vehicles.
 - Provide for waste storage and removal during and after construction, ensuring all waste is disposed of at authorized facilities.
 - All removed topsoil must be protected and reused on-site.
 - Roads should be wetted during dry and windy conditions to minimize dust generation, and all disturbed areas must be revegetated.
 - All areas should be vegetated, preferably with indigenous plants, to prevent soil erosion and sedimentation in the stream.
 - The contractor must ensure the removal of all temporary structures, materials, waste, and facilities used for construction activities upon project completion.
 - Fully rehabilitate the area after construction, ensuring all disturbed areas are restored and protected from erosion.

Conclusion

This Cultural Impact Assessment conducted for the Taumarere Cycle Trail extension has highlighted the significant cultural, environmental, and historical context that Ngāti Manu holds regarding Te Awa Tapu o Taumarere. As kaitiaki, Ngāti Manu have a profound connection to this awa, which has served not only as a resource for sustenance and transport but also as a vital site for cultural practices and intergenerational knowledge transfer. Despite the ongoing environmental degradation impacting the mauri of the awa, Ngāti Manu remains committed to the protection and restoration of our ancestral waters.

The methodology employed in this assessment, grounded in Kaupapa Māori principles, emphasised the importance of centering indigenous knowledge with contemporary environmental practices. By centering the voices and insights of Ngāti Manu Kaumātua, the assessment provided an understanding of the cultural significance of the site and the potential impacts of the proposed development.

The findings indicate that while most Te Taiao indicators are assessed as low risk, the Wai and Wāhi Tapu indicators represent medium risk due to our cultural significance and the potential for adverse impacts. Therefore, it is imperative that any development activities prioritise the protection of these sites and the surrounding environment.

In light of these considerations, the recommendations outlined in this assessment reflect Ngāti Manu's aspirations for our ancestral waters. By fostering a meaningful partnership with Ngāti Manu and prioritizing our cultural values in the planning and execution of the cycle trail project, it is possible to mitigate potential impacts while enhancing connections to the awa.

Disclaimer

The perspectives expressed in this cultural impact assessment reflect the views of Ngāti Manu exclusively; we do not represent other iwi, just as they do not represent us.

This assessment has been created based on the reports provided, and as such, there may be areas that have been overlooked.

References

Kelly, S., & Van Kampen, P. (2016). State of Te Awa Tapu o Taumarere (Report No. 2016-008). Coast and Catchment Ltd.

Macfarlane, A. H., Derby, M., & Macfarlane, S. (Eds.). (2024). He Awa Whiria: Braiding the knowledge streams in research, policy and practice. Canterbury University Press.

NZ Environmental Management. (2024). Pou Herenga Tai - Twin Coast Cycle Trail: Taumāre to Opuā section ecological impact assessment draft (Report No. 2022551.1.003_V0_DRAFT). Prepared for: Far North District Council.

Te Kahui Kaitiaki o Ngati Manu mo te Awa Tapu o Taumarere – He Mahere Mahi a Tau - 12 month Work Plan 2015-16.



Nga Tangariki
O Ngāti Hine



Te Awa Tapu O Taumarere

Cultural Health Impact Assessment Pt 1

Nga Tangariki O Ngāti Hine



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First Edition



*Ka papā te whatitiri
Ka hikohiko te uira
Ka wahierua ki runga o Motatau,
e tu ana i te ao, i te po
Ko Hikurangi, nga kiekie whawha
nunui a Uenuku
He ai tu ka riri, ka rongō mai, ka he
Ko Ngungunu
Ko Ngangana
Ko te Aparangi
Ko te titi o te rua
Ko te motumotu o te riri
Ko te tao whakawahine
Ko te tao whakahoro
Ko te tao o tōku tūpuna whāea a
Hineāmaru
Ko te awa o ngā rangatira.
Taumārere herehere i te riri
Te rere i Tiria
Te puna i keteriki.
Kete riki, kete tangariki.
Ko Ngāti Hine pukepuke rau.
Tiheiwa mauri ora.*



Photo 2: Nga Tangariki o Ngati Hine Trustees, 2024

Nga Tangariki O Ngati Hine

Nga Tangariki O Ngati Hine Charitable Trust was established in 2015 with the direct purpose to promote and enhance education, training, environmental and community support within Ngati Hine and surrounding areas.

Our vision: Kia tu kaha ai a tatou uri puta noa te ao - Our learners will stand with confidence anywhere in the world.

The term kete tangariki refers to when Ngati Te Ara - Ngati Kopaki gathered up Tangariki (elvers) from Te Rere i Tiria next to Otiria Marae in specially woven kete, helping them up the waterfall as they migrated upstream.

*Taumarere herehere i te riri
Te rere i Tiria
Te puna i Keteriki
Keteriki, Kete tangariki
ko Ngati Hine pukepukerau*

This traditional act of helping the tangariki is known metaphor in Ngati Hine for helping rangatahi in their journey through life.

Nga Tangariki o Ngati Hine is also the korowai entity for the environmental roopu Te Papa Pa Ororo.

Nga mihi nui,
Nga Tangariki o Ngati Hine

Photo 3: Te Papa Pa Ororo kaimahi, 2023





Table of Contents

Cultural Health Impact Assessment Overview.....	5
NTONH Cultural Health Framework.....	6
Pou Tuatahi - Cultural sites of significance.....	7
Te Awa Tapu o Taumarere.....	8
Hineamaru, ancestress of Ngāti Hine.....	9
Te Porowini.....	11
Taumarere, Te Awa o nga Rangatira.....	12
Timeline of significant events.....	13
Pou Tuarua - Mahinga Kai.....	15
Pou Tuatoru - Rongoā Māori.....	18
Pou Tuawha - Mahi Tirotiro.....	21
Summary & recommendations.....	23
Communication Strategy.....	24
Acknowledgements.....	25
Appendix 1 - Nga Tangariki O <u>Ngāti</u> Hine monitoring data sheet.....	26
Appendix 2 - Photos of the cycle way site.....	27

Executive Overview

Te Awa Tapu O Taumarere Cultural Health Impact Assessment

Purpose

Nga Tangariki O Ngāti Hine have been engaged by Hoskin Civil on behalf of Far North District Council to provide a Cultural Health Impact Assessment in direct response to an application sought to extend the Pou Herenga Tai (Twin Coast Cycle Way) running alongside Te Awa Tapu o Taumārere.

The Kawakawa to Opuā range of the cycle way runs approximately 11km and is mostly located within a former railway corridor that the Bay of Islands Vintage Railway Trust currently lease. The trust proposes to re-open a section of the railway line between Taumārere and Opuā, which in turn will require the extension and relocation of the cycle trail at certain points. Approximately 5.2km of the Taumārere to Opuā cycleway is included and will be affected by the proposed works.

This report aims to briefly:

1. **Identify**, maintain and protect the cultural significance of past, current and future taonga, including but not limited to:

Whenua - Flora - Fauna - Wahi Tapu - Waimaori - Waitai - Waitapu
Waikarakia - Waimanawa - Mauri - Ahua - Wairua

2. **Acknowledge** and give affect to cultural values in all works being carried out that may affect culturally significant taonga, these values include:

Whakapapa - Matauranga - Rangatiratanga - Kaitiakitanga
Manaakitanga - Mauri - Tikanga

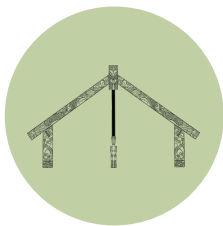
3. **Inform** on an advisory and operations level throughout any works that affect taonga within Te Awa Tapu O Taumarere & Te Moana Tapu O Pikopiko I Whiti and surrounding areas, through tailored assessment and monitoring.

4. **Enhance** Ngati Hine kaitiaki relationships with Ngati Manu, Te Kapotai & Te Roroa and collectively build off existing relationships with district and regional councils, utilising the Nga Tangariki CIA Framework as a guiding document for future engagement.

The report will identify some but not all significant taonga to maintain the mana and mauri of taonga tuku iho within Ngati Hine and instead focus on processes of engagement moving forward.



Nga Tangariki O Ngati Hine Cultural Health Impact Assessment Framework



Pou Tuatahi - Cultural significance

To identify cultural sites of significance, be it past, current and/or future, including but not limited to; tangible taonga such as: Whenua, wahi tapu, flora, fauna, waimaori, waitai, waitapu, waikarakia, waimanawa as well as intangible taonga including but not limited to; tikanga, whakapapa, matauranga, purakau, taonga tuku iho..



Pou Tuarua - Mahinga kai

To identify the traditional mahinga kai value of food resources and their ecosystems, as well as the practices involved in producing, procuring, and protecting these resources. Examining the health of mahinga kai recognizes that mauri is tangibly represented by the physical characteristics of whenua, awa and moana resources that are collectively involved in the activity of 'mahi a nga kai'.



Pou Tuatoru - Rongoa Maori

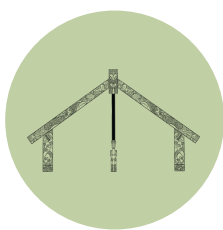
To identify rongoa Maori values and resources. Rongoa Maori is a complete traditional healing system that has everything tangata whenua need to thrive within it. This includes whenua, flora, fauna and kohatu as well as karakia, takutaku korero, waiata and all associated narratives and practices. Rongoa Maori recognises hapu specific tikanga and is upheld by Tohunga - knowledgeable experts in their field.



Pou Tuawha - Mahi Tiroiro - Oranga o te awa

Mahi tiroiro is an essential practice to maintain the continued health of Ngati Hine Taonga. This framework was created to assess, restore and monitor mahi carried out within the taiao o Ngati Hine. It acknowledges the tangible and intangible aspects undepinned by nga tohu o te taiao to give an overview of the state of our whenua, taonga species and flow on affect to our tangata.





Pou Tuatahi - Cultural significance



Photo 4: Ngāti Hine Pukepuke Rau, 2023

Te Awa Tapu o Taumarere

Te Awa Tapu o Taumarere, including the surrounding whenua is of most significance to Ngāti Hine. From the top of the catchment near maunga Motatau and over to maunga Hikurangi kiekie whawhanui a Uenuku, the water flows carving out the whenua splitting off in areas which cascade around through Motatau, Maromaku, Waiomio and Matawaia, Opahi, pokapu through to Otiria where the two streams Waiomio and Waiharakeke connect near the three bridges in Kawakawa eventually leading out to Taumarere which connects with Tirohanga before dispersing out to Te Moana Pikopiko I Whiti.

The waters of Ngāti Hine provide a complete way of life that has been embedded into the tapestry of Ngāti Hinetanga with traditional practices and purakau still carried through the whakapapa o Ngāti Hine and nga uri o Hineamaru to date.

The 9 hapu of Ngāti Hine that have a connection to Te Awa Tapu O Taumarere

Ngāti Hine

Ngāti Te Tarawa

Ngāti Teara

Ngāti Kōpaki

Tekau I Mua

Te Ngāherehere

Te Kahu o Torongare ki Waiōmio

Ngai Tai ki Kaikou

Te Orewai

Nga Tangariki o Ngāti Hine acknowledge Te Roroa, Ngāti Manu and Te Kapotai and their connection to Te Awa Tapu O Taumarere.



Hineamaru, ancestress of Ngāti Hine

Hineāmaru, the eponymous ancestress of Ngāti Hine was the first born of Hauhaua and Torongare. Torongare was estranged by his wife's people, Ngaitamatea and they were forced to leave their village at Waimamaku. So began a journey by Torongare, Hauhaua and their whanau who headed eastwards in search for a new home which would take many years.

They were initially confronted by a mountain range to the east, which was named Whakatere, after the drifting away of Torongare and his family from Hokianga. By the time the party had reached Omauri, Torongare was ailing and unable to walk. By all accounts, Hauhaua died and was laid to rest at Omauri, a significant kāinga for the whanau as part of their long journey.

At that point, Hineāmaru, as of right, inherited the mana, leadership of Hauhaua. She made several exploratory trips eastwards and came across the valley of what is now known as Waimio.

They eventually settled at Paparāta in Waiōmio and access to the sea and kaimoana was relatively close by along Te awa o Taumarere and out to Te Moana o Pikopiko i Whiti. Hineāmaru led expeditions along the banks of the Taumārere River to the pipi banks and fishing grounds of what is now known as the Bay of Islands.

It was along this route and on the bank of Taumārere that she met Koperu at his home in Te Wharau, a handsome man of Ngāti Tū who she wed and bore children with including the first born named Whe. The descendants of Hinemaru and Koperu are the people of Ngāti Hine.

The occupation of our Ngāti Hine lands has never been seriously challenged during the four hundred years since the time of Hineāmaru. The geographical advantages of the terrain were significant in themselves but critically Ngāti Hine has had able warriors in every generation who have not only defended but expanded the territory discovered by Hineāmaru.

These ringa kaha or warrior leaders, commencing with Pera, then Hingatuauru, great grandson of Hineāmaru, to the brothers Moeahu and Mōraki and through to the likes of Pōngia, Kawiti and others, all possessed extraordinary qualities of leadership, combat, responsibility, daring, wisdom and strategy.



Korero continued...

Ngāti Hine maintains 'Mana i te Whenua' (Mana derived from the land) in regard to this territory. In doing so, Ngāti Hine have named natural features and resources within our rohe. Those names tell of the relationship our tūpuna forged with each feature of the river, hillsides, wetlands, paths, nooks and cranny's.

The stories behind these names provide us a legacy of the nature of the close relationship between Ngāti Hine and the river and the lengths our tūpuna went to, to protect that relationship.

These lands became the home for the descendants of Hineāmaru. Our pepeha, Ngāti Hine Pukepukerau exemplifies our hilly terrain but also reflects the diversity of our peoples leadership qualities.

Of particular importance was Te Awa Tapu o Taumārere and its many tributaries which was not only the key transport route out to the coast and return for Ngāti Hine but also a key area of collecting kai and other key resources.

Like Hineāmaru, each generation of her descendants spent long periods living along the banks of the river and out to Opuā, Te Wahapū, Pāroa, Okiato, Otuihu, Kororareka and Tapeka and returning to papa kāinga like Waiōmio laden with dried kaimoana to live during the colder months.

Ngāti Hine worked closely with close kin of Te Roroa, Ngāti Manu and Te Kapotai to not only live harmoniously as neighbours along the river but to ensure a strong defence of their common interests.

Tā Himi Henare described the rohe whenua or heartland Ngāti Hine as:

Haere mai Opuā ki Pouerua, i Pouerua ki Tautoro, te maunga Tōtoro i roto Kereru; i reira, Hikurangi; Hikurangi ki Mangakahia; i Mangakahia ka huri mai ki Moengawahine; whakawhiti tonu ki runga i te tihi o Motatau, ko Unuwahao; haere mai ki runga i tena kāweka kia tau mai ki Hukerenui; ka huri iho ki Akerama; nā ki Taumārere.

He rohe tino nui, nā te mana o tēnei wahine a Hineāmaru.



Te Porowini

The construction of Porowini Whare at Taumarere

The construction of Porowini Whare at Taumarere was no mere coincidence.

Maihi Kawiti built two houses at Taumarere, then the key township at the head of the Taumarere river. These whare were opened in 1876, a Meeting house named "Te Porowini o Ngāti Hine" or 'The Province of Ngāti Hine' and a Dining Hall named Te Tau Panekoti.

Te Porowini was built as the Provincial Parliament but was multi-functional, also being used as a Court house. It was a central building in Taumarere township, given that the river remained the main transport route in the area. In 1904 Te Porowini was pulled on sleds across the flats by bullock teams to Otiria where it still stands proudly today.

Te Porowini was built as the Provincial Parliament of Te Porowini o Ngati Hine, a deliberate and proactive move by the rangatira of that time to establish their own form of 'self-rule', in the rohem where they held sway, given the abolishment of the provincial system in that same year.

Maihi Kawiti defined the boundaries of Te Porowini o Ngāti Hine as:
Hikurangi titiro ki Pouerua, Pouerua titiro ki Rakaumangamanga,
Rakaumangamanga titiro ki Manaia, Manaia titiro ki Whatitiri, Whatitiri titiro ki Tutamoe, Tutamoe titiro ki te Tārai o Rāhiri, Te Tārai o Rāhiri titiro ki Hikurangi ki Ngā Kieke Whawhanui a Uenuku.

The construction and location of Te Porowini whare underscores the sway of Maihi Kawiti in the immediate area and that of Ngāti Hine.

In 1884, Maihi Kawiti also instigated the construction of a Flour Mill at Matairiri (the area at each end of what is now known as the Railway Long Bridge) The mill itself stood at the southern end of Long Bridge and adjacent to the Derrick's Landing where coal from the mines at Kawakawa were loaded onto barges before being taken down the river to the deeper waters of Opuā.

Key names in and around where the township of Taumarere stood, include: Te Awahe, Rahui Kotuku, Naturahi, Manurewa, Te Maroro, Te Kapo, Tarakihi and Tainga.





Photo 5: Aerial view of Te Herenga Waka, 2023

Taumarere, Te Awa o nga Rangatira

Taumarere, The River of Chiefs

It is said that the Taumarere got its name from the incident surrounding the fight between two taniwha.

Rangiriri was the name of the taniwha that lived on our awa. Pokopoko was a taniwha that came from the Kaipara.

Pokopoko travelled up from Kaipara with the purpose of defeating Rangiriri and was known to use large taura or ropes to lasso his opponents before slaying them.

When the battle began, Pokopoko threw the taura over Rangiriri and although he was trapped and took a beating, he managed to shrug them off and was able to beat off Pokopoko who eventually retreated.

This conflict was remembered by the saying 'te mareretanga o nga taura here a Pokopoko taniwha ki runga i a Rangiriri' or 'the undoing of Pokopoko taniwha's bindings that held Rangiriri'.

This was then shortened down to Tauramarere and finally to Taumarere as we know it today.

