

IN THE WAITANGI TRIBUNAL

**Wai 2180, Wai 1705, Wai 647, Wai 588,
Wai 385, Wai 581, Wai 1888**

IN THE MATTER OF

the Treaty of Waitangi Act 1975 and the
Taihape: Rangitikei ki Rangipo Inquiry
(Wai 2180)

IN THE MATTER OF

a claim by Isaac Hunter, Utiku Potaka,
Maria Taiuru, Hari Benevides, Moira
Raukawa-Haskell, Te Rangiangoanoa
Hawira, Kelly Thompson, Barbara Ball and
Richard Steedman on behalf of themselves,
the Iwi organisations who have authorised
them to make this claim and the Mōkai
Pātea Waitangi Claims Trust (**Wai 1705**)

AND

a claim by Maria Taiuru and others for and
on behalf of Wai 647 Claimants (**Wai 647**)

AND

a claim by Isaac Hunter and Maria Taiuru
and others for and on behalf of the Wai 588
Claimants (**Wai 588**)

AND

a claim by Neville Franze Te Ngahoa
Lomax and others for and behalf of the
Potaka Whānau Trust and Ngā Hapū o
Ngāti Hauiti (**Wai 385**)

AND

a claim by Neville Franze Te Ngahoa
Lomax and others for and behalf of Te
Rūnanga o Ngāti Hauiti (**Wai 581**)

AND

a claim by Iria Te Rangi Halbert and others
for and behalf of the Wai 1888 Claimants
(**Wai 1888**)

**Statement of Evidence of Neville Franze Te Ngahoa Lomax
12 February 2018**

Solicitor
Leo Watson
Barrister and Solicitor
342 Gloucester Street, Taradale
Napier 4112

Telephone: 06-650 7119
Mobile: 027 274 9068
Email: leo@leowatson.co.nz

Counsel Acting: L H Watson

1. Mihi:

Tēnā koutou e ngā rangatira me ngā kai mahi o te Rōpū Whakamana i Te Tiriti o Waitangi. Naumai, hoki mai ki tēnei marae o tātou kei raro i te maru i tō mātou pae maunga, arā ko Ruahine ki te rāwhiti.

Ngā mihi hoki ki ngā Rōia kua tae mai nei ki te tautoko i ngā Kerēme ā koutou kaitono. Me mihi hoki ki a koutou ngā kaihautū o te Tari Ture Karauna. Naumai haere mai, naumai hoki mai koutou ki waenganui i a tātou ki te tautoko te kaupapa o te wā.

Ki ōku whanaunga o tēnei rohe kua tae mai hoki ki te tautoko te kaupapa nei, ngā mihi nunui, ngā mihi aroha ki a koutou katoa.

Nō reira, tēnā koutou, tēnā koutou, tēnā tātou katoa.

2. Tēnā koutou katoa. My name is Neville Franze Te Ngāhoa Lomax, and this is the third occasion that I have been privileged to present to this Tribunal. In this statement of evidence, I wish to focus particularly on Marae, Tikanga and Kawa. In addition, I attach as an appendix to my evidence a collection of answers I provided to interview questions which were put to me by Mr Tony Walzl as part of his research. Those responses focus on the land issues associated with Ngāti Hauiti.

3. Since the end of the nineteenth century, we of Ngāti Hauiti have found ourselves to be drawn, almost completely, into a fully colonised culture. This loss of culture has been due, in main, to the following three key factors:

- Loss of tribal leadership and structure
- Loss of tribal lands and estate, and
- Being colonised by neighbouring iwi

4. Loss of Tribal Leadership and Structure:

The loss of leadership and structure within Ngāti Hauiti started when the Crown refused the request by the rangatira of Mōkai Pātea to set-up tribal collectives within the Awarua and other land blocks, to enable tribal owners to develop their lands and to take advantage of the new agricultural economy that was being established by the new settlers who were arriving in Aotearoa.

