

BEFORE THE WAITANGI TRIBUNAL

WAI 2180

WAI 662

WAI 1835

WAI 1868

IN THE MATTER OF
AND

the Treaty of Waitangi Act 1975

IN THE MATTER OF

the Taihape Rangitūkei ki Rangipō
District Inquiry

AND

IN THE MATTER OF

a claim by **Peter Steedman, Herbert Steedman and Jordan Winiata-Haines** on behalf of themselves and the descendants of Winiata Te Whaaro and hapū of Ngāti Paki (WAI 662)

AND

IN THE MATTER OF

a claim by **Lewis Winiata, Ngahapeaparatuae Roy Lomax, Herbert Steedman, Patricia Anne Te Kiriwai Cross and Christine Teariki** on behalf of themselves and the descendants of Ngāti Paki me Ngāti Hinemanu (WAI 1835)

AND

IN THE MATTER OF

a claim brought by **Waina Raumaewa Hoet, Grace Hoet, Elizabeth Cox, Piaterihi Beatrice Munroe, Terira Vini, Rangimarie Harris and Frederick Hoet** on behalf of themselves, their whānau and all descendants of Raumaewa Te Rango, Whatu and Pango Raumaewa (WAI 1868)

BRIEF OF EVIDENCE OF JORDAN WINIATA-HAINES

Dated this 3rd day of February 2020

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ANNETTE
SYKES & Co.
barristers & solicitors8 – Unit 1 Marguerita Street
Rotorua, 3010
Phone: 07-460-0433
Fax: 07-460-0434**Counsel Acting:** Annette Sykes / Jordan Bartlett / Kalei Delamere-Ririnui**Email:** asykes@annettesykes.com / jordan@annettesykes.com / kalei@annettesykes.com

MAY IT PLEASE THE TRIBUNAL

Introduction

1. This evidence has been prepared to provide some context to the following matters:
 - a) to highlight the traditional boundaries between Ngāti Hinemanu of Heretaunga in the east and Ngāti Hinemanu of Inland Patea in the west;
 - b) the early Crown purchases and how they affected those boundaries;
 - c) the 1890 Royal Commission of Inquiry and the creation of boundaries for the purposes of the Native Land Court;
 - d) how the loss and division of the whenua affected the whakapapa and alienated Ngāti Hinemanu and Ngāti Pouwharekura from their traditional rights to freely occupy and traverse their lands; and
 - e) the discussions that occurred between the Ngāti Hinemanu me Ngāti Paki Heritage Trust and He Toa Takitini which eventually resulted in the Crown accepting that Ngāti Hinemanu and Ngāti Paki had a threshold interest in the Kāweka and Gwavas CFL lands.

Traditional Boundaries between Ngāti Hinemanu in the East and Ngāti Hinemanu in the West

2. Most of what I know about traditional boundaries has come from listening to stories, reading Court minutes or books, so I have tried to take from those sources my understanding of how our tīpuna saw or marked areas of land they held influence over.
3. These marked areas were not how we know boundaries today where there is a surveyed line drawn on the ground. Areas of influence would be identified by names of places, tīpuna, events, rivers, trees, rocks, tracks and so on. The line between those areas was not a line specifically drawn on the ground.

4. I want to refer to the kōrero of Raniera Te Ahiko when he said that there were no boundaries and Whatumāmoa owned the land (held mana over) all the way from the sea to Inland Pātea. To my understanding of what he was saying, he did not understand the laying down of boundaries at the time of the Native Land Court. He only knew what he and the people of those days knew and that was the traditional area of influence over those lands.
5. The journey of Tamatea Pōkai Whenua and Kahungunu coming from Heretaunga into Inland Pātea via the Ngaruroro River provides us with examples of naming places such as rivers, trees, rocks, events such as places, names of tīpuna and so on. These places became land marks of traditional stories and eventually some of them became used at the time of the Native Land Court to establish boundaries for the purpose of laying title to lands.
6. Rakautāonga is an example of a place being named after a tree. Rangihakamatuku is another place on the Ruahine Ranges named after one of our ancestors who went there. It is said to be an area where there is a large flat rock with bush around it. Although there is no story of why he went there, he would have gone there for a purpose. Everything our people did, they did so for a reason. Because the rock and surrounding bush were referred to, it had to be a place of significance.
7. The ranges is an ideal place for tohunga to sit and study the stars and other things around them that tell them when certain seasons began and certain times during those seasons they could cultivate, plant, harvest and fish. It is well known that our tīpuna managed everything by the stars and seasons. The name Te Atua a Mahuru on the Ruahine Ranges provides us with a glimpse of what I am saying. During the time of Mahuru, new stars appeared that told our people it is time to plant and cultivate. Even today there are people who study these things and live by the Maramataka.
8. My father told me that my grandmother, Waipai Te Ngahoa Winiata, told him that Ngahoa the son of Hinemanu and Tautahi was known to be an expert in mau rakau especially Taiaha. She was probably interested in the story because her whānau name was Ngahoa after her father, Ngahoa. There is a