Moreover, when you sit amongst the people living on the Mangakahia, Wairua and Wairoa rivers that drain into the Kaipara Harbour, you will notice in their korero and waiata that they name both Pokopoko and Rangiriri as the taniwha that live there as their kaitiaki



Timeline of significant events

Te Awa Tapu O Taumarere

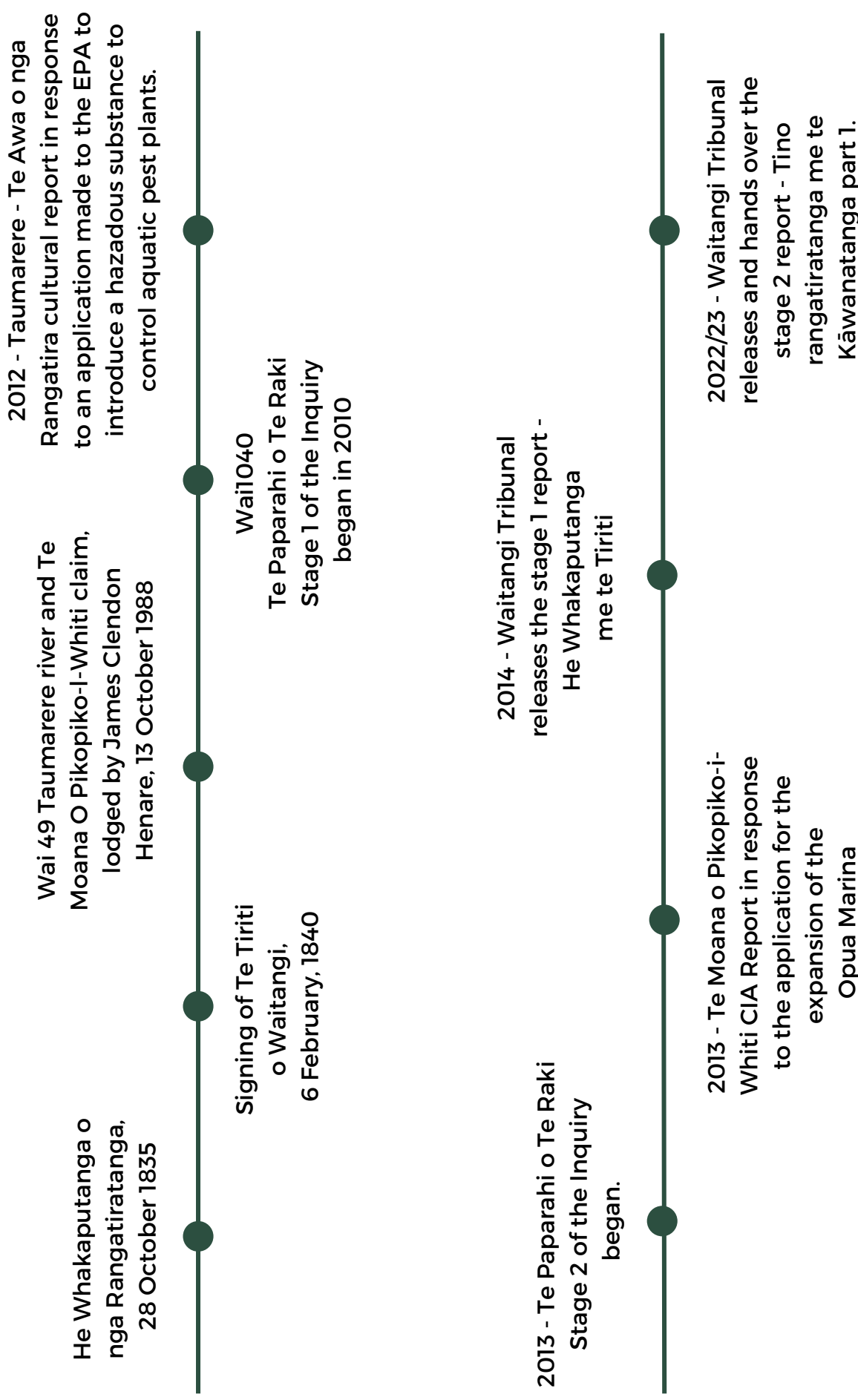




Photo 6: Taumarere valley with Kawakawa and Moerewa further upstream during the flood, 2020

Protecting our Taonga

Ngāti Hine recognise all culturally significant resources are a taonga and through kaitiakitanga (actively supported by rangatiratanga) we continue to ensure robust measures are put in place to safe guard these taonga and the flow on effect to tangata whenua.



Pou Tuarua - Mahinga kai

Pou Tuarua - Mahinga Kai

Kai o te awa is an integral part of the cultural relationship between Ngāti Hine and our waterways. The cultural value of being self sustaining and of having a sustenance/reciprocal relationship with our waterways and taiao overall is of high importance to Ngāti Hine. “Ko au te whenua ko te whenua ko au”.

Table 1: Significant kai culturally harvested from Te Awa Tapu O Taumarere

Significant mahinga Kai o Ngāti Hine	Ecosystem habitat within the Taumarere Awa	Present today
Tuna (see next page)	Freshwater/Brackish/Marine	✓
Kakahi/Torewai	Freshwater	✓
Inanga	Freshwater/Brackish	✓
Flounder	Marine/brackish/freshwater	✓
Snapper	Marine/brackish/freshwater	✓
Mullet	Marine/brackish/freshwater	✓
Tio	Marine/brackish	✓
Pupu	Marine	✓
Cockles & Pipi	Marine	✓
Watercress	Freshwater	✓



Nga Tuna o Ngāti Hine

In the western world there are three main types of eels present within Aotearoa, Long fin, short fin and the Australian spotted longfin. To Ngati Hine, we know there are more than this. We also refer to our elvers as tangariki. The different types are all indicative of their ahua from their varying environments, some of these include Kuwharu - Bully head, Koroma - Silver belly, Oke - Swamp eel and Tuna Whakaheke.

Tuna Whakaheke

Tuna whakaheke are a taonga within Ngāti Hine, are iconic and a kai that most people savour when prepared and cooked well.

The people who practice the gathering and preparing of our tuna are well known amongst us all and are well respected for their mahi and knowledge.

This is especially those people who supply our whanau, kaumatua and kuia and our marae with this important kai from time to time.

The tuna whakaheke breed only once - at the end of their life.

The people in Ngāti Hine know that the process will start to happen around autumn, when the first big rains happen after the summer.

Usually, these first rains will see the tuna whakaheke starting to come out of the paru that has been dried up over summer, from swamps, streams and water holes amongst the many pukepukerau of Ngati Hine.

The second rains then give them the confidence that they can leave their habitat and reach the sea safely.

That time is almost here and when the fine weather of Easter ends and the rains start falling again – the tuna whakaheke will begin their run. Those people within Ngati Hine that know these tuna well will smell them moving before they even see them.

Te Awa o Taumarere will be the main highway for these tuna as they make their way downstream and leave our coasts and swim 5000 kilometres up into the tropical Pacific to spawn, probably in deep ocean trenches somewhere near Tonga.

One day the offspring of these tuna whakaheke will return as glass eels and then tangariki - or little elvers as they return up this same route along the river and right up into the ends of the catchment, where the life cycle will start again.





Pou Tuatoru - Rongoā Māori

Pou Tuatoru - Rongoā Māori

Ngāti Hine have a long history of rongoā that are still utilised and practiced today. Ngāti Hine tohunga, Tohe Ashby explains some of the traditional uses.

Kumarahou

Traditionally Ngāti Hine have used kumarahou for respiratory complaints and digestive issues. It was also used topically for skin conditions. Kumarahou has also been used to heal the land after any fire damage and to nurture the health of soil. Kumarahou is found throughout Ngāti Hine and along the banks of the Taumarere awa.



Mamaku

Known for its powerful wound healing properties, it has been used as a rongoā to dress sores. Mamaku is also used to calm inflammation and rheumatism. Culturally mamaku was used by our hapu mama during pregnancy - when eaten it would help provide nutrients to the unborn baby. Also use after labour as a poultice to relieve inflamed breasts. Ngāti Hine mama still use it today.



Patete

The patete root has been used as a teething remedy for Taitamariki. The sap has been used to heal hakihaki (sores). In the earlier days our tupuna would use the wood to make fire using friction. The leaves brewed and made into a tea which is probably the most popular use of patete which helps to suppress the appetite, aiding in detox and weight management.



Hangehange

Hangehange is a good kai rakau. The leaves are palatable and tastes similar to a spinach. These days hangehange are being harvested for a salad option for special hakari. The leaves can also be used to make a pani which is applied to skin infections.



Actual photos of aforementioned rongoa plants along the proposed Taumarere to Opuia cycle way site



Nikau

Our tupuna used the pith as a laxative and this is still a practiced use today. Nikau has also been used by hapu mama during labour to relax the pelvic floor muscles. Similar to tātaramoa. The hard berries are edible when green and were collected for kai but you had to know what you were doing.



Kanuka

Kanuka and manuka were referred to as 'kahikatoa' teatree. The leaves were brewed into a tea to help the liver and kidney and an all round cleanse. As an anti fungal, anti viral and anti microbial, it is used to treat scars, bites and puku issues. Kanuka. In recent times it is used as a rongoa for Kauri Ora.



Totara

Ngāti Hine have great respect for the totara as pou in the Ngahere, we liken the Totara, as well as the Kauri to our tupuna standing tall before us. Totara were commonly used to make our waka, the natural resin within provided good waterproofing - This is a korero in itself. For rongoa, the wood was burned to produce a smoke that treated venereal diseases. We used to eat the red berries and we would climb the trees as tamariki to collect the berries for kaumatua and kuia. Totara is used internally to treat fevers and can also be used topically to soothe the skin.



Towai

Used as a rongoa when scraped and boiled, used to apply onto sores. The inner bark was used to treat burns and minimise scarring. Bark was traditionally soaked in water and given by mouth to treat oral thrush in babies. Practically, the supple woody stems were tied at a young age into knots and left to grow and harden into rounds that were sharpened and used as hooks in the awa.



Tātarāmoa

Ngāti Hine have used Tātarāmoa to treat vomiting, stomach pains, diarrhea and dysentery. Tātarāmoa is more notably useful for wahine and their whare tangata during their period, to bring on labour and help dispel the whenua (placenta). Used in this way it is often combined with flax root and raūpo or karamū. Traditionally vapour baths and hot stones from fires made with tātarāmoa vines were used after delivery.



Actual photos of aforementioned rongoa plants along the proposed Taumarere to Opuā cycle way site.





Pou Tuawha - Mahi Tiroiro

Pou Tuawha - Mahi Tirotiro

Mahi tirotiro is an essential practice to maintain the continued health of Ngāti Hine Taonga.

The Nga Tangariki Cultural Health framework was created to assess, restore and monitor mahi carried out within te taiao o Ngati Hine. It acknowledges the tangible and intangible aspects underpinned by nga tohu o te taiao to give an overview of the state of our whenua, taonga species and flow on affect to our tangata. There are different themes, below is the “Te Oranga o te awa” theme.

Nga tohu o te taiao are indicators steeped in cultural foundations and are a key observatory tool to gage the overall health of a site, these include:

1. Wairua
2. Mauri
3. Ahua
4. Ihirangaranga
5. Maramataka
6. Interaction between taonga species

Assessing the ecological health can contribute to the overall cultural health of the area by observing tangible indicators as listed below using a 0-5 score method.

1. water quality
2. water clarity
3. flow and habitat variety
4. catchment land use
5. riparian vegetation
6. riverbed condition/sediment
7. use of riparian margin
8. channel modification.



Photo 7: Kaitiaki carrying out observations in the ngahere and the repo, 2023-2024

See the *Nga Tangariki O Ngāti Hine Oranga o te Awa monitoring data sheet - Appendix 1*

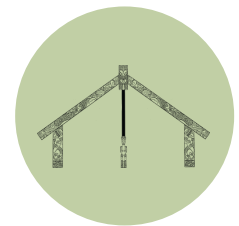


Executive Summary

Te Awa Tapu O Taumarere Cultural Health Impact Assessment

Pou Tuatahi - Cultural significance

The area of the proposed activity is culturally significant to Ngāti Hine on all levels. The works to extend the cycleway will have an adverse cultural effect which is likely to be more than minor.



Recommendation: Nga Tangariki o Ngāti Hine Kaitiaki presence contracted throughout the works to mitigate and manage disturbance. Cultural signage encouraged.

Pou Tuarua - Mahinga kai

The area of the proposed activity is within Mahinga kai sites that are still being utilised today. The proposed works to extend the cycleway will affect these resources which is likely to be more than minor.



Recommendation: Nga Tangariki o Ngāti Hine Kaitiaki presence contracted throughout the works to mitigate and manage disturbance to mahinga kai resources.

Pou Tuatoru - Rongoā Māori

There are culturally significant rongoa present in the area of the proposed activity. Some rongoā plant species are abundant while two species observed are not.



Recommendations: Nga Tangariki o Ngāti Hine Kaitiaki presence contracted throughout the works to mitigate and manage disturbance to rongoā species. Rongoā signage encouraged.

Pou Tuawha - Mahi Tiroiro - Oranga o te awa

It is recommended that at a minimum, three assessments be carried out by Nga Tangariki o Ngāti Hine kaitiaki before, during and after utilising the cultural health impact assessment framework. In addition, communication with contractors throughout the works is of importance. See communication strategy on page 21.



The status of the findings are subject to change depending on the implementation of the proposed recommendations.



Communication Strategy

Process of engagement for Nga Tangariki with external parties involved in the expansion of the cycle way if kaitiaki aren't already onsite.



Cultural
Significance



Stop works



Call to inform



Kaitiaki site visit

For all general, works or emergency enquiries before, during and after any works regarding any culturally significant sites or resources referred to in this report, contact Nga Tangariki O Ngati Hine via details below.

Contact:

Nga Tangariki O Ngati Hine

Postal address:

Attention: Cultural Health Impact Assessment Queries

Nga Tangariki o Ngati Hine

PO Box 36

Kawakawa

0243

Phone: 0272765744

Email: jaycee@kauriora.co.nz





Acknowledgements

Pita Tipene

Tohe Ashby

Mike Butler

Waihoroi Shotland

Nisha Marsh

Suzie Hati

Nga Tangariki O Ngati Hine Trustees

Te Papa Pa Orooro

Appendix 1

Nga Tangariki O Ngati Hine Oranga o te Awa monitoring data sheet - (To scan in)



NTONH Monitoring Data Sheet - Oranga o te Awa

#.....

Team:	Kaitiaki:	Location:	Date:

Individual location data

Name/code:	Weather	GPS:	Time:

Mahi tiroiro - Observations

Take photos where possible during every visit

Nga Tohu o te Taiao	
Wairua - Spirit	
Mauri - Life force	
Ahua - Character	
Ihirangaranga - Form	
Maramataka	
Interaction with other species	

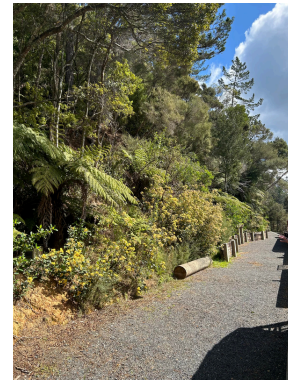
Tangible ecological indicators - Assign a score 0-5 score (0 being less value 5 being of higher value)			
Water quality (water monitoring kit)		Riparian vegetation	
Water clarity		Riverbed condition/sediment	
Flow & habitat variety		Use of riparian margin	
Catchment land use		Channel modification	
Total score (check scoring sheet for analysis)			

Notes - other observations:



Appendix 2.a

2 - Photos during assessment of varying sections of the proposed cycle way site/s in order from Taumarere to Opuia.



Appendix 2.b

2 - Photos during assessment of varying sections of the proposed cycle way site/s in order from Taumarere to Opuia.





FIRII MAITANGI

PUNICKA

Je tohu o Puumaka 22

WHAKAPAPA

(F) 1st = (M) (F) 2nd (F) 3rd

Ahuaiti = Rahiri = Whakaruru = Moetonga

(F) | (M)

|

Kare Ariki = Uenuku

(M) (F) (F) | (M) (M) (F) (F)

|-----|-----|-----|-----|-----|

Torongare = Hauhau Maikuku Uewhati Tamure Wharerua Ruakiwhiria

|

|-----|-----|-----|-----|-----|

Tamangana Hineamaru = Koperu Te Aongaua Kotata Rongopatutaonga Torukao

|

|-----|-----|-----|-----|

(M)

Matau Whe Pera = Taurerekura Wekuweku Tauratetoko

|

(F) |

Waipiihangarangi = Waikamania

|

(M)

Te Para = Wahine

|

(M)

Puihau = ?

|

(M)

Whanui = Kawhiti

|

(M)------(M)------(M)------(M)

Wairakau Pumuka = Makarita Kaiwaka = Ani Mahiwhare Kuki Retini Te Kauri



Proclamation of Self Determination and Sovereign State and the
upholding of Mana
of We the People of Hapu TE ROROA O Nu Tirení.

To All and Singular, We the people of TE ROROA Hapu, being the Uri Tangata (Humankind) and the mokopuna (ascendants), the living body, mind and spiritual embodiment of our Tupuna (PUMUKA) of TE ROROA Hapu, do hereto on this the Fourteenth day of March in the year Two Thousand and Twenty one AD do hereby Publish and Proclaim Our Self Determination, Our abiding in Sovereign State, and our absolute authority over all Our lives, property and Territory, through Our enactment of Our Customs and usages, Our Customary Right, being enshrined in the internationally recognised Proclamation of Sovereign State He wakaputanga o te Rangatiratanga o Nu Tirení of 1835, and also Our Honouring and upholding of Te Tiriti o Waitangi of 1840; and

TE ROROA Hapu enacting Our Self Determination and Sovereign State do so by way of Our Hapu Kawa and Tikanga, being the inherent right by Customary, Natural, Divine, Universal Law/Lore in Honour, good Faith and good Will to all Mankind forevermore; and

We the people of TE ROROA Hapu, being the living Souls, the flesh and blood in the form of man, do this day acknowledge and accept, and strive

to fulfil, the duties and responsibilities of our Inherent Sovereignty as enacted by our Tupuna, as the Rightful Kaitiaki (protectors) over ALL our Territory for the coming generations as the true Sovereign people of Our Territory; and

Thus, We the people of TE ROROA Hapu, being the Rightful and lawful successors, as ascendants of our Tupuna, forthwith and henceforth acknowledge our Mokopuna as being the inherent future successors of the Kaitiakitanga of Our Territory, as by the lore of Our Kawa and by rite of Our Tikanga, Taiki, Kaitaiki, Kaitaikitanga.