5. Another example of this loss of leadership and structure was the refusal of the Crown, during the late 1890's, to allow Utiku Potaka and his whānau to retain their settlement at Potaka (now Utiku Township), where a sawmill had been set-up and sections had been surveyed and made available for lease to Pākehā settlers and mill workers. Offers to the Crown by Utiku, of land further to the north to setup a township fell on deaf ears, as the site

at Potaka had already been cleared and roadways were already in existence. It seems that every attempt by our people to determine their own pathways, within the new economy, was being frustrated by Crown agencies who were just as determined that Māori should not succeed.

6. From that point onwards, Ngāti Hauiti leadership and structures began to breakdown as rangatira realised that the tribes rangatiratanga of their lands and estates were now completely at the whim of the Crown and its agencies.
7. Loss of Tribal Lands and Estate:
The alienation of Ngāti Hauiti lands, from all the land blocks within its rohe, meant that the remaining whenua was fragmented and could not be developed as a resource for the sustainability of the people as a tribal unit, under the direction of the tribal leadership.
8. Individual land titles issued to all living members of the iwi, rather than to rangatira on behalf of the iwi, meant that individual owners could be approached to sell their land to the Crown agents, or to existing pākehā land owners or leaseholders.
9. This meant that the leadership and structure of the tribe crumbled as many of the remaining whānau were unable to continue their traditional food gathering practices, on the lands of their ancestors. They were therefore forced to move to wherever work was available to sustain their families. Those whānau who remained on the land that had been individually allocated to them, found that they were often separated from the farms allocated to other iwi members, meaning that they were forced to rely on their own nuclear whānau efforts to survive, rather than the efforts of the collective iwi.
10. Colonisation by Neighbouring Iwi:
By the late 1920's, our old rangatira, including Utiku Potaka, Pene Pirere and others had passed away and many of the next generation were now living individual lives. Many male descendants of these rangatira had taken on pākehā lifestyles and had failed to learn or practice the tikanga and kawa of Ngāti Hauiti.
11. With the close whakapapa ties and many marriages between Ngāti Hauiti members and members of neighbouring tribes; such as Ngāti Apa to the south, Whanganui to the west, Ngāti Tūwharetoa to the north and Ngāti Kahungunu to the east, it did not take long before male spouses from these outside iwi began to speak as tangata whenua on our marae, in the absence of male speakers from Ngāti Hauiti with the expertise to do so.
12. Our Hauiti whare at Rata began as a wharepuni (sleeping house) for manuhiri visiting Utiku and Rora Potaka during the late 1800's. Following the passing of Utiku in 1922 and

the subsequent succession by his youngest son, of the land upon which the marae stands, it became a whare where tūpāpaku lay, prior to be taken to the urupā at the end of Taraketi Road. Over the years the whare fell into disrepair, and it was not until 1946 that whānau members arranged for a wharekai to be built that could be utilised as a place to welcome home our soldiers returning from service with the 28th Māori Battalion, following the end of the Second World War.

13. During the period following the return of these soldiers in 1946, and up until his passing in 1959, I can recall attending tangihanga at the Rata Marae where my koroua Wirihana Winiata was the main kaikōrero on behalf of Ngāti Hauiti and his Potaka in-laws. As an uri of Hauiti in his own right, he was able to uphold the tikanga and kawa of Ngāti Hauiti, on his wife's marae.
14. Marae Today:
For a period, between 1946 and the mid 1960's, the marae was utilised as a venue for rugby events and as accommodation for visiting sports teams.
15. The time between the mid-1960's and early 1980's was another period of stagnation for the marae, with the wharepuni becoming a storage facility for the farm operation.
16. Following a Potaka whānau reunion, held at Parewahawaha Marae, Bulls in the early 1980s a group of local whānau and community members formed a committee to commence fundraising to enable renovations to commence on Hauiti, the wharepuni, together with an upgrade of the wharekai, Paihere. This work was completed, and a re-dedication ceremony was arranged and conducted by Bishop Whakahuihui Vercoe in 1983.
17. From that point onwards, the marae committee, made up of local whānau, community members and extended whānau whānui, became the centre of tribal activity. However, because strict Ngāti Hauiti tikanga and kawa had not been practiced on the marae for much of the previous thirty years, the committee accepted anyone who could speak Māori to be their kaikōrero spokesperson, and the tikanga and kawa of the individual speaker was accepted and used.
18. In fact, by the time I became directly involved in whānau and hapū development, in the late 1980's, I was disgusted to find that some members of the marae committee were denying that Ngāti Hauiti had any rights at all to the marae, and the land upon which it is situated. Much of this mis-information had been brought about by the situation of some local whānau who have dual Hauiti – Apa whakapapa, who were also members of the marae committee, not knowing the complete history about the gifting of the Taraketi Block by Ngāti Apa to Ngāti Hauiti at the time of the marriage of their tūpuna Kawana Hunia and