pā site somewhere on the eastern side of the Ruahine Ranges called Te Tohu o Te Ngahoa. My father believes that it was here where the mau rakau wānanga were held. To my knowledge the locality of that site has never been identified so over time it has been lost. Ngahoa also went from Inland Pātea and lived for a while at Owhiti and then died there so we know that he traversed the area between Heretaunga and Inland Patea.

Early Crown Purchasing and Boundaries

9. Early Crown Purchasing initiated boundaries between the people of the east in Heretaunga and Ahuriri and the people of the west, Inland Pātea.
10. There were many early Hawkes Bay land purchases in the Ruahine and Kāweka areas. I will only mention those lands that affected the boundary between the Heretaunga and Inland Pātea people:
 - a) 1855: Ruataniwha – after it was surveyed it was divided into two blocks and became known as Te Totara and Ruataniwha South. The same day Ngaruroro (Kuripapango) was purchased by the Crown;
 - b) 1856: The purchase of the Manga-a-Rangipeke;
 - c) 1857: The purchase of the Otaranga land; and
 - d) 1859: The purchase of the Ruataniwha & Ruahine and also the Kaweka lands.
11. According to Turton’s Deeds, the Kāweka Range and the Ruahine Range were described as boundaries along with a number of rivers in these early land sales I mentioned.
12. We can see that these vast areas of key lands were purchased over a period of four years. Looking at those timeframes they clearly show that the repatriation of Ngāti Hinemanu from the Manawatu back to Heretaunga was still in progress after those sales.
13. This is evident to me because my great great grandfather, Winiata Te Whaaro, and others were a part of the 1861 hekenga to assist in bringing Ngāti

Hinemanu and Ngāi Te Upokoiri back to the Heretaunga from Manawatu. This also tells me that they were not a part of those land sales. To my knowledge there was never any notification from the Crown or their agents with other hapū or iwi on either side of the ranges that these lands were going to be or were purchased by them.