We the people of TE ROROA Hapu do also proclaim the absolute Autonomy and Right of Self Determination of each living Human Being, both male and female, as having the absolute authority over their own life's and property without trespass; and

TE ROROA Hapu, being the supreme authority and responsible for all within Our Rohe (Territory), by the will of the Hapu have covenant with all of mankind, be they residents, manuhiri (visitors), and any and all people within Our respective Rohe, that they acknowledge and respect the Hapu Kawa and Hapu Tikanga, the Hapu Rohe both by land and sea, and the Hapu Taonga (precious gifts) and any and all aspects pertaining to the Proclaimed Hapu TE ROROA.

TE ROROA Hapu, by our will, through the responsibility and obligation vested in Us by our Tupuna strive to create a world in which all mankind, shall enjoy freedom of expression, freedom from fear, freedom from trespass and deprivation, and freedom from enslavement, so that peace and good order is maintained and enhanced for the betterment of all that dwell within the Rohe (Territory) of the Proclaimed Hapu TE ROROA, In Honour, in good Faith, and in good Will.

Tika, Pono, Aroha

Taiki e;

Such is Our Will - So Be It

In all Honour

.....(Signature).....

.....(Signature).....

.....(Signature).....

.....Romana Tarau.....

.... Te Pare (Polly) Tana.....

.....Anthony Williams.....

Kaumatuā

Ahi Kā

Rangatira ~ Hereditary Chief



Puketiti land sale – Timeline

Far North Holdings Ltd has sold the headland at Opuā, Puketiti, to a foreign land developer, Dong Guo. Mr Guo's lawyer in New Zealand is Winston Wang, Remuera. In addition FNHL signed an MOU in China with Dong Guo's parent company, Empery Holdings Ltd, to develop vacant sites into residential properties for sale.

Opua Residential Development

The land in question is the steep hill above the marina and to the right of the road down to Opuā. It is the last remaining significant piece of land in the township which has not been developed. It is of significant historical interest having been a lookout point for the entire inlet. In recent years it has been considered a community area and FNHL has long promised to develop part of the land for community use. It is one extremity of the Opuā State Forest and was identified in the 1990's by the Far North District Council as being part of a Significant Landscape Area (SNA).

History of ownership

Pre-1831 four hapu claim an interest in Puketiti
1831 land purchased by Rev. Henry Williams for the Christian Missionary Society
1969 acquired by Northland Harbour Board under the Public Works Act 1928
1988 Sir James Henare lodged claim under Treaty of Waitangi, Wai49
1992 vested in Far North District Council as Fee Simple under Northland Regional Council and Far North District Council Vesting and Empowering Act 1992
1994 transferred to Far North Maritime Ltd, FNDC's LATE
2004 transferred to Far North Holdings Ltd
2020 purchased by Dong Guo, foreign national

History surrounding recent sale of Puketiti to Dong Guo

May 2018 Far North Holdings applied for resource consent for a residential subdivision on Puketiti. They state they placed notification of this in a newspaper (The Northland Age), informed the Community Board, advised a community group and posted information on their website.

23 May 2018 A statement on FNHL's website stated (and echoed in the press release published in The Northland Age) stated "The Company says no decisions have yet been taken to build anything on the site, or who the properties would be marketed to..."

29 May 2018 FNHL signed a Sale and Purchase Agreement for the land with Dong Guo. The Overseas Investment Office later stated the exact configuration of the land for sale, and the agreed price, were changed several times between signing the original contract in May 2018, and the title being transferred in February 2020. At least one of the conditions of sale was not met until August 2019 when the resource consent was granted. Despite these factors, the Overseas Investment Office say the sale was made at the time the original contract was signed in May 2018 and it was not affected by the legislative changes on 22 October 2018 which included residential land as 'sensitive' under the Act.

5 June 2018 Dong Guo purchased a 133 sq.m. apartment in Paihia for \$2m. The capital value was \$1.1m.

- 30 Aug 2018 Incorporation of Empery Investment (NZ) Ltd. The two company officers are Dong Guo and NZ lawyer Winston Wang. Company address is listed Dong Guo's Paihia apartment.
- 30 Aug 2018 Council approved the Economic Development Visit to China for Mayor Carter and Cr Sally Macauley. The item was not on the agenda, was tabled at the meeting, and councillors were told it needed to be passed immediately because the trip was in two weeks. The delay in receiving the information was attributed to FNHL.
- 16 Oct 2018 Memorandum of Understanding signed in China between Empery Holdings Ltd and FNHL. John Carter in attendance as Mayor. A FNDC report states "A joint venture recently signed by FNHL to develop vacant sites, through FNHL, for residential property, for sale within New Zealand. Providing the finance to support; land acquisition and development of quality residential homes not otherwise being provided. Once again being an international company with offices worldwide, the significance of the Mayor being present to support FNHL and its investment partners cannot be underestimated..."
- 22 Oct 2018 Overseas Investment Act changed to categorise residential land as 'sensitive'.
- 12 Nov 2018 Freehold Record of Title issued under the Land Transfer Act 2017.
- Feb 2019 FNHL approached Opua School advising them of the proposed housing development. Andy Nock and Irwin Wilson presented the BOT chair and the principal with a pre-prepared letter, written as if it were from the school and granting consent for the development. The school refused to sign it. They had had problems for years with parking, and safety issues surrounding the delivery and collection of pupils, and believed the creation of a road servicing the new development, at the very location of the existing bottle-neck, would exacerbate the problem dramatically. The school wanted issues addressed prior to giving consent. Andy Nock told the Principal and the Chair of the BOT that the school's consent was necessary for the resource consent. That is why they presented the pre-prepared letter for the school to sign. However the RC was processed on a non-notifiable basis so consent was not required.
- 22 Mar 2019 Dong Guo places a caveat over the title.
- 20 Aug 2019 FNDC granted non-notified Resource Consent for 17 residential Lots.
- 7 Oct 2019 FNDC granted amendments to the August resource consent.
- 28 Oct 2019 Period for objections relating to the resource consent ended.
- 8 Nov 2019 Irwin Wilson of FNHL trespassed on 84-year-old Dorothy Bateman's property in order to scope out a possible road access from Kellet St to the lower residential sections. Mrs Bateman had no idea FNHL was planning to develop the neighbouring land.
- 20 Dec 2019 Three titles issued. Lot 18, 24,25 DP53470. Lot 18 includes a pedestrian easement and is intended as a public reserve. This piece of land is so steep it would be exceptionally difficult to build on. It is a gut with an almost vertical drop to Beechy St.
- 3 Feb 2020 Ron Cooke made a presentation to the BOI Community Board on behalf of the Opua residents. [Andy Nock also made a presentation to the Board and claims this as part of his public consultation. Community Board Chair, Lane Ayr, said FNHL's presentation was pointless as the proposal was a fait accompli, and the board has no power to influence changes in such matters.]
- 12 Feb 2020 Land transferred to Dong Guo and caveat lifted.
- 8 Mar 2020 Public meeting at Opua Hall attended by 109 people who unanimously opposed the sale of the land. An action group called Save Opua's Soul (SOS) was established and they voted to seek a legal opinion on how the sale could be stopped. Andy Nock attended the meeting but failed to advise anyone the property transfer was actually completed.

- After the meeting Andy Nock told the school's BOT's chair and SOS's spokesperson he would sell the land to the Ministry of Education if they could come up with the market value.
- 11 Mar 2020 FNHL issued press release on their website announcing the land had been sold.
- 17 Mar 2020 Small protest by SOS members outside FNDC's council offices in Kaikohe. Ron Cooke accused John Carter of being involved in the sale of the land, having attended the signing of the MOU with Mr Guo in China in 2018. Later that evening John Carter rang Ron and threatened to sue anyone who said Carter was involved in the sale.
- 18 Mar 2020 Mayor Carter emailed the SOS group stating "FNHL entered into the conditional contract to sell the land at Kellet St several months before my trip as Mayor to China. I had no involvement in this sale."
- 23 Mar 2020 Opua School BOT issued an open letter stating they "would like it to be known that recent statements from FNHL that infer that the group and school are working closely together, are false."
- 21 Apr 2020 Overseas Investment Office advised no breach of the OIA had occurred.
- 25 May 2020 School Principal, Simon McGowan, wrote an email stating "I am sure it will not be a surprise to you that I now have grave and growing concerns about this new development, especially around the future safety of children and parents of our school and about aspects of how this whole process has been handled..."
- 10 June 2020 Andy Nock is quoted in the Herald as saying he was "saddened to hear Ngati Hine felt [FNHL's] lack of engagement with them was disrespectful." He said he would be raising the matter with them 'directly'. When I spoke to Pita Tipene on 2 September 2020, Mr Nock had still not contacted Ngati Hine.
- 11 June 2020 Northland Transportation Alliance released a report into safety concerns for parents and pupils outside the Opua School. The residential subdivision will increase and intensify the already dangerous traffic congestion at the corner of Kellet and Franklin Streets. The author stated they could not support the plans for the subdivision entrance, and suggested one option might be to relocate the school.
- 21 Sept 2020 Mai Chen, Senior Partner of Chen Palmer Ltd delivered her opinion to SOS. She suggested local hapu, the school and possibly the Kellet St residents had the best chance obtaining a Judicial Review on the grounds that there were 'special circumstances'. The group has not proceeded due to the extreme cost of legal fees.
- 2 Oct 2020 In a letter to the Board of Trustees, the FNDC stated "It is noted the school does not currently have a roll cap or zoning requirement and it anticipates growth... It is recommended that the Ministry of Education consider its site limitations immediately."
- 12 Oct 2020 Kelvin Davis, Willow Jean Prime, Andy Nock and Irwin Wilson attended a meeting called by Ngati Hine representatives. John Carter was on speaker phone. The locals expressed their huge disappointment and anger at losing the land. They pointed to the Pou erected by Sir James Henare outside the Opua Hall at the time he lodged the Wai49 claim, saying the figure is depicted with his hands over his eyes to symbolise the belief that Maori were not being seen in the matter of land rights.
Since then there have been another three Treaty Claims lodged in support of Wai49.
Andy Nock said he "did not know there were any land claims over Puketiti".

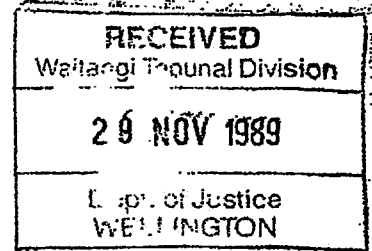
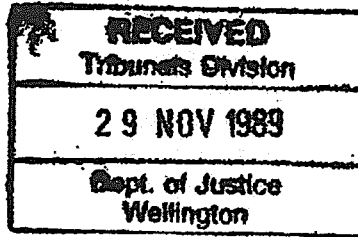
In relation to consultation, Mr Nock said Arapeta Hamilton of Ngati Manu was the only party to make a submission on the developments at the marina and Colenso's Triangle (false) so they had engaged with him.

CLAIM Wai III

R 988

WHANGAREI CENTRAL

The Registrar
Waitangi Tribunal
C/- Tribunals Division
Justice Department
Private Bag
Postal Centre
WELLINGTON



Sir Sir,

As discussed previously we attach our claim to the Waitangi Tribunal.

We,

Jane Llenaghan, and
Maria Wakelin, the claimants

CLAIM

Under the Treaty of Waitangi Act 1975, that we, members of the Ngati Hine, Ngati Manu, Kapotai and Hikutu tribes, are prejudicially affected by the actions, omissions and policies of the Crown in regard to our land at Te Raupo in the Bay of Islands.

In particular we are prejudiced by the Crown offering that portion of our land (comprising of a total of 66 acres from which 6 acres more or less have been taken under the Public Works Act 1882) for public sale or disposal of interest by lease or otherwise, when it was no longer required for Railways use.

A.

In particular we say as follows: -

1. That the land was taken for railways use in 1891 under the Railways Act 1882.
2. That no consent was granted by our tribes or by affiliated tribes in the area for the construction of the railway. There are public written records of prominent Maori Citizens recording their resistance to the surveying and laying of the railway line.
3. That at the time of execution of the deeds our matua had a clear understanding that compensation for the land had been paid but that this compensation did not amount to a payment for sale and purchase. They also had the clear understanding that the land would be returned when or if it was no longer required by the Railways Department.
4. That the land is of especial significance historically, spiritually and emotionally, to our Whanau and to the local Maori people. It is on the Te Raupo block that Pumukas Pa is sited.
5. That we have employed every proper legal endeavour in an attempt to recover our land, and that these endeavours have been thwarted by the Crown through its agencies.

6. That the Crown has, through the agencies of the Railways Department, the Ministry of State Owned Enterprises, the Northland Harbour Board and the Bay Of Islands County Council actively, and by withholding information prevented our access to crucial information regarding its intentions over the lands and waters in the Bay of Islands. It has through those agencies sent vague non-committal letters to us in reply to our specific enquiries regarding its intentions over the railways land, in order to mislead us as to its intentions.
7. That we have been prejudicially affected in our intention to complete designs and plans for our Whanau access ways and papakainga, at the Te Raupo, by the acts, omissions and policies of the Crown.
8. That the Crown through the agency of its Justice Department has prevented us from lodging a Caveat over the title on the land and through this action has prejudiced our rights under the principles of the Treaty of Waitangi.
9. That our surplus land in the area originally taken or transferred or owned by our tupuna be considered as part of this claim. This complements and supports other claims in this area.

B. We therefore seek the following relief: -

1. That the land be returned to us, the rightful owners.
2. That the Crown prevent or cease to allow any transfer of interest by sale or lease, of the land at Te Raupo.
3. That reparation should be made to us, the claimants for the failure of the Crown to act in accordance with its rights obligations and duties under the Treaty of Waitangi.
4. Other such relief as the Tribunal deems just and equitable.
5. Costs in these proceedings.
6. That the Tribunal recognise this claim as complementary and supportive of other rightful claims over land and water in the Bay of Islands, and particularly over land taken for Railways purposes.

C. As a whanau we have limited funds and our trust fund has been drained in our attempts to resolve this matter through the usual channels.

We therefore request:

1. That a research officer can be appointed.
2. That financial aid be granted.
3. That the Tribunal give notice of this application to the following parties:

The Attorney General
The Registrar General, Justice Department
The Minister for the Environment
The Executive Manager Railways Corporation

The Director Kawakawa Rail Company
The Director Tourist and Publicity Department
The General Manager Far North District Council
The General Manager Northern Port Authority
The Director, Department of Maori Affairs
and any other bodies or individual whom the Tribunal
deems it appropriate to inform, and we further request
that the Crown not proceed with any sale or lease or
sub-division of the land until this case is heard.

Reservation:

This claim is made with reservation in respect of further and
additional elements and in regard to replacement and amendment
and the claimant retains the right to submit these at a later
date.

DATED at WHANGAREI this day of 20/11/1989.

Signature of
JANE ELLENAGHAN

J. Ellenaghan

and

MARIA WAKELIN

M. Wakelin

Claimants on behalf of ourselves and other owners.

Address:

*Mrs. Jane Ellenaghan (claim person)
~~Blue Goose Motel~~
~~P.O. Box 454~~
~~Whangarei.~~*

Phone 089 483-801

New Address

*English Bay
Opua Post Office*

Ph 0885 527083

received 19.10.88

Claim
WAI 49(b)IN THE MATTERof Section 6 of the Treaty
of Waitangi Act 1975ANDIN THE MATTERof claims by SIR JAMES
CLENDON HENARE on behalf
of himself and on behalf
of members of Ngati-Hine,
Ngati-Manu, Te Kapotai and
Ngapuhi.AMENDED STATEMENT OF CLAIM

WHEREAS the Taumarere River and its confluence Te Moana o
Pikopiko-i-whiti is a spiritual and sacred taonga of the Ngapuhi tribe.

NOW THEREFORE the claimant on behalf of himself and on behalf of the
members of Ngati-Hine, Ngati-Manu, Te Kapotai and Ngapuhi claim they are
prejudicially affected in respect of the Taumarere River and its
confluence Te Moana o Pikopiko-i-whiti in that acts, policies, practices
and omissions adopted by and on behalf of the Crown are inconsistent with
the Treaty of Waitangi in that the Crown:

A. The Taumarere River (also known as the Kawakawa River)

1. Has failed and continues to fail to take account of the
existence of spiritual, cultural, economic and traditional
relationships with the Taumarere River as held by the
claimants.
2. Has failed and continues to fail to protect and recognise the
claimants collective mana, title and control over the
foreshores, fisheries, waters and riverbeds of the Taumarere
River.
3. Has through the Minister of Conservation in respect of the
Gateway Marina, Opuia, given its consent to the reclamation
application thereby failing to give effect to the principles
of the Treaty of Waitangi as required by Section 4 of the
Conservation Act 1987.
4. Has breached and continues to breach its duty to the claimants
according to the Treaty of Waitangi.

B. Te Moana o Pikopiko-i-whiti (commencing from Te Haumi Point
including Veronica Channel, Taumarere, Karetu and Whangai Rivers.

1. Has failed and continues to fail to take account of the
existence of spiritual, cultural, economic and traditional
relationships with that part of Te Moana o Pikopiko-i-whiti as
held by the claimants.

- 2 -

2. Has failed and continues to fail to protect and recognise the claimants collective mana, title and control over the foreshores, fisheries, waters, river and seabeds of that part of Te Moana o Pikopiko-i-whiti as held by the claimants.

C. Reservation

This claim is made with reservation in respect of further and additional elements, particulars of which will be supplied.

WHEREFORE the claimant seeks the following relief:


1. That the Crown be restrained from acting and granting consents in respect of the Taumarere River and that part of Te Moana o Pikopiko-i-whiti as held by claimants.
2. Whereby consents have been granted since 1 April 1987 that the Crown rescind such consents.
3. That reparation be made to the claimant for failure of the Crown to act in accordance within its rights, duties and obligations under the Treaty of Waitangi.
4. That the foreshores, fisheries, waters, river and seabeds of the Taumarere River and that part of Te Moana o Pikopiko-i-whiti be vested in the Ngapuhi people.
5. Costs in these proceedings.
6. Other such relief as this Tribunal deems just and equitable.