Ruta Kau, and who considered that Taraketi was still under the mana of Ngāti Apa. So, they believed that the use of Ngāti Apa tikanga and kawa was appropriate for Rata Marae.

19. The marae committee had become the de facto iwi authority and became the go-to point for any governmental or NGO seeking a response on all matters affecting our people. In the absence of a Tribal Authority, the marae committee became our spokes-people.
20. My whānau at Winiata were having the same identity problems as those at Rata. However, at Winiata the kawa seemed to change depending on who was sitting as tangata whenua on the paepae at the time. On some occasions it would be the kawa of Ngāti Tūwharetoa, and at other times it would be the paeke kawa of Ngāti Kahungunu.
21. It was at this point that a group of us decided that we needed to do the research and hold wānanga amongst whānau and hapū to establish the true histories of our tūpuna, so that we could re-establish the correct tikanga and kawa on all our Ngāti Hauiti marae.
22. Our research was able to uncover a great deal of information about our Ngāti Hauiti tūpuna, starting with our extensive Potaka whānau. At the same time, we were able to recover information from older whānau members who recalled snippets of detail about various tikanga, which had applied at Rata Marae, prior to it being mislaid during the intervening years. This information was collated and stored in written and digital form.
23. Further research and wānanga into the specific kawa that had been used by Ngāti Hauiti in years past, established that as descendants of Tamatea Pōkai Whenua, we should follow the Kawa brought to Aotearoa by our tūpuna on the waka, Takitimu.
24. The establishment of Te Rūnanga o Ngāti Hauiti in December 1994, finally confirmed, and re-established the traditional tikanga and kawa, to the people of Ngāti Hauiti.
25. As a result, of the establishment of Te Rūnanga o Ngāti Hauiti, and the vesting of the marae in the Rata Marae Reservation Trust, pursuant to Section 338(7) of Te Ture Whenua Māori Act 1993 for the benefit of Ngā Uri o Ngāti Hauiti, we were able to finally reclaim the tribal leadership of our marae and our people, which had been taken from us by the actions of the Crown during the late 1800's.
26. Finally, I would like to draw the attention of the Tribunal to the five photographs hanging on the wall relating to marae within our rohe:
 - **Te Houhou Pā – Hauiti** (tuatahi)
 - **Tuhirangi** – (Including **Te Ohāki** wharekarakia 1915)
 - **Rata Marae – Hauiti** (tuarua)

- **Tāhuhu Marae – Te Ruku ā Te Kawau**
- **Winiata Marae – Tautahi**

In regards to the loss of our tribal leadership and structure, I hope this kōrero gives the Tribunal an understanding of how Crown actions in the alienation of large tracts of Ngāti Hauiti land during the mid to late 1800's, resulted in the collapse of Ngāti Hauiti leadership and its whānau and hapū structure.

Nō reira, kia koutou kua whakarongo mai ki taku kōrero i tēnei wā, tēnā koutou, tēnā koutou, tēnā tātou katoa.

Neville Lomax
12 February 2018

Appendix: Notes of Neville Lomax from 2016 on Ngāti Hauiti lands

Neville Lomax:
Notes from interview and answers to questionnaire - April 2016

I was raised by my great-grandmother Ripeka Utanga, a daughter of Utiku. She and her husband Wirihana Winiata, my great grandfather, took my elder brother Harry and my younger brother Hape and me as whāngai. I was two years old and we remained with Ripeka for 17 years until the day she passed away at Utiku in 1963.

When I was growing up, my great-grandmother always stressed; "never sell your land... better to lease it out and always retain it." Her view was that as long as you've got land, you will have somewhere to grow food and somewhere to stand. Her view was that the land doesn't belong to you anyway. It is yours to hold, and use, but your duty is to pass it on to the next generation in a better condition than you received it. That lesson was reiterated again and again over the early part of our lives.