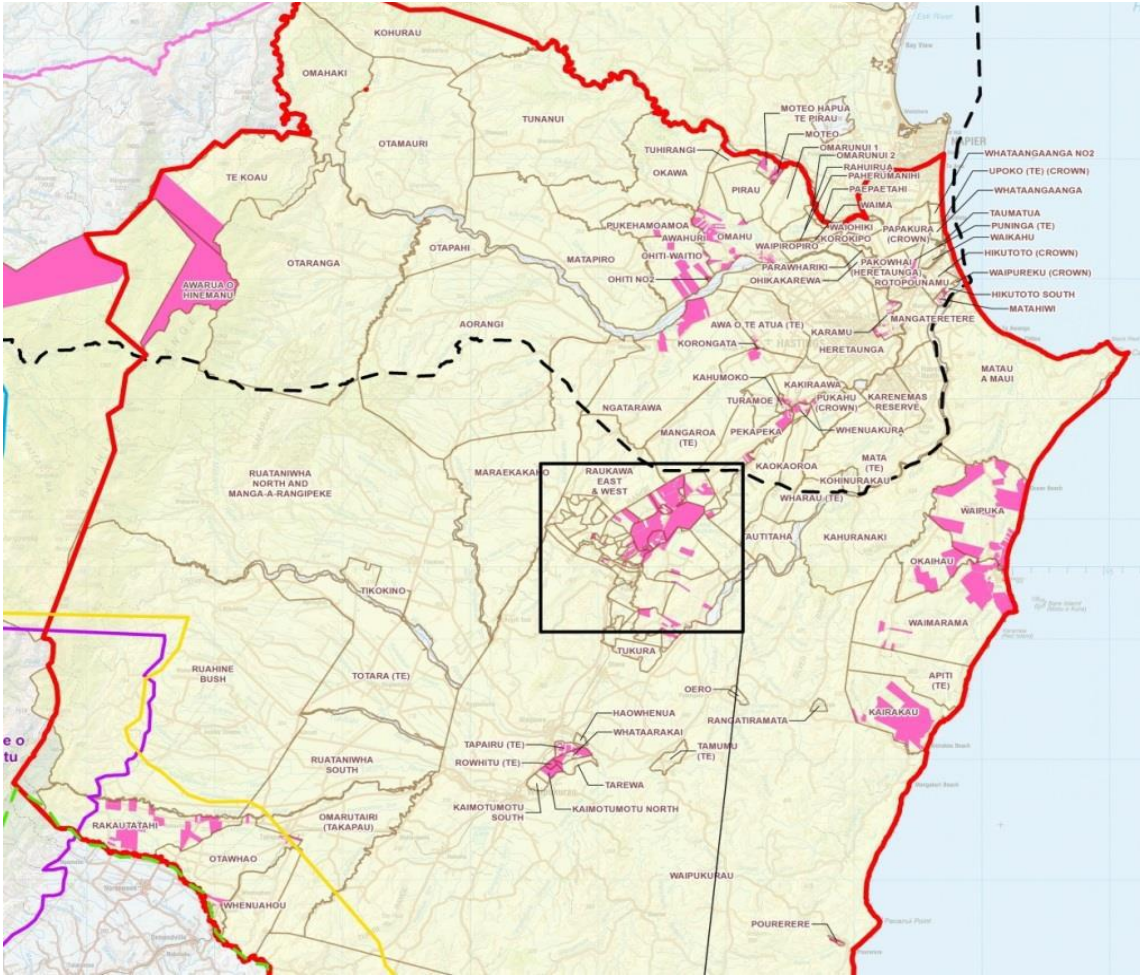
1860 Kokako Hui

14. I just want to briefly touch on this hui because I know it has been put before the Tribunal in other hearings. The early land sales led to a number of meetings held with rangatira from different hapū and iwi who were worried about the land sales that were occurring around them. One of these hui was the 1860 Kokako hui held at Tuarangarere, Inland Pātea. One of the important matters discussed was the sale of those lands and the erection of pou by Ngāti Hinemanu Rangatira and others to prevent further land sales. These pou were strategically placed on and near the Ngaruroro River. One of these pou placed by Ngāti Hinemanu was at Whanawhana pā near where the Poporangi stream falls into the Ngaruroro River. I talk about the Poporangi stream (spelt Poporenga on the old maps) because it was part of the boundary used in the sale of the Otaranga block.

15. This is a photo of the location of the pou erected at Whanawhana situated on the Poporangi stream and the Ngaruroro River. The Poporangi stream will take you directly to the location of the Whakarara/Gwavas Forest. I took this photo from Whanawhana station. When you go there you still can see where some of these pou were.



16. The map below shows where the Otara block is in relation to the Awarua o Hinemanu block. It also shows the Otamauri block where the Whanawhana



pā site was situated on the Ngaruroro River. It also shows a stream which is the Poporangi stream, falling into the Ngaruroro River opposite the Otamauri block.

17. Although the lands were sold, our people continued to hunt, gather, traverse and use the area for a number of purposes as if lands never left them. The erection of these pou signified that these Rangatira and their people continued to hold influence over that area.
18. I believe that Whanawhana and where the Poporangi stream falls into the Ngaruroro was one of the traditional boundaries of the shared lands. A shared area that is said to be 'tātou pounamu'. My cousin, Kathleen Parkinson, is explaining more about the tikanga and 'tātou pounamu' in her evidence this week, so I will leave that there.

Royal Commission of Inquiry

19. The next event that greatly affected the people of Ngāti Hinemanu is the outcome from the 1890 Royal Commission of Inquiry on the eastern boundary that came about due to the early sales of lands in the area. As a result of that investigation the boundary between the Kāweka, Otaranga, Ruataniwha North, Manga-a-Rangipeke and the Awarua, Te Kōau and what we know today as the Awarua o Hinemanu lands became firmly set in legislation.
20. It is here where the final nail in the coffin was hammered down on Ngāti Hinemanu kātoa where the them and us view become frozen in time. The processes of the Native Land Court had already divided the whakapapa and lands of Hinemanu in the Hawkes Bay Native Land Court hearings through obscuring the whakapapa of her mother Punakiao in favour of her father Taraia Ruawhare. This is covered in another brief of evidence today, so I will not talk further about that.