DATED at

this

day of

1988


 Sir James Clendon HENARE
 on behalf of the claimants

Statement of this Claim is filed by SIR JAMES CLENDON HENARE whose address for service is PO Box 26, Moerewa, Northland.

OFFICIAL**WAITANGI TRIBUNAL**

Wai 1445 #2.1.1

CONCERNINGthe Treaty of Waitangi Act
1975**AND**a claim by Phillip Bristow-
Winiana for and on behalf of
Te Roroa Hapū**MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON**

The Registrar will please enter this matter on the register of claims and give it the next available Wai number. The register should note that the claim was received on 1 November 2007.

The claim is filed by Phillip Bristow-Winiana for and on behalf of Te Roroa Hapū. The claim alleges that the Crown stole lands and completely destroyed the livelihood of all the Te Roroa people. The claimant alleges that the Te Roroa hapū has been prejudicially affected by the destruction of the pā and surrounds, and that the actions of the Crown were inconsistent with the principles of the Treaty of Waitangi. The claim is accompanied by a map highlighting the claim area.

The claimant seeks a variety of relief, including the return of Pumuka Pā and all Pumuka lands, compensation for all losses, and in particular the loss of their economic position and all taonga. If the claimant seeks the return of any land that is private land (as defined by section 2 of the Treaty of Waitangi Act 1975), the Tribunal notes that, under section 6(4A) of the same Act, it is prevented from recommending the return to Māori ownership of any private land or the acquisition by the Crown of any private land. This restriction, however, is qualified by the resumption provisions of the Treaty of Waitangi Act 1975 (see sections 8A to 8HJ of the Act).

The claim may be heard with other claims with which it overlaps and may be consolidated with Wai 1040, the combined record of inquiry for Te Paparahi o Te Raki claims, once that record is consolidated.

The claimant may amend the claim at a later stage. In any case, the Tribunal will require the claimant to prepare a fully particularised statement of claim before the claim is heard.

The Tribunal has not yet developed a research programme for Te Paparahi o Te Raki inquiry. The claimant's first step should be to discuss with claimant's counsel the claim's research needs. It is likely that claims will be encouraged to cluster for the research process.

PUMUKA

1795-1845

Ngapuhi

Te Roroa

Ngati Rangi

Ngati Pou



Pūmuka was a chief of Te Roroa. He had children with two wives: Makarita, with whom he had Hoana Tiraroa Pūmuka, and Ani Mahiwhare, with whom he had Hori Pūmuka and Eru Pūmuka. He also had a third wife, Kerikeri, who worked for some time for Marianne Williams, the wife of missionary Henry Williams.

In 1833 British Resident James Busby gave a Union Jack flag to Pūmuka to thank him for his help in building good relations with local Māori chiefs. This flag is now held at the Museum of New Zealand Te Papa Tongarewa. In 1834 Pūmuka helped Busby call chiefs together at Waitangi to choose a flag to be used by Māori trading vessels – the United Tribes' flag. In 1835 he once again helped gather chiefs at Waitangi, this time to sign He Whakaputanga – the Declaration of Independence. Pūmuka was among those who signed. In 1837 Pūmuka may have been on a committee appointed by Te Whakaminenga (the United Tribes, who had signed He Whakaputanga).

Pūmuka spoke in support of the Treaty of Waitangi and signed it on 6 February 1840 at Waitangi.

In 1845 Pūmuka, with Hōne Heke Pōkai and Te Ruki Kawiti, led an attack on Kororāreka (Russell). Pūmuka was killed by Captain David Robertson of HMS **Hazard**, who was himself badly wounded in this battle.

1828 – Pumuka and Kerikeri left Paihia about this time, further disagreements followed over land At Te Haumi, Opuia, and Paihia, that Pumuka had allegedly sold to the mission, but where he expected to be able to maintain his traditional interests.

Pumuka continued to assert his rights to some of this land for a number of years. Williams disagreed and had asked Kawiti to mediate the dispute.

1834- Pumuka constructed a horse road from Paihia to Whangai, where Pumuka had a Pa site.

1835- 28th October Pumuka signed He Whakaputanga alongside Te Ruki Kawiti, Despite opposition to signing Pumuka spoke in support of signing. Northern chiefs signed the Declaration of Independence, which asserted Maori Sovereignty over N.Z.

1840 – Rangatira of Ngapuhi met with Lieutenant Governor William Hobson, James Busby, and missionary Henry Williams to consider signing what would become known as the Treaty of Waitangi. Pumuka spoke in support of the Treaty of Waitangi and signed it on February 6th

1845 – Pumuka, along with Hone Heke Pokai, Te Ruki Kawiti, led an attack on Kororareka. Initially the Rangatira group rejected the Treaty, a minority spoke in favor of signing. Eventually Hone Heke Pokai, Tamati Waka Nene, persuaded the remaining chiefs to sign, drawing on assurances from Hobson and Williams that the Treaty was intended primarily to protect Maori Land and interests from the French and unscrupulous settler's.

(nzhistory.govt.nz).

Ngapuhi fought the British Crown after dissatisfaction about the Treaty, encroachment of European settlers, and increasing British control over their affairs.

Pumuka had a short time on this earth, but he was certain of his dealings with the missionaries.

“Drawing on assurances from Hobson and Williams that the Treaty was intended primarily to protect Maori Land and interests from the French and unscrupulous settlers.”

Hone Heke who had been first to sign the Treaty, expressed his discontent by cutting (chopping down the Flagstaff at Kororareka three times in 1844-45. Open Warfare broke out when Heke, Pumuka, and Kawiti led three columns of Maori into Kororareka on March 11 1845. Sacking and taking possession of the town.

More battles continued at Puketutu Ahuahu, Ohaeawai, Te Ruapekapeka. At Puketutu, 200 Maori defeated a force of 400 British Army, seamen, marines, also European volunteers, when HEKE, Kawiti outmaneuvered a British storming party. Heke in turn was defeated at Ahuahu by pro-government. Hokianga Maori led by Taonui and Tamati Waka Nene.

This battle fought between Maori. Hokianga Maori had not yet experienced the negative impacts of colonization to the same degree as Maori in the Bay of Islands. Hokianga was just beginning to open trade and realise the initial benefits of trade.

Maori defeated British for the second time in Ohaeawai, underground bunkers.

Te Ruapekapeka January 1846 British forces 1,300 men laid siege to 600-800—Maori. They abandoned the pa without serious fight.

(<https://teara.govt.nz>) (Te Ara Encyclopedia of N.Z)

The promise of the treaty compared to the reality of realization of colonization , especially when it came to land.

After 1865 over 201,000 hectares of Ngapuhi land went through the Native Land Court.

Land that was traditionally owned by the community was awarded to individuals. This made it easier for the Crown and European settler's to buy Māori Land. By 1908 , just 61,000 hectares remained in Maori hands.

(Battlefields of the N.Z Wars. A visitor guide. David Green)

“By 1865 Ngapuhi had lost in excess of 72,000 hectares of land in the Bay of Islands and the Hokianga through pre-treaty claims by Europeans, so called surplus land was passed to the crown, also other dubious crown purchases.”

“Land that was traditionally owned by the community was awarded to individuals. This made it easier for the Crown and European settlers to buy Maori Land.”

“By 1908, just 61,000 hectares remained in Maori hands.

“1843 – 1872. Referred to as N.Z Wars. Two relevant questions throughout this period were,

Who was to rule in N.Z and who would occupy the land?”

Ngapuhi were at the forefront of Political developments with Europeans.

(David Green. Battlefields of the N.Z Wars. A visitor Guide)

Appendix A: Answers to Questions of the Tribunal

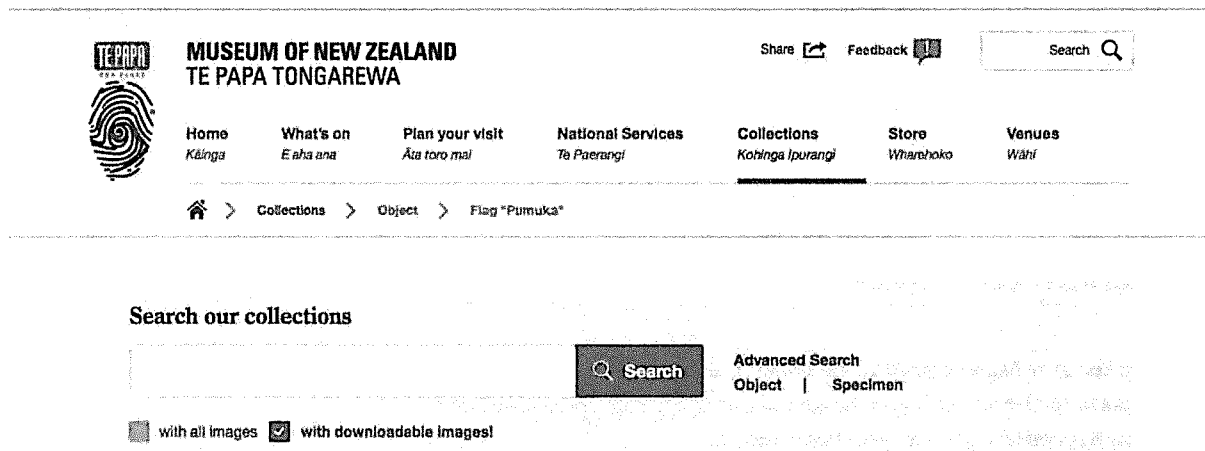
1. Where is Pumuka's flag currently located?

- a. Pumuka's flag is located at Te Papa Tongarewa in the Taonga Māori Collection. It is understood that the flag was initially gifted to the Wellington Museum, and moved to become a part of the Te Papa collection when Te Papa opened in 1998. Details of the record by Te Papa about the flag can be found here: <http://collections.tepapa.govt.nz/Object/339047>. Full images of the details from the Te Papa website are shown below.

2. How did the flag ended up at Te Papa Tongarewa?

- a. As the record of Te Papa shows the person who moved the flag to the museum was Rae Hone Tana in 1960. However, this was not a decision of the whanau or the hapū, and was a decision which was opposed as soon as it was discovered by other members of the whanau and hapū.

The Pumuka flag was in the possession of the named claimant's paternal grandmother Whakamā Ngā Hoari Kake (nee Pumuka) until she passed away. Rae Hone Tana a half-brother of Whakamā Ngā Hoari Kake (nee Pumuka) claimed the flag through his seniority over the claimant's father, uncle and aunties, as they were his nephews and nieces. Although a half-brother to Whakamā Ngā Hoari Kake (nee Pumuka) he was not of the uri of Pumuka. Rae Hone Tana flew Pumuka's flag at Pumuka's Pa site situated at Whangae between Kawakawa and Opuā for many years until the donation to the Wellington Museum.



The screenshot shows the Te Papa Museum of New Zealand website. The header includes the Te Papa logo, the text 'MUSEUM OF NEW ZEALAND TE PAPA TONGAREWA', and navigation links for Home, What's on, Plan your visit, National Services, Collections, Store, and Venues. A search bar is visible in the top right corner. Below the header, the breadcrumb trail reads 'Home > Collections > Object > Flag "Pumuka"'. The main content area features a search bar with the text 'Search our collections' and a search button. Below the search bar, there are options for 'with all images' and 'with downloadable images!'. The search results for 'Flag "Pumuka"' are displayed below.



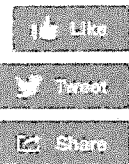
Object: Flag "Pumuka"

<p>RECEIVED</p> <p>Waitangi Tribunal</p>
<p>14 August 2017</p>
<p>Ministry of Justice</p> <p>WELLINGTON</p>



This image has All Rights Reserved.

Title	Flag "Pumuka"
Production	Unknown (maker/artist), England
Materials	feather, cotton
Classification	flags
Dimensions	Overall: 2590mm (Width) x 1470mm (Height)
Credit line	Gift of Rae Hone Tana, 1960
Registration number	G002524



This Union Jack flag was gifted by the British Resident James Busby to the chief Pumuka in 1833 in recognition of the goodwill, help, and support he gave him in facilitating good relations with local Maori leaders.

The following year Pumuka assisted Busby to call a meeting of the regional tribes to decide upon an internationally recognised National Maori flag to be used by Maori trading vessels. The representative chiefs chose from three flags, deciding on a british naval ensign.

In 1835 Pumuka again assisted Busby to call a gathering of chiefs at Busby's residence at Waitangi, this time to consider signing a declaration drafted by Busby recognising the independent authority of the native chiefs of New Zealand. A total of 52 prominent representative tribal leaders, who had gathered together as the inaugural assembly of the Confederation of United Tribes of New Zealand, signed the 1835 Declaration of Independence.

Pumuka was an early vocal supporter at the Treaty debates, and was the 6th signatory to the Treaty of Waitangi.

Find additional information about this object at these sites

paperspast.natlib.govt.nz

Related information



Category



Place



People

Part of:

[Taonga Maori collection](#)

Influenced by:

[Te Huringa 1. 1800 - 1900](#)

[Nga Puhi](#)

[Te Roroa](#)

flags



Results from DigitalNZ

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[Museum unveils treaty taonga - Radio New Zealand](#)

[VISIT OF HIS EXCELLENCY THE GOVERNOR TO THE NORTH. \(Timaru Herald, 23 May 1876\) - National Library of New Zealand](#)

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Original land taking at Opuā⁶

The wrongful taking of the land at Opuā has been a source of grievance for hapū since the 1830s. The Opuā land was wrongfully claimed: by the Church Missionary Society (CMS) as part of an Old Land Claim; by the Crown as surplus land from that old land claim; as part of the Kawakawa Crown purchase, as railway takings along the Kawakawa-Opuā line; and more recently under the Marine and Coastal Area (Takutai Moana) Act 2011.

These lands were very valuable to Te Roroa, Ngāti Manu, Ngāti Hine and Te Kapotai, with a long history of occupation and use as evidenced in the oral traditional history and archaeological reports. Mana i te whenua and mana i te moana of Tangata Whenua over these lands and waters is demonstrated in many ways, including whakapapa, mana rangatira, ahi kā, ringa kaha, pepeha, whakatauki, waiata, pā, kāinga, wāhi tapu, tauranga waka, mahinga kai, traditional fishing grounds, wāhi ingoa, kaitiakitanga and the like.

Prior to 1840, the hapū held interests in land in accordance with tikanga and customary law. Hapū and rangatira entered into "land transactions" with other tribes, settlers and missionaries. However hapū had no concept of permanent alienation in the European sense. The hapū entered into these pre-1840 land transactions on Māori customary terms, that is, the hapū maintained a level of control over the land used and occupied by settlers, missionaries and other tribes. On-going use and occupation rights were conditional upon on-going consent of the hapū. The occupation and use by settlers, missionaries and other tribes was never absolute, it did not permanently alienate the land from the hapū or extinguish their rights to the land.

⁶ The taking of land at Opuā is covered in some depth in WAI 1040 #A9, Stirling, B and Towers, R, "Not With the Sword But With the Pen", *The Taking of the Northland Old Land Claims*, a report Commissioned by the Crown Forestry Rental Trust, July 2007. See in particular pages 869-876, 884-891, 921-922, 988 and the associated document bank attached as Appendix 1.

However the Crown had its own interpretation of what these land transactions were and that was that they were "legitimate sales according to European Law" and with the sovereignty it had assumed under the Treaty of Waitangi it granted a number of old land claims and claimed any surplus for itself which had the effect of permanently alienating the hapū from their lands.

The Crown's position is that the Opuā land had been purchased by the CMS as part of a larger trust for Māori. The claim of the CMS to this land had been settled in 1851 via a "special grant" where 733 acres were issued to CMS trustees on 11 December 1851 for Old Land Claims 660-669 and the land remaining from the grant, which included Opuā, was said to be vested in the Crown as "surplus lands", and the claims of both the CMS and Māori were thus believed to have been extinguished. This has led to numerous claims and petitions including:

- 1866 - Claims to the Native Land Court
- 1881 - Petition 340 of 1881 of Maihi Paraone Kawiti and 40 Others.
- 1907 - Houston Commission
- 1925 - Petition 143 of 1925, from Riri M. Kawiti and others concerning the Opuā block (a CMS old land claim)
- 1947 - Myers Commission
- Since 1988 - WAI 49, 111, 120, 354, 682, 1440, 1445, 1464/1546, 1484, 1839, 1856, 2027, 2064 (and possibly others)

Māori were denied any chance of having their claim considered by a commission, because of the government's claim to exclusive ownership, which was in fact the key complaint of the petition. By the wrongful taking and confiscation, the Crown has alienated these whenua, kāinga, pā and wāhi tapu at Opuā from the hapū and has seriously undermined the mana i te whenua and mana i te moana of the hapū.

WAHANGA TUATORU - OPUA MARINA

The Original Proposal

Although the Opuā marina was established in 2000, it was vehemently opposed by local hapū – including some who have been engaged in the drafting of this Cultural Impact Assessment. Opposition to the desecration of our taonga – the moana and the surrounding whenua – could not be tolerated. To Tangata Whenua, Te Moana o Pikopiko-i-Whiti was our State Highway 1 and had been since time immemorial. This section will now provide an overview of the historical opposition to the inception of the Opuā Marina by interested hapū and their members, from the outset.

The first proposal of a marina at Opuā was made by Macdow Properties Ltd and Halfmoon Bay Ltd in 1983. Notice was given and appeared in the New Zealand Herald in September 1983. In response to this proposal the Opuā and Kawakawa River Protection Society was formed in February 1985. Their primary focus was to highlight the development of the marina and the subsequent pollution of the 'mauri' of the sea. In 1987 Te Puna o Taumarere ki Hokianga was formed in response to support of the Opuā and Kawakawa River Protection Society to provide our own cultural opposition, advice and perspective of the marina proposal.

Waitangi Tribunal Claim – Wai 49

On 13 October 1988, the late Sir James Henare lodged a claim with the Waitangi Tribunal on behalf of hapū members of Ngāti Hine, Ngāti Manu, Te Kapotai and Ngāpuhi-nui-tonu. This claim is referred to as Wai 49. The focus of this claim was on Crown breaches of the Treaty of Waitangi in regards to the ownership and management of Te Awa Tapu o Taumarere River (Taumarere River) and its confluence with Te Moana o Pikopiko-i-Whiti.