When the land of Ngāti Hauti went through the Māori Land Court during the late 1800's, the view of Tapui, Utiku Potaka, Retimana Te Rango and others was that they were the rangatira, and that they were there to protect the land for everyone. The chiefs didn't want individualisation of the land. They believed that they could retain rangatiratanga over their lands, by consolidating their interests into incorporations. They felt that once they lost control as rangatira then the land would go.

Utiku Potaka and his whānau ran a significant enterprise based on their landholdings at Kaikoura (now Utiku). His wife, Rora Te Oiroa, was also a significant landowner. They farmed land themselves and leased out the remainder. They operated a sawmill at Utiku township. Railway logging tracks extended from there into all the blocks on the western side of the Hautapu River.

The Taraketi 20 block at Rata, was the Potaka homestead. There they had two or three homes built where the adult children lived.

Utiku was viewed as being a gentleman. He encouraged his children to be the same. Their word was their bond. Utiku pushed his family to follow education. It was not for all. Ripeka attended two days of school and didn't go back. All of Utiku's whānau were skilled in what they did in life. Several of their grandchildren followed education through secondary school and into tertiary studies.

Utiku Potaka struggled to keep his people together. He saw that the Court system was taking away the authority of the people to be themselves on their own land. Utiku encouraged his family to work co-operatively as best they could, which was difficult, as the land was dispersed across the Taraketi, Otamakapua, Otairi and Awarua blocks.

Within the Potaka whānau, in the early years, members would often be placed on blocks to lease the land. This whānau policy provided whānau members with a great opportunity to learn about farming and to share their collective knowledge and labour, to develop the land. Wirihana Winiata and John Gilchrist, sons-in-law of Utiku Potaka, were both experienced in farming and agriculture generally, and they assisted other whānau members to develop a greater understanding about successful farming operations.

When Utiku passed away he left a lot of land in Taraketi to his youngest son Tumihau who had not been born at the time of the first early partitions when Utiku ensured each of his children had their own piece of land. My great-grandfather Wirihana was made a trustee for the interests of Tumihau who was not yet of age. From 1924, until he passed away in 1959, aged 87, Wirihana travelled between Utiku and Rata every week to oversee the management of the property at Taraketi. When I was young, I always went with him on these trips. He not only provided oversight, but would help with the work. He worked on the farm right up to the last two years of his life. When any farm work required more labour he would bring in whānau members. It was common then for the whānau to go to each other's farms to help for docking or shearing. They would share equipment and facilities.

As far as the Potaka whānau was concerned, Utiku's descendants were always encouraged not to sell the land. If you are in difficulty financially you should firstly lease it. The Potaka whānau has seen other whānau in Mokai Patea struggle. Once the land titles were individualised, some could not cope with the responsibility of landholding as individuals. Owners faced manipulation from all sorts of people. Ripeka would speak about store-owners and how they would deliberately give credit until such time that they could see the landowner would not be able to repay. They then demanded that the land be used to write off the debts. A number of sales around the 1920s came about for these reasons. Ripeka would use these stories of the land sales experienced by other whānau as a warning to us not to run up credit as it could result in land loss. She instilled in us the view that if you can't afford to buy something in cash you don't buy it. If you can't afford it, you go without until you can afford it.

The land laws, and the rules of succession also interfered with some whānau ability to make the best decisions over land. Utiku's son, Arapeta, died in 1918 at the early age of 39. To provide for his Pākehā wife, he left her a life interest in all of his properties. Arapeta had six children all of whom were minors. As time passed, this arrangement did not work well for the whānau. When the children reached adulthood they could not get onto the land. Their mother did not pass away until 1961 at which time several of them were in their sixties. They had never received income from the land. Neither had they grown up with the same kaupapa of retaining the land. After they inherited the land in 1962, all but two of them opted to sell.

For those whānau members who had been able to keep farming their lands, the 1950s and 1960s were good and they were able to earn a living off their farms. Farming was at a

reasonably high level of profitability during this period of time and these lands blocks were doing well. Even multiply-owned land like Awarua 1A2 West land was providing good financial returns from the production of wool and meat.