21. Through all the turmoil over the years one of the unique things about Ngāti Hinemanu that no other hapū can say is, we are the only hapū today that still have a Ngāti Hinemanu marae and Ngāti Hinemanu hapū and whānau based on both sides of these ranges. Together we are a large iwi of our own and we still maintain our whanaungatanga links at a whanau, hapū and iwi level not only through hui and wānanga but also through ongoing marriages.

Lands in the Kāweka area

22. We did not make the visit into the Kāweka area during the last haerenga, so I have provided the following map that shows Lake Rotoroa and Lake Rototuna. These lakes are close to Kuripāpango where we stopped that day. You can see the trees in the photo that are growing on the Kaweka CFL lands. I have been to those lakes and the forest a number of times. The name of Lake Rototuna speaks for itself. Members of our whānau today have been there catching tuna.
23. Peter McBurney provided evidence regarding Renata Kawepo and his claim in the Omahaki and Kohurau lands in the urgency hearings. I note that claims in the Omahaki block were claimed through Hinemanu and her brothers Mahuika and Honomokai. From that Report, it appears that lands in the Kāweka area were occupied by both Taraia Ruawhare and his wife Punakiao. Our kuia, Hana Hinemanu, who is over there in the whakaahua gave evidence that she and others hunted pigs in Omahaki and they were never disturbed.

He Toa Takitini and NHPHT

24. Discussions between He Toa Takitini and Ngāti Hinemanu me Ngāti Paki Heritage Trust regarding our claims in the Heretaunga started in 2007. The concerns for us were that the Treaty Settlement process did not further divide our people. Because there were two processes before our tribe, one being the Waitangi Tribunal process and the other being direct negotiations with the Crown, we were looking for a way forward on how we could both manage and administrate ourselves. Spokespersons for Ngāti Hinemanu ki Heretaunga were very keen along with their negotiation and settlement body

to fully settle all of Ngāti Hinemanu claims in both the eastern and western areas. This was evident in the initial AIP for Heretaunga Tamatea.

25. The Wai 1835 Ngāti Hinemanu Claimants objected to this as we believed that the claims submitted primarily around the lands of the Taihape Inquiry needed to be heard by this Tribunal.
26. Traditionally, there has been an internal Ngāti Hinemanu agreement. This agreement affirmed that the business of Ngāti Hinemanu in the Heretaunga and Taihape would be governed by those marae and representative bodies of the ahi kaa in each respective area.
27. During hui and wānanga held at Ōmahu and Winiata Marae, Ngati Hinemanu reaffirmed this arrangement however acknowledged that there would be cross-claim matters which required further arrangements to ensure there was a fair process for the full and final settlement of our claims.
28. Finally, an agreement was reached between the Crown, Ngāti Hinemanu and He Toa Takitini that was solidified in a Memorandum of Understanding (“MOU”). The MOU was endorsed by the previous Minister for Treaty of Waitangi Negotiations, Chris Finlayson.
29. The MOU in summary stipulated that all the claims of the Heretaunga for Ngāti Hinemanu would be settled fully based on the rights of Taraia Ruawhare and the claims within the Taihape: Rangipō ki Rangitikei Inquiry District would be heard through the rights of Punakiao. Further to this, should there be any overlapping matters, each representative settlement body would be invited to the table for negotiations.
18. He Toa Takitini did not uphold the MOU which led to an Urgency hearing and resulted in a mediation hui between He Toa Takitini and Ngāti Hinemanu me Ngāti Paki Heritage Trust. The outcome of this mediation was that the Crown accepted that Ngāti Hinemanu through the rights of Punakiao and Ngati Paki had a threshold interest in the Kāweka and Gwavas CFL lands.

Conclusion

30. The narrative that has been developed by the Crown has tried to limit the territorial homelands of our peoples to one side of a mountain range where in fact we are one and the same. There was no Ngāti Hinemanu ki Heretaunga or Ngāti Hinemanu ki Inland Pātea.
31. The lifeline of our whakapapa to the whenua is principally depicted, not by boundaries, but within our sacred waters that flow through the lands. These principal awa being Rangitīkei, Taruarau, Mohaka, Hautapu and Ngaruroro. All gaining their source from the Kaimanawa Ranges and surrounding Inland Pātea areas.
32. Our relationships to these lands were preserved by the guarantees in Te Tiriti o Waitangi and any attempts to manipulate or change these relationships is a denial of fundamental human rights and is a denial of who we are and where we come from.

DATED at Auckland this 3rd day of February 2020



Jordan Winiata-Haines