Issues defined in the Wai 49 claim related to grievances and prejudice suffered by Tangata Whenua in that the Crown in relation to:

- A. The Taumarere River (also known as the Kawakawa River)
 1. Has failed and continues to fail to take account of the existence of the spiritual, cultural, economic and traditional relationships of the claimants with the Taumarere River and Te Moana o Pikopiko-i-Whiti
 2. Has failed and continues to fail and to protect and recognise the claimants' collective mana, title and control over the foreshores, fisheries, waters, rivers and seabeds of Taumarere River and Te Moana o Pikopiko-i-Whiti.
 3. Has through the Minister of Conservation in respect of the Gateway Marina, Opua, given its consent to the reclamation application thereby failing to give effect to the principles of the Treaty of Waitangi as required by Section 4 of the Conservation Act 1987.
 4. Has breached and continues to breach its duty to the claimants according to the Treaty of Waitangi.

- B. Te Moana o Pikopiko-i-Whiti (commencing from Tapeka Point to Te Haumi Point including the Veronica Channel, Taumarere, Karetu and Whangai Rivers as well as the Waikino Creek and Waikare Inlet).
 1. Has failed and continues to fail to take into account of the existence of spiritual, cultural, economic and traditional relationships with that part to Te Moana o Pikopiko-i-Whiti as held by the claimants; and
 2. Has failed and continues to fail to protect and recognise the claimants collective mana, title and control over the foreshores, fisheries, waters, rivers and seabeds of that part of Te Moana o Pikopiko-i-Whiti as held by the claimants.⁷

The Waitangi Tribunal's Northland Inquiry - Te Paparahi o te Raki did not start until 2010 with the First Stage of hearings focussing on He Whakaputanga and Te Tiriti o Waitangi. The Second Stage of the hearings began in February this year however the Wai 49 claim is set to be heard mid-2014.

Hapū hui

There were many hui held by the hapū at various marae regarding the establishment of the marina. On 17 December 1988 a meeting was held at Otiria Marae calling for Ngati Hine, Te Kapotai and Ngati Manu to

⁷ Statement of Claim of Sir James Clendon Henare (1988) – has been attached as Appendix 2.

discuss Opuā marina. Sir James Henare addressed the many people who were in attendance and he explained where the Taumarere River derives its name and how it extended all the way to Tapeka. He spoke of the name Te Moana o Pikopiko-i-Whiti and how it came from Hawaiiki.⁸

In many instances the outcome of these hui would be the drafting of letters to both the Governing and Opposition parties in Parliament at the time. These letters would often question the motives of some of their Members of Parliament involved in matters that directly concerned the whenua and moana at Opuā.⁹

Te Pou Whenua

The Pouwhenua was unveiled by Sir James Henare on 18 March 1989 and the accompanying kōrero were a response to the Opuā Marina Managements endeavours to construct a marina on the doorway of Te Awa Tapu o Taumarere and along Te Moana o Pikopiko-i-Whiti.

Therefore:

We give credence to a society where each is able to aim for its own cultural and social customs. The foundation is the solidarity of our Treaty, and we are the trustees of the Treaty, guardians of the right to full participation in the Crown's activities. Activities by Crown and Tangata Whenua within this area are well documented and historical events pertaining to the marina highlight our struggle to keep Sir James moemoea alive and kicking.¹⁰

The Pou Whenua reminds all whānau and hapū of their commitment to the Tāonga that is the Taumarere River and Te Moana o Pikopiko-i-whiti. It also stands "...to remind future generations of the Māori customary rights in the area".¹¹

⁸ A copy of the minutes from this meeting has been attached as Appendix 3.

⁹ There are several copy of letters that are attached as Appendix 4.

¹⁰ Ashby, W. *Background of the Opuā Marina Development Process* (1999).

¹¹ *New Zealand Herald*, 'Land occupation likely at marina' 16 July 1999.

Protest

There have been many articles highlighting the discontent of the process in which the marina at Opuā was established. Consultation with Tangata Whenua was at best minimal and there was very little consideration for the impact it would have on the environment and hapū. As not only a site of significance in spiritual terms the area was also regarded as an important food source to all hapū. The impending development of the marina would represent a loss of connection and therefore a loss of identity in the terms of its natural beauty.

To Tangata Whenua sitting back and allowing the desecration of an important taonga was not an option - all that was left was to openly oppose the development and protest. In the latter part of 1999 a group of young and old expressed their opposition through an arranged occupation of the Opuā Wharf. Many kaumātua and kuia who participated in the protest have since passed and those that were once young relive those experiences and ensure that the next generation never forget the manner in which our people tried to halt the building of the marina at Opuā.



Fig 3.¹²

¹² Rapana whānau, 1b.

WAHANGA TUAWHĀ - CULTURAL VALUES

Relationship of Māori and their Culture and Traditions

Tangata Whenua have had a long history of land use and occupation in the Opuā area. Given this history, it is necessary to view the proposed expansion of the Opuā marina as part of a wider cultural landscape that has important historical, spiritual and cultural associations for Tangata Whenua. A cultural landscape approach includes the identification of specific sites or culturally important features on the landscape and consideration of the relationship of Tangata Whenua to those sites and features.

Although Tangata Whenua are willing to share their knowledge about some of the areas there are others which are considered of extreme cultural significance that to divulge such information will be in breach of tikanga and their ability to properly carry out their role as kaitiaki.

Tikanga

The concept of tikanga Māori are the protocols that are based on historical beliefs, traditions and experiences. It is the right way of undertaking and understanding an action. When tikanga is observed Te Roroa Ngāti Manu, Ngāti Hine and Te Kapotai are assured that the right practices have been undertaken and maintained to ensure that the physical and spiritual states are in balance and cared for.

Kaupapa Māori

This concept refers to the traditional cultural approaches that are taken when assessing an issue of activity. It is an approach developed in relation to whakapapa and tikanga from the knowledge handed down through generations. This creates the philosophies and practices which Tangata Whenua use to interact with the environment.

Kaitiakitanga

The concept of kaitiakitanga is the practice of active guardianship. It ensures the protections of that which resides within the environment. It includes the identification and maintenance of sites of cultural, spiritual and historical significance such as wāhi tapu, wāhi taonga and wāhi tupuna. It also includes a responsibility for the management of all natural resources so encompasses the designing of environmental management systems and monitoring plans.

Mana Atua

Water is a spiritual entity which derives from the gods. As outlined below water derives from Rangi, Papa, Tawhirimatea and Tangaroa. Its mana comes from not just one atua. Its sacred nature began at the separation of Rangi and Papa.

The sea and its inhabitants provides not only sustenance for a people but also is considered the marae of Tangaroa as referred to by Hiawe King¹³:

Ko te moana ehara rawa i te wai kau

¹³ Waikare Marae Files.

*No Tangaroa ke tēnā Marae
E maha ona hua e ora ai ngā manu o te rangi
Te iwi ki te whenua*

*This sea is not any water
It is the marae of Tangaroa
It yields life for many things the birds in the sky
and the inhabitants upon the earth*

Mauri

All living things possess a Mauri or life essence that stems from our connections through Ngā Atua Māori. This life essence permeates through every living being which is unlimited in its application. To ensure that the Mauri of the sea or waterway remains intact there are times where tapu restrictions have been placed to protect their sacred nature.

As Kaitiaki, the Tangata Whenua have a responsibility for the sustainable use and management of the environment and its natural resources for not only the generations of today but also of the future. This responsibility is about ensuring that the activities around Opuā do not compromise the Mauri of the air, land, water and biodiversity. The proposed expansion of the marina will and has impeded the application of tapu restrictions in a manner which will negatively impact on the spiritual significance of the waterways and the culture of Te Roroa Ngāti Manu, Ngāti Hine and Te Kapotai.

Water

To Māori, the significance of water is embedded in our very being. It is across the great Moananui-a-Kiwa that our ancestors travelled to arrive in Aotearoa. It was the water that nourishes both our inner being and has the ability to cleanse us during such rituals as the tohi. To hapū our:

...history, strength and mana stem from water; water is a sacred resource and a taonga. All natural water has value and sustains some form of life. Water is a sacred resource to hapū and is to be given the highest level of protection. Water, in all its many forms – rain, springs, wetlands, streams, lakes, estuaries and the sea itself – is central to our existence....¹⁴

Water, in the eyes of Te Roroa Ngāti Manu, Ngāti Hine and Te Kapotai is not an entity to be dominated or polluted as it holds such a vital role in our everyday lives.

The degradation to the waterways, seabeds, tributaries and sea water in around Opuia will be impacted upon due to firstly the development and then the increased usage of the marina. The impact will be somewhat irreversible and therefore degradation of both the physical and spiritual essence of the water is a reality that the Tangata Whenua would like to avoid and cannot condone.

¹⁴ Shortland, T, *Taumarere, the River Of Chiefs: Taumarere, te Awa o nga Rangatira* (Ngā Tirairaka O Ngāti Hine: 2012) 26.

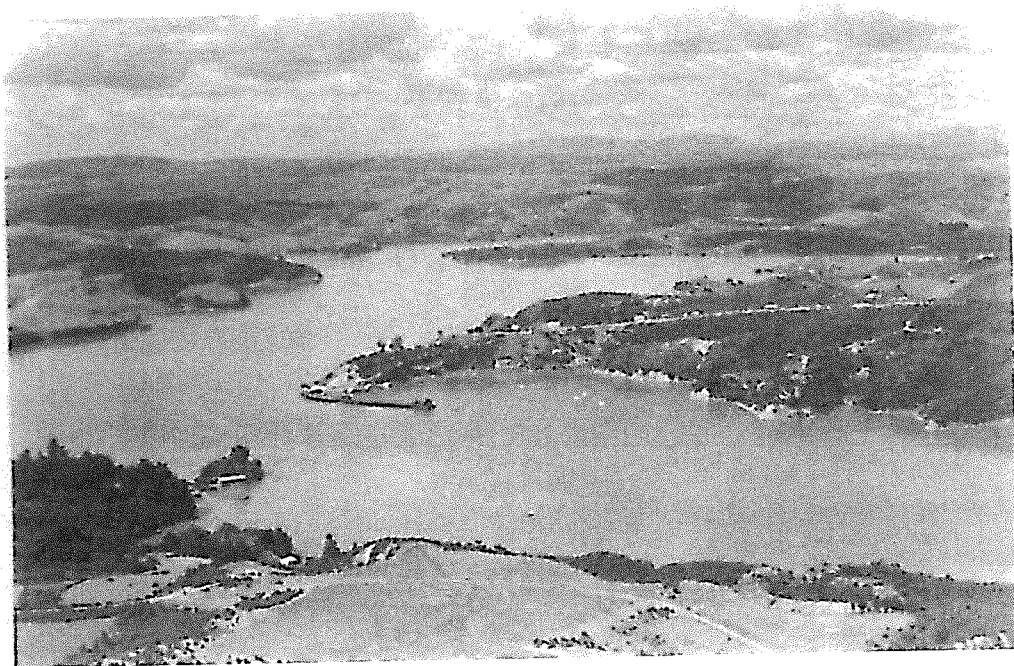


Fig. 4.¹⁵



Fig. 5¹⁶

¹⁵ Opuia, Bay of Islands. Whites Aviation Ltd :Photographs. Ref: WA-23778-F. Alexander Turnbull Library, Wellington, New Zealand. <http://natlib.govt.nz/records/22320719>.

¹⁶ <http://tucker.co.nz/opuia/>

WAHANGA TUARIMA - SITES OF SIGNIFICANCE

The area in which the Opuā Marina was built includes many sites of significance to Te Roroa Ngāti Manu, Ngāti Hine and Te Kapotai. Each hapū have their own kōrero pertaining to certain areas and a shared history in some events. Thus preserving of these sites of significance is an important role in our ability to exercise Tino Rangatiratanga as Tangata Whenua and Kaitiaki of the Opuā area.

Wāhi ingoa

Wāhi ingoa are place names, and are evidence of the strong connection that tangata whenua have to the Opuā area. Names may describe the physical environment, including a specific characteristic or use associated with an area for example a mahinga kai species that may be found, or they may pay tribute to a tupuna, a historical figure or an event. These names also provide a historical context that becomes a part of our oral history and is handed down from generation to the next. Wāhi ingoa has also been described:

For a strong oral culture, naming places inscribes history on the land. The land becomes a history book as stories relating to places are told and retold, and new names are added following significant events, or for the principal dwelling places of significant people. Naming places was part of mana whenua and rangatiratanga. It has been said by Māori of their names that —they form a cultural grid over the land which provides meaning order and stability to human existence. Sites of significance are commemorated in place names.¹⁷

¹⁷ Shortland, T, *Taumarere, the River Of Chiefs: Taumarere, te Awa o nga Rangatira* (Ngā Tirairaka o Ngāti Hine: 2012) 32.

Pā

All along Te Moana o Pikopiko-i-Whiti there are Pā sites belonging to various hapū and some are within close proximity to Opuā. These Pā sites are of cultural and historical significance to Tangata Whenua. Tapeka, Otuihu, Ruapekapeka and Okiato are only but a few of the known Pā sites in around Opuā. They are areas that sustained thriving Māori communities both socially and economically. Te Roroa Ngāti Manu, Ngāti Hine and Te Kapotai are obligated as kaitiaki to ensure that these Pā sites are protected and preserved for the coming generations. The sanctity of these Pā sites are in jeopardy if they are not properly monitored and managed. We as kaitiaki must ensure that the tapu nature of these areas are also respected and maintained.

Urupā

Urupā are the resting places of tūpuna. Urupā and other wahi tapu hold the memories, traditions, victories and defeats of tūpuna and are frequently protected by secret locations. There are many urupā in the Opuā area and are too numerous to name. All command the utmost respect and some cannot be named for fear that they will be disturbed by strangers. Protection of our Tāonga is a role that is endowed on hapū members from birth and therefore should be closely regarded.

Mahinga kai

Mahinga kai are places where food resources are both gathered and produced "...in and on the land, in the forests and in the rivers, lakes and sea and in the sky. It includes kai ika, kai moana, kai awa, kai manu..."¹⁸ The traditional mahinga kai in the Opuā area provided valuable resources for many generations. Like many of the sites of significance hapū

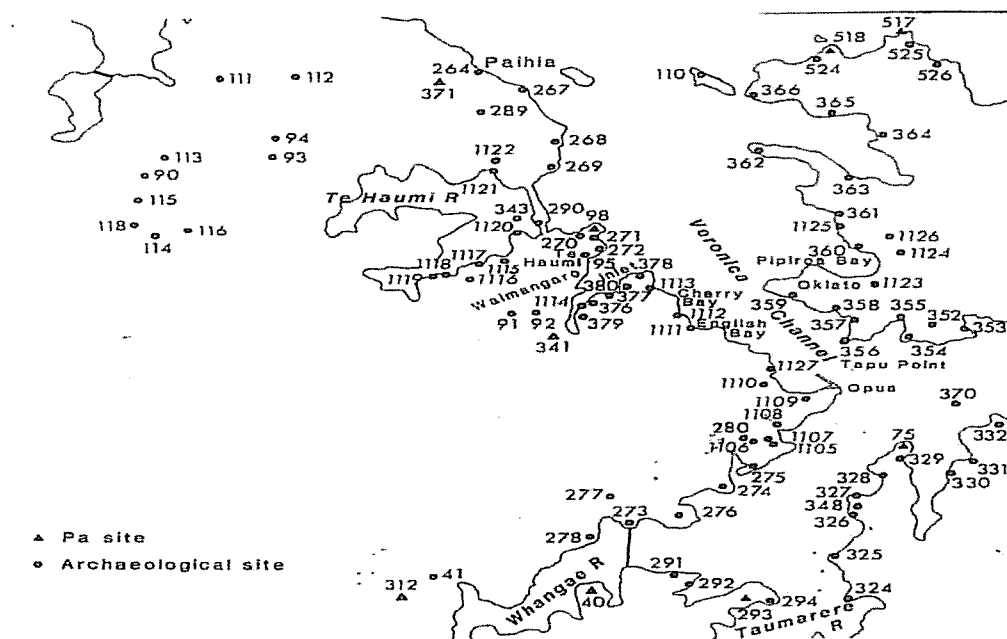
¹⁸ Waitangi Tribunal, *The Ngai Tahu Report* (1991).

members have intimate knowledge about where all the areas of traditional mahinga kai were located.

An archaeological investigation of the initial proposed marina carried out in 1991 revealed that there were numerous middens and pits in the Opua area. The discovery of middens and pits along with fire cracked stones are indicative of the mahinga kai activities that once occurred in the Opua area.¹⁹ Archaeological evidence suggests that due to:

[T]he sheer number, distribution, and size of many of the middens in the area is a clear indication of its importance to the Māori people as a natural marine resource²⁰.

The Opua area was regarded as an important food source to the interested hapū and only heightened opposition to the development of the marina. Therefore not being able to exercise the customary practice of gathering kai in the Opua region would mean a loss of connection to the past practices for present and future generations.



Map 1.21

¹⁹ England, W.J., Gillespie, P., King, P.B., Sutton, D.G., *Archaeological Investigations of the proposed marina 1A and 1C Zones, Opua – Whangae, South-East Bay of Islands: Report to Te Awa Tapu o Taumarere* (Kawakawa: April 1991).

²⁰ England, W.J., Gillespie, P., King, P.B., Sutton, D.G., *Archaeological Investigations of the proposed marina 1A and 1C Zones, Opua – Whangae, South-East Bay of Islands: Report to Te Awa Tapu o Taumarere* (Kawakawa: April 1991) 25.

Mahinga mātaimai

Mahinga mātaimai are the various species of fish and shellfish that were collected traditionally. Throughout the inlet kaumātua remember how there were many species of fish that were in abundance when they were younger, Hau Hereora remembers:

"Many relations lived along the river and they had copious amounts of fish. Today there is no fish. Kahawai was here in the thousands, now there are very few".²²

There are also migratory species that come up the inlet in the Opuā area; glass eels and whitebait or kokopu are only but a few of those migratory species.