Most of the farming done on the smaller southern blocks was usually mixed with some sheep and cattle being run on the land while some were dairy farming in a small way sending their supply to dairy factories at Rata and Utiku. In the 1960s, an unexpected boon arose when a potato chip factory was established at Rata. This not only provided jobs for the whānau, but every piece of available Māori land at Taraketi that the factory owners could get hold of, was leased to grow potatoes. This boon lasted through the 1960s and into the 1970s.

From the late 1950's, some whānau members faced increasing economic difficulties as their whānau became larger. Difficulty in accessing farm development finance from established sources, as well as from the Māori Land Board, made it difficult for whānau members to develop their land.

Many had to lease their land to Pākehā. In the main, leasing was a reasonably good experience for the whānau. However, there were a number of stories in the district of Pākehā lessees failing to meet their obligations in the payment of rentals to owners. These failures, over an extended period of time, would often result in lessees applying to the Native Land Board for a review and/or reduction of agreed lease rentals at the expense of whānau owners. Such disputes would often go on for years and Pākehā lessees would in most cases receive the benefit of lowered rentals. If it had been Māori lessees, owing rents to Pākehā land owners, they would have been moved off immediately.

The sole interest of most Pākehā lessees was in the making of profits from the land. The need to care for and protect the land and water-ways, was of secondary consideration. In circumstances where the land was being flogged, whānau had little power to act. Even if the lease was registered with the Māori Trustee there was little that could be done. The Trustee would just keep giving warnings which the lessee would ignore. The lessees persisted and would walk away at end of the term of the lease often with unpaid rent owing.

In one recent example of the last ten years, on the Otairi block, the land was under lease. In this case the lessee was a greenie who wanted to use 'alternate' ways of farming. It was not effective and the land reverted. By the time the whānau got the land back, it was difficult to bring it back into production. There was an attempt to run a coop on the land which was managed by a whānau member but they struggled. So the decision was made to sell the land. All land in this area is now so high in value. The Rūnanga tried to buy the land but couldn't raise the finance to match offer of a Pākehā neighbour.

The Europeanisation of Māori whānau land titles during the late 1960s was another Crown attempt to make the further alienation of Māori land, easier. As a result, there were a

number of sales by struggling whānau members who found that it was now easy to sell their land to the highest bidder without the sale coming under the scrutiny of the Māori Land Court. Apathy on the part of some whānau members to reinstate their land to Māori title, or a lack of understanding of what the changes meant, also put the land at risk of being seized for non-payment of rates.

Being brought up by Ripeka, I have always believed that all of our land should stay within the whānau. In the late 1980s, my older brother and I became aware that one branch of the whānau were going to sell their land; Awarua 4C9D2 of 300 acres. Forty acres of this was in European title. The rest was Māori title. The land had been leased out since the 1960s to a neighbouring pākehā farmer and the lease was due to expire. The owning whānau had grown larger and larger over the years and no one with farming experience was available to farm the property.

The land was put up for tender, and our bids were successful. My older brother raised a private mortgage. My role was to make the monthly mortgage repayments, of \$1000 a month, using income from our other leased lands. After a few years, my brother's mortgage was due to expire. As he was then living in Melbourne, he struggled to raise another mortgage due to him not having a credit history in New Zealand. As a result I had to take out a mortgage on my own home. As my bank required that I have title to the land, that was arranged and my brother's name went onto the title of the 40 acre block.

After several years of loan repayments, I struggled to keep the payments going and worried about losing my home. Eventually, after discussing the situation with my tuakana, I approached Te Rūnanga o Ngāti Hauiti with an offer to sell them the land for the amount still outstanding on the mortgage. Although the land had more than doubled in value, all we wanted was an amount sufficient to clear the mortgage. I discussed matters with the Rūnanga and we decided the best thing was to set up a Whenua Topu Trust where the land would be held on behalf of all the people of Ngāti Hauiti.

This was complete some time later, and that land now forms the main land asset within the Rākautāonga Trust. Under the terms of my late elder brother's Will, the 40 acres that remained in his name will also be placed into that Trust.