Nohonga

Nohonga or temporary campsites were established adjacent to lakes, rivers or the sea to facilitate customary fishing and the gathering of other natural resources. Nohonga were often set up to coincide with the traditional gathering of mahinga kai.

Ngā ara o ngā tupuna

There are ancient tupuna pathways that weaved across the countryside. These gave the users the right of passage to reach kaimoana resources. No one tupuna ever claimed ownership over these pathways but all were afforded the role of kaitiaki.

Tauranga waka

²¹ Map incorporating all archaeological sites found - England, W.J., Gillespie, P., King, P.B., Sutton, D.G., Archaeological Investigations of the proposed marina 1A and 1C Zones, Opuā – Whangāe, South-East Bay of Islands: Report to Te Awa Tapu o Taumarere (Kawakawa: April 1991).

²² Waikare Marae Files.

Tauranga waka are canoe-landing places, and are located in and around the vicinity of the Opuā area. These areas are also considered to be wāhi tapu and require protection.

Wāhi pakanga

Wāhi pakanga are sites where battles took place. The sites are considered wāhi tapu (sacred places), and are often associated with urupā. Amongst the interested hapū, Opuā, is a known wāhi pakanga.



He honore, he kororia kia Ihoa O nga mano
Matua Tama Wairua Tapu Me Nga Anahera Pono
Tiakina mai te whakapapa
Mai te Ture Wairua me Te Ture Tangata
He Ariki Ki runga
He Ariki kei Waenganui
He Ariki Ki Raro
Ko Te Mangai hei Tautoko Mai Aiane Akenei

AE

I/We Tangata Whenua make an oath of allegiance under and affirm, He Whakaputanga O Te Rangatiratanga O Nu Tireni 1835 – The Declaration Of Independence 1835. (See Annex A)

Special Resolution-

- (1) The following matters are to be dealt with by way of a special resolution
 - (a) The regulating and legislating of Māori Laws, customs and usages in accordance with section 3 (See Annex B) and 253 (see Annex C) of The Act.
 - (b) The Constituting of Marae based courts in accordance with Tikanga Māori styled, The Māori Circuit Court of Assessors and The Marae Appellate Court of Assessors, in accordance with Parts I and Part II of the Act, and in exercise of section 253 and 284(2)(u) (See Annex D) of The Act.

[Re: The Declaration of Independence 1835 and Te Tiriti O Waitangi 1840, (Tikanga Māori) Common Law Doctrines]

Sitting Kooti Ateha

Date: May 6th 2023

One minute silence

- Mihimihi

The settlers and immigrants Parliament derive their right of Government yourself by virtue of the New Zealand Constitutions Act 1852 (UK)

The Westminster Act 1932 was created to restrain the Governor from governing over Maori

In 1947 the settlers government adopted the Westminster Adoption Act Section 8



Nothing in this act shall be deemed to confer any power to repeal or alter the Constitution or the Constitutions Act of the commonwealth of this act.

Now in 1986 the said Labour and National got together under Dubis to overthrow TREASON over their sovereign UK now repealed by SELF destruction of the Settlers and Immigration NZ by enactment of NZ Constitution Act/Bill (1986) having been given no ROYAL ASSENT to such an enactment.

Everything with NO constitution is UNLAWFUL.

To: Every District Court Judge,

AND

Every Court Staff member for

the Department of Courts

AND

Every Member of The Prosecution

NZ Police Officer

AND

Every Presumed Crown Solicitor

AND

Minister of NZ Settlers Parliament

NOTICE OF INTENTION UNDER SECTION 19, 20, 144 of Te Ture Whenua Māori Act 1993



Resource management Act

The Resource Management Act 1991 (RMA) requires Councils limited liability company to set plan that assist them in managing the environment, and to promote the sustainable management of natural and physical resources.

Sustainable management in the RMA means:

“Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and their health and safety while-

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on environment.

Part 2 of the RMA

Section 5 (See Annex E)

of Part 2 of RMA sets out the purpose of the Act, which is to promote the sustainable management of natural and physical resources. It also sets out those matters of National Importance that are relevant when considering Māori values in

Section 6: (See Annex F)

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga.

(f) the protection of historic heritage from appropriate subdivision, use, and development; and

(g) the protection of protected customary rights.

Section 7: (See Annex G) of the RMA also includes other matters that persons exercising functions and powers under the Act shall have regards to, including:

(a) Kaitiakitanga:

Kaitiakitanga is a Kaupapa tuku iho, a taonga handed down through the generations and finds its origins with IO the supreme being 26 aeons later in the physical realm beginning with Ranginui and Papatuanuku. Kaitiakitanga is defined as the “absolute authority” and right to act in any and all capacities to maintain, preserve protect and/or enhance the well-



being and welfare of our Whakapap, Whenua, Moana, Ngahere, Taonga, Tangata, Hapu, Whanau and encompasses all social, cultural, historical, material, immaterial, tangible or intangible.

Section 8: (See Annex H)

Te Tiriti o Waitangi

Nga Rangatira firmly believed in the principles and values that Te Tiriti O Waitangi would guarantee them, namely – the power of sovereignty, protection and the continuation of their possessions and treasures. These values and principles are still held by their descendants today.

Not only is Te Tiriti o Waitangi an amendment of the founding document He Whakaputanga o te Rangatiratanga o Nu Tireni in 1835, it is also now enshrined in all legislation which governs development, and the legislation that sets the framework for how local and central government agencies should operate. It is our view that settlers' government agencies, entities and councils recognise the context of the commitment made by the UK crown and tupuna for their heirs and successors His Majesty King Charles and nga Uri Whakatupu.

-Kawanatanga A limited enabling right with conditional authority, granted by Kuini Wikitoria to assist in the maintenance of law and order for the betterment of New Zealand's early settlers and immigrants to govern their own, whilst maintaining her protection of Tangata-Whenua from exploitation and their advancement of their infant state as a growing nation.

These principals play a central role in what the outcomes Nga Hapu o Tangata Whenua would like to see from the current project.



Te Ture Whenua Maori Land Act

This is the overview submission of Tangata Whenua.

That the aim and obligation of the Resource Management Act 1991.

Section 5, 6, 7, 8 (see annexes E,F,G,H)

To consult and obtain consent of Māori pursuant to Section 8

The Treaty Of Waitangi and the Resource Management Act 1991.

That we refer to the Ture Whenua Māori Land Act 1993 and the Preamble (See Annex I) to that Act to Te Tiriti O Waitangi and Kawanatanga, being of the United Kingdom and the reaffirmation of Rangatiratanga being Māori or Tangata Whenua and Mana Tangata as well as Kaitiakitanga.

That we refer to the statutory provision of:

Section 2 Te Ture Whenua Māori Act (see annex J)

Which establishes the intention of Kawanatanga, being Kawanatanga of the United Kingdom and utilisation, management development and control of the land in the hands of the Hapu, their Whanau and their Descendants, and the direction given by the word shall, which is a directive to all persons, judges, ministers of the crown and all departments, they must exercise powers in a manner that

re-affirms the Rangatira of Māori, we refer to Section 3. (See annex K)

In the event of any conflict within the meaning of the Māori version and the English version of the preamble (i.e The Treaty of Waitangi) the Māori version shall prevail, again, this is not a Maybe, This is a Directive.

That – Our submission is in accordance with Te Tiriti O Waitangi, all Te Tiriti O Waitangi and the Common Law (United Kingdom), that the Native Aboriginal Tribal Title to all lands in Aotearoa (New Zealand) is and remains unextinguished of the Native Aboriginal Tribal Title (Customary Māori land), Notwithstanding its status as Māori freehold land, general or crown in accordance with:

Section 129 (subsection 2)(a) Te Ture Whenua Māori Land Act 1993

(See Annex L)



Customary land is deemed Crown land for certain purposes and that in this case lands concerned in the application for resource consent and rezoning is customary land deemed crown land for the purpose of (presumably) conservation.

THAT – in reference to:

Section 144 (subsection 1) (See Annex M)

With reference to the land act 1948 does not give the Minister of Conservation nor the Entire Executive legal rights to the management and occupation of any land within the territories of Aotearoa (New Zealand) and therefore the Minister and Local Government and conservation may be deemed to be in wrongful occupation of the lands in the absent of assent of Tangata Whenua, holding MANA Whenua and Kaitiakitanga over all lands in Aotearoa (New Zealand).

THAT – Our submission therefore that in this case the Far North District Council, Regional Council and Minister of Local Government are deemed to be the Applicant and that the Minister of Conservation and Entire Executive are deemed to be also Applicants or Objectives to the application for Resource consent and rezoning.

THAT – it is our submission that council make Application to the Māori Land Court pursuant to:

Section 30 Te Ture Whenua Māori Act (see Annex N)

For Advice as to the appropriate representatives of Māori in which Council are required to consult with and to obtain consent from.

THAT – Contrary Actions made by Council and Ministry may result in a breach of Natural Justice and Natural Rights. The Chief rules in the administration of Justice.

Constituting under He Whakaputanga 1835 (See Annex O)

Section 211(subsection 2)

Formation of the Kaitiaki operational arm (See Annex P and Q)

Section 217(93)

Māori Community Purposes (See Annex R)

Section 218(93)

Power to declare charitable trust (See Annex S)

Section 258(93)

Māori Incorporation to have a constitution (See Annex T)

Section 268(93)(94)

ANNEX A

*Maori Incorporations Constitution Regulations Act 2000.***FOR ADOPTION UPON
INCORPORATION***Native/Aboriginal Title.
(Territorial)**He W(h)akaputanga o te Rangatira o Nu Tirani
(28th October 1835.)**Maori Version*

1. *Ko Matou Ko Nga Tino Rangatira O Nga Iwi O Nu Tirani. I Raro Mai O Hauraki Kua Oti Nei Te Huihui ki Waitangi I Tokerau 28 O Okatopa 1835, Ka W(h)akaputanga I Te Rangatiratanga O To Matou Te Nua A Ka Meatia Ka W(h)akaputa Ia E Matou He W(h)enua Rangatira Kia Huaina "Ko Te W(h)akaminenga O Nga Hapu O Nu Tirani.*
2. *Ko Te Kingitanga Ko Te Mana I Te W(h)enua O Te W(h)akaminenga O Nu Tirani Ka Meatia Nei Kei Nga "Tino Rangatiratanga". Anake I To Matou Huihuinga A Ka Mea Hoki E Kore E Tukua E Matou Te W(h)akarite Ture, Kite Tahi Hunga Ki Atu, Mete Tahi "Kawanatanga" Hoki Kia Meatia Ite W(h)enua O Te W(h)akaminenga O Nu Tirani. Ko Nga Tangata Anake E Meatia Nei E Matou E W(h)akarite Ana Kite Ritenga O O Matou Ture E Meatia Nei E Matou I To Matou Huihuinga.*
3. *Ko Matou Ko Nga "Tino Rangatira" Ka Mea Nei Kia Huihui Ki Te Runanga Ki Waitangi A Te Nga Huru I Tenei Tau I Teni Tau Ki W(h)akarite Ture Kia Tika Ai Te W(h)akawakanga Kia Mau Hui Te Rongo Kia Mutu Te He Kia Tika Te Hokohoko. A Ka Meatia Hoki Kinga Tau Iwi O Runga Kia W(h)akarurea Te Wawai. Kia Mahara Ai Kite W(h)akaoranga O To Matou W(h)enua. A Kia Uru Tatou Ki Te W(h)akaminenga O Nu Tirani.*
4. *Ka Mea Matou Kia Tuhituhia He Pukapuka Kite Ritenga O Teni O To Matou W(h)akaputanga Nei Kite Kingi O Ingarani Hei Kawe Atu Ito Matou Arohu Nana Hoki I W(h)akaranae Kite Karu Mo Matou. A No Te Mea Ka Ataw(h)ai Matou, Kaitiaki I Nga Pakeha E Noho Nei I Rito I Rere Mai Ana Kite Hokohoko, Kua Ka Mea Ai Matou Kite Kingi Kia Waihi Hei Matou Kia Matou Ito Matou Tamarikitanga Hei W(h)akakahoretia To Matou Rangatiratanga.*

Kua W(h)akaitia Katou Tia E Matou I Tenei Ra Ite 28 O Okatopa 1835 Kite Aroaro Ote Reirenei Ote Kingi O Ingarani.

THE DECLARATION OF INDEPENDENCE

OF NEW ZEALAND (28TH October 1835)

The English Version

ARTICLE 1

We, the hereditary Chiefs and heads of the tribes of the northern part of New Zealand, being assembled at Waitangi, in the Bay of Islands, on this 28th day of October 1835, Declare the independence of our country, which is hereby constituted and declare to be an independent state, under the designation of "The United Tribes of New Zealand. [Incorporation – TTWMLA 93/95 s247 owners may be incorporated and part XIII]

ARTICLE 2

All sovereign power and authority within the territories of "The United Tribes of New Zealand" is hereby declared to reside entirely and exclusively in the hereditary Chiefs and heads of the tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of Government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in congress assembled. [Exercising their Full Rights, Powers and Privileges, refer Te Tiriti o Waitangi article 2 and section 253 TTWMLA 1993]

ARTICLE 3

The hereditary Chiefs and heads of the tribes agree to meet in congress at Waitangi in the Autumn of each year for the preservation of peace, dispensation of justice and good order, and the regulation of trade, and they cordially invite the Southern Tribes to lay aside their animosities and to consult the safety and welfare of our common country, by joining "The Confederation of the United Tribes".

ARTICLE 4

They also agree to send a copy of this Declaration to His Majesty the King of England, to thank him for the acknowledgment of their flag; and in return for the friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in this country, or resorted to its shores for the purpose of trade, they entreat that he will continue to be the parent of their infant state, and that he will become its Protector from all attempts upon its Independence. [The Kawanatanga for the protection of Tino Rangatiratanga]

Agreed to unanimously on this 28th day of October 1835, in the presence of His British residency.

Te Tiriti O Waitangi
(6 February 1840)

Maori to English Translation, Interpretation and understanding

Victoria, in her concern to protect the Chiefs and the Sub Tribes of New Zealand in her desire and to preserve to them their chieftainship and their land and to maintain continually also the peace to them and the quiet living therefore has considered she a thing right to give a Chief [Governor] one who will arrange with the Maori people of New Zealand to reach an agreement between the Chiefs for the Government [*Fiducial Duty or Trusteeship*] of the Queen to be upon all the places of this land and the islands because there are many other people of Her Tribe who live and will live on these lands, and are still coming here. So the queen desires Her Government [Parliament of Westminster & House of Lords] so that no evil will come to the Maori people from the European living on their [the Maori Chiefs] lands without laws. So it has pleased the Queen to allow me WILLIAM HOBSON a Captain in the Royal Navy to be Governor for all the places of New Zealand to be received hereafter to the Queen and so is making with the Chiefs of the Confederation of the Sub Tribes of New Zealand and other Chiefs these laws set out here.

This is The First

The Chiefs of the federation and the Chiefs all also who have not entered that Confederation give also Absolutely to the Queen of England For Ever the Government [*Parliament of Westminster & House of Lords Privy Council*] all of their land. [*Under Fiducial Trusteeship and the Chiefs of the Tribes and Sub Tribes of New Zealand Exercised their Full Rights, Powers and Privileges under Article 2 of "The Declaration of Independence 1835 (NZ)".*] (Refer section 253 TTWMLA 1993)

[This is] The Second

The Queen of England arranges and agrees to give to the Chiefs of all the Sub Tribes of the Maori people of New Zealand the Unqualified Exercise of their Chieftainship over their lands, their villages, and over all their Treasures [*The Native Aboriginal Title – He Taonga Tuku Iho*] But on the other hand the Chiefs of the Confederation and the Chiefs all will give to the Queen the sale and purchase of those parts land [as] is willing [to sell] the person Owning the land for the price agreed between them [viz. The Tribes, Sub Tribes in accordance with Tikanga Maori, Maori Customary Ownership Tenure.] and the purchaser appointed by the Queen [*The Governor*] as an Agent purchaser for her. [*Notwithstanding any Enactment of statutes nor Regulations made by the settlers and Immigrants Parliament (NZ) in contravention with this provision Shall be of any force or Effect nor to be construed as to have Extinguished the Native Aboriginal Title of any part or parts of New Zealand.*]

[This is] The third

For the Arrangement therefore and for the Agreement concerning the Government of the Queen All the Maori people of New Zealand will be protected by the Queen of England and will give to them All the Rights and Duties All in Equal Measure that apply under her constitution to the people of England. *[Equals; - The Rights and Duties to the Establishment of; - Te Paramata Tino Rangatiratanga (Aotearoa or "The Upper House of Crown and Maori Legislative Privy Council (NZ).] (Refer Preamble, sections 2,3,4,5, Part XIII, sections 247, 250, 252, 253, 253A, 270, 271 & 284/93 and section 268(3) of section 17 of TTWMAA 1994 and the Maori Constitutions Regulations 1994 = any provision of the Act or regulations may be Altered, Added to of Replaced.]*

[Signed] William Hobson, Consul and
Lieutenant – Governor

So we the Chiefs of the Confederation and the Chiefs of the Sub Tribes of New Zealand meeting here at Waitangi are therefore the Chiefs of New Zealand having seen the shape of these words being accepted and agreed all by us, thus recorded our names and marks.

Done this at Waitangi on the sixth of the days of February in the year One thousand, Eight Hundred and Forty of our Lord.

ANNEX B

- (2) This Act shall come into force on 1 July 1993.

2 Interpretation of Act generally

- (1) It is the intention of Parliament that the provisions of this Act shall be interpreted in a manner that best furthers the principles set out in the Preamble.
- (2) Without limiting the generality of subsection (1), it is the intention of Parliament that powers, duties, and discretions conferred by this Act shall be exercised, as far as possible, in a manner that facilitates and promotes the retention, use, development, and control of Maori land as taonga tuku iho by Maori owners, their whanau, their hapu, and their descendants, and that protects wahi tapu.
- (3) In the event of any conflict in meaning between the Maori and the English versions of the Preamble, the Maori version shall prevail.

Section 2(2): amended, on 1 July 2002, by section 4 of Te Ture Whenua Maori Amendment Act 2002 (2002 No 16).

3 Interpretation of Maori terms *[Repealed]*

Section 3: repealed, on 1 July 2002, by section 58(a) of Te Ture Whenua Maori Amendment Act 2002 (2002 No 16).

4 Interpretation

In this Act, unless the context otherwise requires,—

ahi ka means fires of occupation

alienation, in relation to Maori land,—

(a) includes, subject to paragraph (c),—

- (i) every form of disposition of Maori land or of any legal or equitable interest in Maori land, whether divided or undivided; and
- (ii) the making or grant of any lease, licence, easement, profit, mortgage, charge, encumbrance, or trust over or in respect of Maori land; and
- (iii) any contract or arrangement to dispose of Maori land or of any interest in Maori land; and
- (iv) the transfer or variation of a lease or licence, and the variation of the terms of any other disposition

ANNEX C

- cified in subsection (6), if it is satisfied that the understanding or agreement is, in all the circumstances, fair and equitable.
- (8) The shareholders of the new incorporation shall consist of all the shareholders of the former incorporations, and each shareholder shall be credited with the number of shares properly apportionable to him or her on the basis of his or her shares in any former incorporation.
- (9) On making an order under this section, the court may appoint an interim committee of management for the new incorporation to act pending elections to the committee, and the several committees of management previously elected in respect of the former incorporations shall be deemed to have been abolished and the members of those committees shall cease to hold office accordingly.
- (10) Notwithstanding anything to the contrary in section 42, an order of incorporation under this section may be made to take effect on a date specified by the court, which may be a date earlier than the date of the minute of the order entered in the records of the court.

Compare: 1967 No 124 s 44; 1970 No 120 s 9(1)

253 Capacity and powers of incorporation

Subject to this Act, and any other enactment, and the general law, and to any express limitations or restrictions imposed by the court in the order of incorporation or included in its constitution pursuant to section 253A, every Maori incorporation has, both within and outside New Zealand, in addition to the powers expressly conferred on it by this Part,—

- (a) full capacity in the discharge of the obligations of the trust in the best interests of the shareholders, to carry on or undertake any business or activity, do any act, or enter into any transaction; and
- (b) for the purposes of paragraph (a), full rights, powers, and privileges.

Section 253: amended, on 28 September 1993, by section 10 of Te Ture Whenua Maori Amendment Act (No 2) 1993 (1993 No 104).

ANNEX D

284 Regulations

- (1) The Governor-General may from time to time, by Order in Council, make regulations—
- (a) prescribing the form of constitution for Maori incorporations; and
 - (b) specifying matters in the constitution which may, by special resolution of the shareholders, be altered, added to, or replaced.
- (2) Without limiting the generality of subsection (1), regulations made under that subsection may provide for the following matters:
- (a) the mode of summoning and holding general meetings of shareholders, including the circumstances in which a shareholder may be required to withdraw:
 - (b) the quorum at a general meeting of shareholders:
 - (c) the manner in which voting is to be carried out at a general meeting of shareholders:
 - (d) the appointment of proxies for the purposes of any meeting of shareholders:
 - (e) the circumstances in which proxies may or may not act at any meeting of shareholders:
 - (f) the matters that must be the subject of a special resolution and the quorum necessary for a particular resolution:
 - (g) the required majority to carry any particular special resolution:
 - (h) the carrying out of voting by postal vote or other method:
 - (i) the control of the common seal of the incorporation:
 - (j) the number of members of the committee of management and the manner in which those members are to be elected:
 - (k) the term of office of members of the committee of management:
 - (l) the filling of extraordinary vacancies in the membership of the committee of management:
 - (m) the number of shares that shall be the minimum share unit for the incorporation:
 - (n) the form of share transfer:

- (o) the amendment of the share register:
- (p) the suspension of registration of transfers and transmissions of shares:
- (q) the inspection by shareholders of the books and records of the incorporation:
- (r) the form of the share certificate:
- (s) the form of the common seal:
- (t) any transitional provisions required in relation to Maori incorporations in existence on the commencement of this Act, which transitional provisions may provide for the continuation in force in relation to such Maori incorporations or any of them of provisions of Part 4 of the Maori Affairs Amendment Act 1967 or of any other enactment repealed by this Act:
- (u) such other matters as are not inconsistent with this Act or with law.

Section 284(1): substituted, on 1 July 1994, by section 19 of Te Ture Whenua Maori Amendment Act 1994 (1994 No 69).

Part 14

Title reconstruction and improvement

285 Interpretation

In this Part the term land to which this Part applies means—

- (a) Maori land; and
- (b) General land owned by Maori; and
- (c) any other land that is for the time being subject to Part 2 of the Maori Affairs Restructuring Act 1989.

Compare: 1953 No 94 ss 173(2), 186(1)

286 Purpose of this Part

- (1) The principal purpose of this Part is to facilitate the use and occupation by the owners of land owned by Maori by rationalising particular landholdings and providing access or additional or improved access to the land.
- (2) Where it is satisfied that to do so would achieve the principal purpose of this Part, the court may make partition orders, amalgamation orders, and aggregation orders, grant easements, and lay out roadways in accordance with the provisions of this Part.

ANNEX E

New Zealand Legislation
Resource Management Act 1991

If you need more information about this Act, please contact the administering agency: **Ministry for the Environment**

Warning: Some amendments have not yet been incorporated

Part 2 Purpose and principles

5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

ANNEX F

New Zealand Legislation
Resource Management Act 1991

If you need more information about this Act, please contact the administering agency: **Ministry for the Environment**

Warning: Some amendments have not yet been incorporated

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:
- (g) the protection of protected customary rights:
- (h) the management of significant risks from natural hazards.

Section 6(f): inserted, on 1 August 2003, by section 4 of the Resource Management Amendment Act 2003 (2003 No 23).

Section 6(g): replaced, on 1 April 2011, by section 128 of the Marine and Coastal Area (Tākutai Moana) Act 2011 (2011 No 3).

Section 6(h): inserted, on 19 April 2017, by section 6 of the Resource Legislation Amendment Act 2017 (2017 No 15).

ANNEX G



New Zealand Legislation

Resource Management Act 1991

If you need more information about this Act, please contact the administering agency: **Ministry for the Environment**

Warning: Some amendments have not yet been incorporated

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:
- (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
 - (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) *[Repealed]*
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

Section 7(aa): inserted, on 17 December 1997, by section 3 of the Resource Management Amendment Act 1997 (1997 No 104).

Section 7(ba): inserted, on 2 March 2004, by section 5(1) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

Section 7(e): repealed, on 1 August 2003, by section 5 of the Resource Management Amendment Act 2003 (2003 No 23).

Section 7(i): inserted, on 2 March 2004, by section 5(2) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

Section 7(j): inserted, on 2 March 2004, by section 5(2) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

ANNEX H



New Zealand Legislation

Resource Management Act 1991

If you need more information about this Act, please contact the administering agency: **Ministry for the Environment**

Warning: Some amendments have not yet been incorporated

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

ANNEX I

Te Ture Whenua Māori Amendment Act 2006 Māori Land Amendment Act 2006

**Disability (United Nations Convention on the Rights of Persons with Disabilities) Act
2008**

Notes

An Act to reform the laws relating to Māori land in accordance with the principles set out in the Preamble

Preamble

Nā te mea i riro nā te Tiriti o Waitangi i motuhake ai te noho a te iwi me te Karauna: ā, nā te mea e tika ana kia whakaūtia anō te wairua o te wā i riro atu ai te kāwanatanga kia riro mai ai te mau tonu o te rangatiratanga e takoto nei i roto i te Tiriti o Waitangi: ā, nā te mea e tika ana kia mārama ko te whenua he taonga tuku iho e tino whakaaro nuitia ana e te iwi Māori, ā, nā tēā he whakahau kia mau tonu taua whenua ki te iwi nōna, ki ō rātou whānau, hapū hoki, a, a ki te whakangungu i ngā wāhi tapu hei whakamāmā i te nohotanga, i te whakahaeretanga, i te whakamahitanga o taua whenua hei painga mō te hunga nōna, mō ō rātou whānau, hapū hoki: ā, nā te mea e tika ana kia tū tonu he Te Kooti, ā, kia whakatakototia he tikanga hei āwhina i te iwi Māori kia taea ai ēnei kaupapa te whakatinana.

Whereas the Treaty of Waitangi established the special relationship between the Māori people and the Crown: And whereas it is desirable that the spirit of the exchange of kawanatanga for the protection of rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Māori people and, for that reason, to promote the retention of that land in the hands of its owners, their whanau, and their hapu, and to protect wahi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whanau, and their hapu: And whereas it is desirable to maintain a court and to establish mechanisms to assist the Māori people to achieve the implementation of these principles.

ANNEX J

(2) This Act shall come into force on 1 July 1993.

2 Interpretation of Act generally

(1) It is the intention of Parliament that the provisions of this Act shall be interpreted in a manner that best furthers the principles set out in the Preamble.

(2) Without limiting the generality of subsection (1), it is the intention of Parliament that powers, duties, and discretions conferred by this Act shall be exercised, as far as possible, in a manner that facilitates and promotes the retention, use, development, and control of Maori land as taonga tuku iho by Maori owners, their whanau, their hapu, and their descendants, and that protects wahi tapu.

(3) In the event of any conflict in meaning between the Maori and the English versions of the Preamble, the Maori version shall prevail.

Section 2(2): amended, on 1 July 2002, by section 4 of Te Ture Whenua Maori Amendment Act 2002 (2002 No 16).

3 Interpretation of Maori terms

[Repealed]

Section 3: repealed, on 1 July 2002, by section 58(a) of Te Ture Whenua Maori Amendment Act 2002 (2002 No 16).

4 Interpretation

In this Act, unless the context otherwise requires,—

ahi ka means fires of occupation

alienation, in relation to Maori land,—

(a) includes, subject to paragraph (c),—

- (i) every form of disposition of Maori land or of any legal or equitable interest in Maori land, whether divided or undivided; and
- (ii) the making or grant of any lease, licence, easement, profit, mortgage, charge, encumbrance, or trust over or in respect of Maori land; and
- (iii) any contract or arrangement to dispose of Maori land or of any interest in Maori land; and
- (iv) the transfer or variation of a lease or licence, and the variation of the terms of any other disposition

ANNEX K

- (2) This Act shall come into force on 1 July 1993.

2 Interpretation of Act generally

- (1) It is the intention of Parliament that the provisions of this Act shall be interpreted in a manner that best furthers the principles set out in the Preamble.
- (2) Without limiting the generality of subsection (1), it is the intention of Parliament that powers, duties, and discretions conferred by this Act shall be exercised, as far as possible, in a manner that facilitates and promotes the retention, use, development, and control of Maori land as taonga tuku iho by Maori owners, their whanau, their hapu, and their descendants, and that protects wahi tapu.
- (3) In the event of any conflict in meaning between the Maori and the English versions of the Preamble, the Maori version shall prevail.

Section 2(2): amended, on 1 July 2002, by section 4 of Te Ture Whenua Maori Amendment Act 2002 (2002 No 16).

3 Interpretation of Maori terms

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- (ii) the making or grant of any lease, licence, easement, profit, mortgage, charge, encumbrance, or trust over or in respect of Maori land; and
- (iii) any contract or arrangement to dispose of Maori land or of any interest in Maori land; and
- (iv) the transfer or variation of a lease or licence, and the variation of the terms of any other disposition

ANNEX L

the court subsequent to the drawing up of the draft consolidated order.

Compare: 1953 No 94 s 445(1), (4), (11); 1957 No 81 s 6(2); 1967 No 124 s 126(3)(b); 1982 No 124 s 9

Part 6

Status of land

129 All land to have particular status for purposes of Act

- (1) For the purposes of this Act, all land in New Zealand shall have one of the following statuses:
- (a) Maori customary land:
 - (b) Maori freehold land:
 - (c) General land owned by Maori:
 - (d) General land:
 - (e) Crown land:
 - (f) Crown land reserved for Maori.
- (2) For the purposes of this Act,—
- (a) land that is held by Maori in accordance with tikanga Maori shall have the status of Maori customary land:
 - (b) land, the beneficial ownership of which has been determined by the Maori Land Court by freehold order, shall have the status of Maori freehold land:
 - (c) land (other than Maori freehold land) that has been alienated from the Crown for a subsisting estate in fee simple shall, while that estate is beneficially owned by a Maori or by a group of persons of whom a majority are Maori, have the status of General land owned by Maori:
 - (d) land (other than Maori freehold land and General land owned by Maori) that has been alienated from the Crown for a subsisting estate in fee simple shall have the status of General land:
 - (e) land (other than Maori customary land and Crown land reserved for Maori) that has not been alienated from the Crown for a subsisting estate in fee simple shall have the status of Crown land:
 - (f) land (other than Maori customary land) that has not been alienated from the Crown for a subsisting estate in fee simple but is set aside or reserved for the use or

ANNEX M

- (c) that owner's interest in the land has not, at that date, been vested in the persons entitled to succeed to it or otherwise disposed of,—

the land shall be deemed for the purposes of succession to that owner's interest in the land to have been Maori freehold land at the death of the owner.

Compare: 1953 No 94 ss 167, 433A(5); 1974 No 73 s 57

144 Maori customary land deemed Crown land for certain purposes

- (1) Notwithstanding any of the foregoing provisions of this Part, but subject to subsection (4), Maori customary land shall be deemed to be Crown land within the meaning of the Land Act 1948 for the purposes of—
- (a) recovering possession of the land from any person in wrongful occupation of the land; or
 - (b) preventing any trespass or other injury to the land or recovering damages for any such trespass or injury.
- (2) Subject to subsection (4), no proceedings, other than proceedings by or on behalf of the Crown, shall be brought in any court by any person for recovery of the possession of Maori customary land, or for damages or an injunction in respect of any trespass or injury to any such land.
- (3) Where proceedings are brought by or on behalf of the Crown pursuant to subsection (2), the Crown shall be deemed to be acting in the place of the beneficial owners of the Maori customary land to which the proceedings relate and for the benefit of those owners.
- (4) Notwithstanding any of the foregoing provisions of this Part, proceedings—
- (a) for the recovery from the Crown of the possession of Maori customary land; or
 - (b) for damages from the Crown in respect of any trespass or injury to Maori customary land,—
- may be brought in any court by the Māori Trustee on behalf of the beneficial owners of that land and, for the purposes of any such proceedings, the Māori Trustee shall be presumed,

ANNEX N

- 30 Maori Land Court's jurisdiction to advise on or determine representation of Maori groups**
- (1) The Maori Land Court may do either of the following things:
- (a) advise other courts, commissions, or tribunals as to who are the most appropriate representatives of a class or group of Maori:
 - (b) determine, by order, who are the most appropriate representatives of a class or group of Maori.
- (2) The jurisdiction of the Maori Land Court in subsection (1) applies to representation of a class or group of Maori in or for the purpose of (current or intended) proceedings, negotiations, consultations, allocations of property, or other matters.
- (3) A request for advice or an application for an order under subsection (1) is an application within the ordinary jurisdiction of the Maori Land Court, and the Maori Land Court has the power and authority to give advice and make determinations as the court thinks proper.

Section 30: substituted, on 1 July 2002, by section 10 of Te Ture Whenua Maori Amendment Act 2002 (2002 No 16).

30A Intent of sections

The intent of section 30 and sections 30B to 30I is—

- (a) to enable and encourage applicants and persons affected by an application under section 30 to resolve their differences concerning representation, without adjudication; and
- (b) to enable the Chief Judge to facilitate, as far as possible, successful resolution of differences surrounding an application by the persons affected, without adjudication.

First section 30A: inserted, on 1 July 2002, by section 11 of Te Ture Whenua Maori Amendment Act 2002 (2002 No 16).

30A Review of representatives

[Repealed]

Second section 30A: repealed, on 26 September 2004, by section 5(2) of Te Ture Whenua Maori Amendment Act (No 2) 2004 (2004 No 79).

ANNEX O

Section 210 person under disability paragraph (b): repealed, on 10 September 2008, by section 21(2) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

Section 210 person under disability paragraph (c): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Constitution of trusts

211 Maori Land Court to have exclusive jurisdiction

- ↓
- (1) The Maori Land Court shall have exclusive jurisdiction to constitute putea trusts, whanau trusts, ahu whenua trusts, whenua topu trusts, and kai tiaki trusts in accordance with this Part.
- (2) Nothing in this section prevents any person or body constituting under any other Act or by any instrument any trust of a kind specified in subsection (1).

212 Putea trusts in respect of land interests

- (1) The court may, in accordance with this section, constitute a putea trust in respect of any interests in Maori land or General land owned by Maori or, subject to any minimum share unit fixed in accordance with its constitution, any shares in a Maori incorporation.
- (2) A putea trust may be constituted under this section where—
- (a) it is impractical, or otherwise undesirable, because of the minimal value of the interests or share, or because any person beneficially entitled, or the present whereabouts of any such person, is unknown,—
 - (i) to continue to pay the income derived from the interests to the persons beneficially entitled to that income; or
 - (ii) to allow further succession to the interests; or
 - (b) all the persons beneficially entitled to the interests or shares agree to the constitution of the trust.
- (3) Subject to subsection (4), an application for the constitution of a putea trust under this section may be made—
- (a) by or on behalf of—
 - (i) the person or persons beneficially entitled to the interests to which the application relates; or
 - (ii) any trustees in whom are vested the interests to which the application relates; or

ANNEX P

- (7) Notwithstanding anything in subsection (5), but subject to subsection (8), the court may, either on the constitution of a whenua topu trust or on application at any time thereafter, order in respect of any specified interests vested in the trustees for the purposes of the trust that the interests shall be deemed to be held for the persons named or described in the order, and the income arising from those interests shall thereafter be paid to those persons and their successors accordingly.
- (8) The court shall not make an order under subsection (7) unless it is satisfied that the order is necessary to protect the interests of any owner of a large interest in the land vested or to be vested in the trustees for the purposes of the trust.
- Section 216(2): amended, on 1 July 2002, by section 29 of Te Ture Whenua Maori Amendment Act 2002 (2002 No 16).

217 Kai tiaki trusts

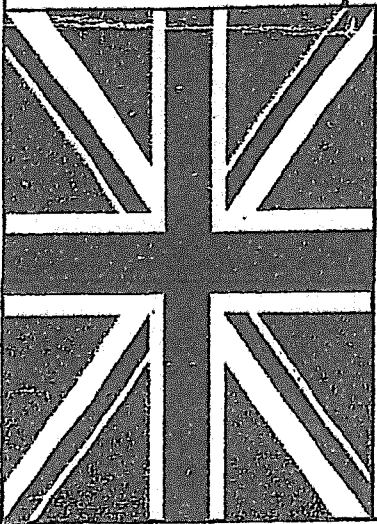
- (1) The court may, in accordance with this section, constitute a kai tiaki trust in respect of any interests in Maori land or General land, or any shares in a Maori incorporation, or any personal property, to which any person under disability is beneficially entitled.
- (2) In determining whether or not it should exercise its jurisdiction under this section in relation to any person, the court may have regard to the degree to which the person is subject, or is liable to be subjected, to undue influence in the management of his or her own affairs in relation to his or her property.
- (3) The court shall not constitute a kai tiaki trust in respect of any interests in Maori land or General land or any shares in a Maori incorporation or any personal property in respect of which a property order is in force under the Protection of Personal and Property Rights Act 1988.
- (4) The court shall not constitute a kai tiaki trust in respect of any interests in General land to which a person under disability is beneficially entitled unless that person is Maori.
- (5) A kai tiaki trust may be constituted where the court is satisfied that the constitution of the trust would best protect and promote the interests of the person under disability.

- (6) Every order constituting a kai tiaki trust under this section shall state the nature of the disability for which the trust is constituted.
- (7) Where that disability is the minority of the person concerned, the following provisions shall apply:
 - (a) the order shall state the date of birth of that person:
 - (b) subject to paragraph (c), the powers of the trustees shall cease and determine, without any order in that behalf, *on the expiry of the day before the date on which that person attains the age of 20 years:*
 - (c) if it appears to the court, on application made to it before that person attains that age, that, on attaining that age, that person will still be under disability (of some other nature), the court may, by order, continue the trust in existence beyond the date on which that person will attain that age.
- (8) The land, money, and other assets of a kai tiaki trust shall be held in trust for the person under disability.
- (9) While a kai tiaki trust constituted under this section remains in force, the beneficiary shall not be capable of exercising any powers in respect of the alienation of the trust property, other than an alienation by will if that person has testamentary capacity.
- (10) The constitution of a kai tiaki trust shall not affect any person's entitlement to succeed to any beneficial interest in any land or shares vested in the trustees for the purposes of the trust.

218 Maori community purposes

- (1) Where any income of a trust constituted under this Part is to be applied for Maori community purposes, the trustees may provide money for the benefit or advancement of any specified beneficiary, any class or classes of beneficiaries, or the interests of any hapu associated with any land belonging to the trust, and its members, whether directly or indirectly.
- (2) Without limiting the generality of subsection (1), in any such case the trustees may from time to time, subject to the terms of the trust order, apply money towards all or any of the following purposes:

ANNEX Q



Westminster Parliament (UK)
 Privy Council (UK)
 (Protectorate)



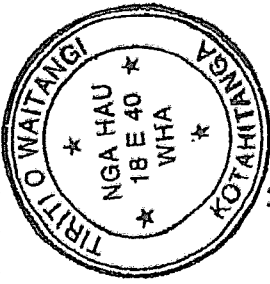
British Crown (UK)
 External Sovereign
 Protectorate

Tangata Whenua (Maori)(NZ)
 Internal Sovereign
 Protectorate

GOVERNOR GENERAL

NZ Constitution Act 1852 (UK)
 Part XIII Te Ture Whenua Maori Act 1993
 Te Paramata Maori

Te Paramata Maori



Hōhepa Ngāpono

Ahu Whenua Trusts
 (Ltd Companies Act)
 Commercial Enterprises)

Policing
 Institutions

Kaitiaki Trusts
 (Resources / Tangata)
 Guardians
 Putea Trusts
 (Inland Revenue)

Whenua Topu Trusts
 (Charitable)
 (Local Tribal Authorities)

Taxation, Rates
 & Inland Revenue

Native Circuit Courts Act 1858 (UK)
 Native Land Courts Act 1894
 Part II

"MANDATE"
 Tangata Whenua, Land Owners & Shareholders of
 Maori Freehold / General Land

LAND BASED
 Native / Customary Land Title
 Property Right

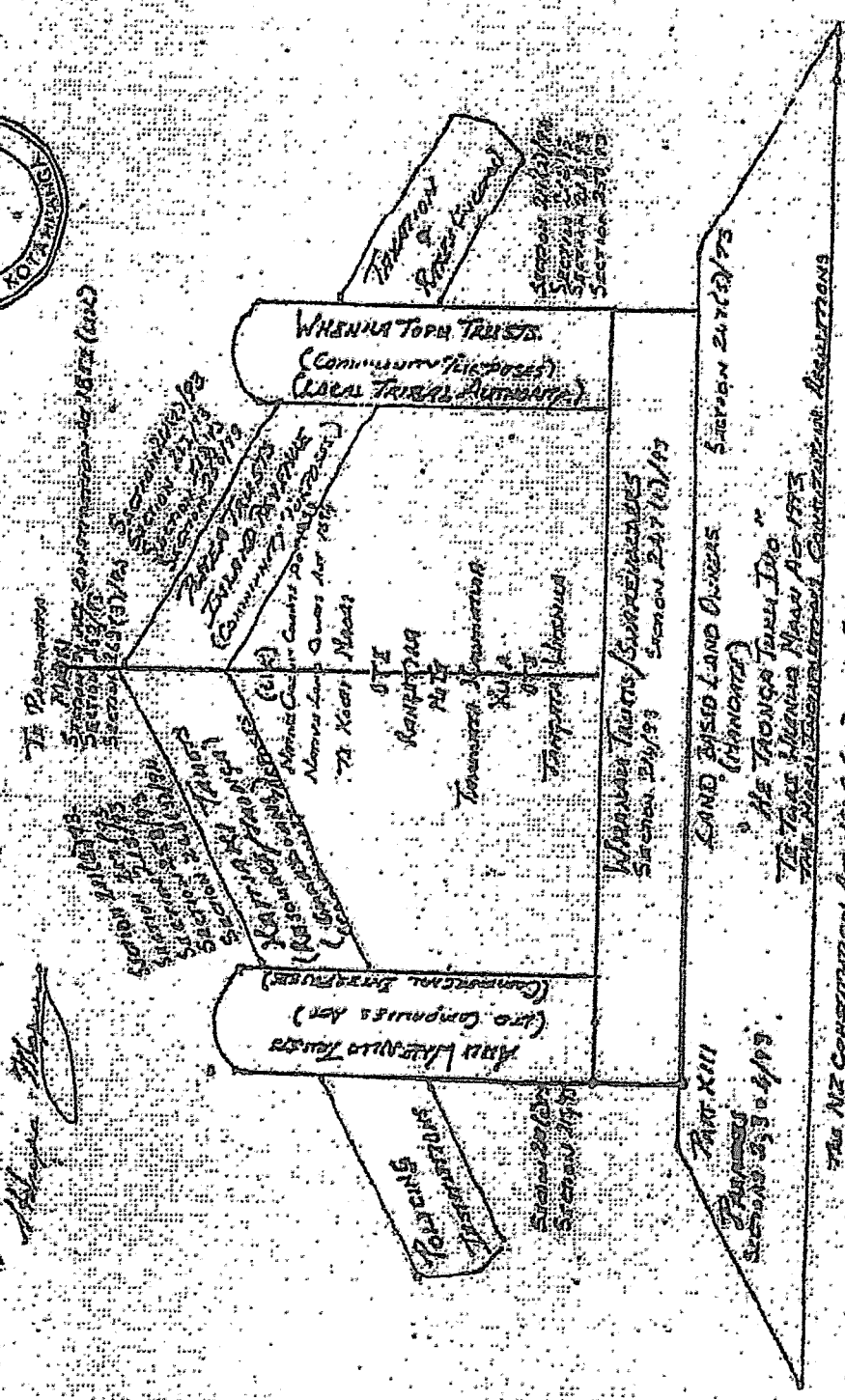
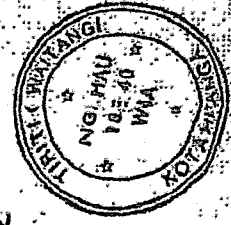
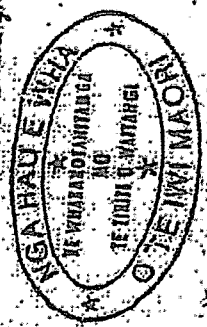
Section 7

Section 7

2000/1

Maori Incorporations Constitution Regulations Act 2000.
National (Maori) Parliamentary, Regional & District
Territorial Authorities.
Structures.

Strategic Sovereign Resource
KAWAIKAIWA
SOUTHERN CROSS (MAORI) AIR
APPROPRIATE - GOVERNANCE CONCEPT - NOMINATION
RE - TE TIKI O MATANGI



THE NZ CONSTITUTION ACT 1986 (10) - AUTHORITY OF THE COURT OF APPEAL
ALONGS COURT ACT 1977 (10) - THE COURT OF APPEAL
THE TIKI O MATANGI ACT 1977 (10) - THE COURT OF APPEAL

ANNEX R

- (6) Every order constituting a kai tiaki trust under this section shall state the nature of the disability for which the trust is constituted.
- (7) Where that disability is the minority of the person concerned, the following provisions shall apply:
 - (a) the order shall state the date of birth of that person:
 - (b) subject to paragraph (c), the powers of the trustees shall cease and determine, without any order in that behalf, *on the expiry of the day before the date on which that person attains the age of 20 years:*
 - (c) if it appears to the court, on application made to it before that person attains that age, that, on attaining that age, that person will still be under disability (of some other nature), the court may, by order, continue the trust in existence beyond the date on which that person will attain that age.
- (8) The land, money, and other assets of a kai tiaki trust shall be held in trust for the person under disability.
- (9) While a kai tiaki trust constituted under this section remains in force, the beneficiary shall not be capable of exercising any powers in respect of the alienation of the trust property, other than an alienation by will if that person has testamentary capacity.
- (10) The constitution of a kai tiaki trust shall not affect any person's entitlement to succeed to any beneficial interest in any land or shares vested in the trustees for the purposes of the trust.

218 Maori community purposes

- (1) Where any income of a trust constituted under this Part is to be applied for Maori community purposes, the trustees may provide money for the benefit or advancement of any specified beneficiary, any class or classes of beneficiaries, or the interests of any hapu associated with any land belonging to the trust, and its members, whether directly or indirectly.
- (2) Without limiting the generality of subsection (1), in any such case the trustees may from time to time, subject to the terms of the trust order, apply money towards all or any of the following purposes:

Maori lore and history, and the speaking of the Maori language:

- (c) the promotion of education and vocational training—
 - (i) by assisting in the establishment, equipping, managing, and conducting of schools and other educational or training institutions, including kohanga reo, by making grants of money, equipment, or material to schools and other educational or training institutions, including kohanga reo; or by making grants to the Maori Education Foundation established by the Maori Education Foundation Act 1961, or to any other funds established or bodies formed for the promotion of the education of Maori or for assisting Maori to obtain training or practical experience necessary or desirable for any trade or occupation; or
 - (ii) by providing scholarships, exhibitions, bursaries, or other methods of enabling individuals to secure the benefits of education or training, or by making grants to Education Boards or other educational bodies for scholarships, exhibitions, or bursaries; or
 - (iii) by providing books, clothing, or other equipment for the holders of scholarships or other individuals, or by making grants generally for the purpose of assisting the parents or guardians of children to provide for their education or training for any employment or occupation; or
 - (iv) by providing, maintaining, or contributing towards the cost of residential accommodation for children in relation to their education or training;
 - (d) such other or additional purposes as the trustees with the approval of the court from time to time determine.
- (3) Nothing in this section shall prevent the trustees from applying money for the general benefit of a group or class of persons, notwithstanding that the group or class of persons includes persons other than beneficiaries; but no grant or loan shall be made to any individual for that individual's exclusive

benefit unless that individual is a beneficiary or a descendant of a beneficiary.

Section 218(2)(b)(iii): amended, on 1 July 2002, by section 30 of Te Ture Whenua Maori Amendment Act 2002 (2002 No 16).

219 Trust order

- (1) The court shall, by order, set out the terms of any trust constituted under this Part.
- (2) Notwithstanding anything in this Act or the Land Transfer Act 1952, no trust order made under this Part shall be capable of registration under that Act.

220 Vesting order

- (1) On constituting any trust under this Part, the court may, by order, vest the land and other assets in respect of which the trust is constituted in the responsible trustees or a custodian trustee upon and subject to the trusts declared by the court in a separate trust order.
- (2) The vesting order shall take effect according to its terms to vest the land or other assets in the person or persons named in the order, solely or as joint tenants, as the case may require, without any conveyance, transfer, or other instrument of assurance, together with all rights and remedies (if any) to which the owners were entitled in respect of the land immediately before the vesting but subject to any lease, licence, mortgage, charge, or other encumbrance to which the land or assets may be subject at the date of the making of the order, and the fact that the land or other assets is or are held by that person or those persons on trust shall be stated in the vesting order.
- (3) When a vesting order is made under this section in respect of any customary land, the land included in the order shall, on the making of the order, become subject to the Land Transfer Act 1952; and thereupon the provisions of section 139 of this Act shall apply as if the vesting order were made under section 132 of this Act.
- (4) Where the court is satisfied, on the application of the person or persons in whom any land or other assets are vested by an order made under subsection (1), that the whole or part of that land or the whole or part of those assets is to be sold, the court

ANNEX S

Section 256(5): amended, on 1 July 1994, by section 15(2) of Te Ture Whenua Maori Amendment Act 1994 (1994 No 69).

257 Allocation of land to shareholders

The court, on making pursuant to subsection (2) or subsection (5) of section 256 an order that any land shall form part of the corpus of the incorporation, shall make a further order vesting the beneficial interests in that land in the shareholders of the incorporation in proportion to their several interests in the other land forming part of the corpus of the incorporation immediately before the making of the order so vesting those beneficial interests.

258 Power to declare charitable trust

Notwithstanding its status as a trustee, a Maori incorporation may, by special resolution, declare that it shall stand possessed of any part of its property or of any income derived from any specified part of its property on trust for such charitable purposes as may be specified in the declaration.

259 Application of revenues

- (1) The revenues derived from its operations by any Maori incorporation may be applied as follows:
- (a) generally towards the costs and outgoings involved in doing anything that the incorporation is empowered to do, including any capital works or capital investments, and expenditure of any other kind that would usually be charged in the administration of a trust to capital rather than income:
 - (b) in setting aside reserves for contingencies or for capital expenditure or for expansion in accordance with the objects of the incorporation, or in retaining in an accumulated profit account any portion of the profits that the committee of management thinks it prudent not to distribute to shareholders:
 - (c) in payment, in accordance with subsection (2), of an amount by way of dividend to the shareholders:
 - (d) as authorised by a resolution of the shareholders for such purposes (not being purposes for which money

ANNEX T

payable to that shareholder may be similarly dealt with without the necessity of inclusion in a further list of unclaimed dividends, and the provisions of that subsection shall apply accordingly.

Compare: 1967 No 124 s 47(1), (3), (4), (5); 1977 No 103 s 6

Section 267(1) **dividends**: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 267(1) **unclaimed dividends**: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Internal management

- 268 Maori incorporations to have constitution**
- (1) Every Maori incorporation shall have a constitution governing its internal management.
 - (2) Subject to subsection (3) and to section 253A, the constitution of every Maori incorporation shall be that prescribed by regulations made under this Act.
 - (3) A Maori incorporation may, by special resolution of the shareholders, alter, add to, or replace its constitution in any way that is not inconsistent with any provision of this Act or any regulations made under this Act.
 - (4) Any alteration or addition so made to the constitution, and the provisions of any replacement constitution, shall, subject to the provisions of this Act and the regulations, be as valid as if originally contained in the constitution and be subject in like manner to alteration by special resolution.
 - (5) Every Maori incorporation shall transmit to the Registrar of the Maori Land Court district who maintains, under section 279, the register of Maori incorporations in which particulars of that Maori incorporation are kept a copy of every special resolution made under subsection (3) of this section, together with—
 - (a) particulars of the date on which and the place at which the meeting of shareholders was held; and
 - (b) a copy of the constitution or alteration or addition to the constitution or other document to which the special resolution relates.

- (6) Every special resolution, constitution, alteration or addition to a constitution, or other document transmitted to the Registrar under subsection (5) shall be—
- (a) annexed to the order incorporating the owners; and
 - (b) noted in the incorporation register by the Registrar; and
 - (c) noted in the register of the incorporation concerned by the secretary of that incorporation.

Section 268: substituted, on 1 July 1994, by section 17 of Te Ture Whenua Maori Amendment Act 1994 (1994 No 69).

Section 268(3): amended, on 16 September 2011, by section 11 of the Te Ture Whenua Maori Amendment Act 2011 (2011 No 76).

Section 268(5): amended, on 16 September 2011, by section 12 of the Te Ture Whenua Maori Amendment Act 2011 (2011 No 76).

269 Committee of management

- (1) Upon the making of an order incorporating the owners of any land under this Part, the court shall, having regard to but not being bound by any nominations of members that may be made by or on behalf of the owners who have applied for incorporation, appoint an interim committee of management consisting of not less than 3 nor more than 7 persons; and the persons so appointed shall hold office as members of the committee of management until the first annual general meeting of the incorporation.
- (2) At the first annual general meeting of shareholders of a Maori incorporation, the shareholders shall elect a committee of management in accordance with the constitution of the incorporation; and thereafter the members of the committee shall hold office in accordance with the constitution.
- (3) Every member of the committee of management of a Maori incorporation shall be responsible for the proper administration and management of the affairs of the incorporation.
- (4) Any shareholder may at any time apply to the court for the removal from office of any member of the committee of management on the ground that—
 - (a) the member has failed to carry out his or her duties satisfactorily; or
 - (b) the member has contravened any of the provisions of this Part or of the constitution of the incorporation, or