

**BEFORE THE COMMISSIONER,
TARANAKI REGIONAL COUNCIL
NEW PLYMOUTH DISTRICT COUNCIL**

IN THE MATTER OF A: Notice of requirement and resource consent applications to construct a bypass at Mt Messenger. Application ID: DSN17/44711 and LUC18/47193

BETWEEN: **New Zealand Transport Agency (NZTA)**

APPLICANT

AND **Te Korowai Tiaki o te Hauāuru Incorporated (Te Korowai)**

SUBMITTER

STATEMENT of William (Bill) Te Maihengia WHITE on behalf of Te Korowai Tiaki o Te Hauāuru Incorporated (Te Korowai)

DATED: 16TH AUGUST 2018

INTRODUCTION

1. I am WILLIAM TE MAIHENGIA WHITE, also known as Bill White.
2. My whakapapa; I am the second eldest son of Peter Te Maihengia White (Ngati Tama) and Tui Kahurangi Walden (Te Atiawa); grandchild of Potete Hotu White and Matehuirua Horomona.
3. I am a Kaumatua of Ngati Tama. As such I am in regular contact with immediate family (brothers, sisters, mokopuna and cousins totalling in excess of 2500 beneficiaries)
4. I am a member of the Te Korowai Tiaki o te Hauāuru Incorporated (Te Korowai). Following my introductory remarks I am authorized to present this statement of evidence and submission by Te Korowai.
5. Mr Amos White (Amos) the Chairman of Te Korowai is presenting a short statement on consultation; Ms Lisa White (Lisa) is not presenting a submission as Amos and Lisa are witnesses in a High Court case to commence in the High Court, Auckland on the 20th August 2018 and their time and energy is focused on that.
6. We, myself, Amos, Lisa and Tahu are of Ngati Tama. Amos, Lisa and Tahu are elected trustees of Te Runanga O Ngati Tama Trust. We are described by the NZTA as the suspended trustees. (That is what we challenge in the High Court together with a related issue.)

BACKGROUND

7. Anciently Ngati Tama Kaumatua (elders) taught the next generation tikanga: spiritual values (wairua); educators (Kaiwhakāko); schools of learning into the future (kura’); respect for the land (whenua); respect /managing food from sea, rivers and streams (Kai moana); respect and environmental management of native bush and bird life to ensure sustenance for the whānau (kaitiakitanga). Arts and crafts visible in stone and wood carving (whakapapa). Songs commemorating important events (Waiata). Maori names given to land marks, and historical incidents passed on to future generations (mokopuna)
8. Along with my family and fellow siblings (10 in total) 6 boys and 4 girls we have been taught by our father Peter Te Maihengia White who has left a legacy to his future generations of family values including honesty, integrity, accountability, transparency, strong work ethics, love for family and extended family honouring grandparents, parents, uncles, aunties and cousins and our connection to each other through whakapapa and relevant here (kōrero o nehe) our ancient Ngati Tama history, and (kupu tuku iho) our Ngati Tama oral history.

9. The whenua being the most important part of our lives as we tilled the earth, planted, harvested and stored food for the winter seasons to sustain life. While we worked the air was full of song (waiata). This included gathering food from the sea, rivers and streams and bird life from inland forests (native bush), along with working in tauiwi businesses to sustain ourselves.
10. We visited, and wept over the sacred sites of urupa and pah on lands stolen from us from time to time.
11. We kaitiaki our whenua and Paraninihi.
12. My brother Amos will tell the Commissioner that most of Ngati Tama iwi were excluded from planning with NZTA in this matter. That lack of consolation is relevant here as what we have learned from our forebears as outlined above has not been heard; neither I believe have the same views been heard by most of our iwi. In that context we challenge the conduct of the Crown under the Principles of the Treaty, the subsequent cultural values assessment as to taking account of our cultural values in the applications as presented to the Commissioner.

TE KOROWAI

13. Te Korowai was established as a vehicle for Ngati Tama Iwi beneficiary members to participate in this NZTA matter. Te Korowai has in excess of 500 members. As has been pointed out in this commissioner's hearing the establishment was immediately prior to submissions closing when it became apparent that NZTA were relying upon the 2 trustees of Te Runanga and 2 nonconforming persons; and the very poor numbers of iwi who attended the various hui to form the NZTA view. More particularly this group were about to sell Ngati Tama land.
14. Te Korowai has concentrated on bringing together the various heads of families. Some have whānau trusts of which they are the Kaumatua.
15. Te Korowai remains opposed to this application in its entirety and seeks it be declined.
 - (a) There are serious breaches of the Treaty of Waitangi in the lack of full consultation with tangata whenua;
 - (b) inadequate and incomplete Cultural Values Assessments;
 - (c) failure to get agreement from tangata whenua as to access to land;
 - (d) Failure to adequately identify and address impacts from tangata whenua point of view.
 - (e) Failure to consult tangata whenua in a timely and comprehensive manner, instead a blind rush to get agreement from a set of dysfunctional trustees.

16. The NZTA, the Minister of Transport and the Minister of Treaty Settlements have been advised in writing that litigation is pending. All of them put on notice to that effect early in the NZTA discussions with TRONT. The excluded trustees have not had any feedback from the Ministers save for the Minister of Treaty Settlement acknowledging the correspondence.
17. Wirimu Kingi Te Rangitāke¹ had a similar situation in Waitara in the 1860's. In that case the Crown did a deal with a compliant and minor chief.

CULTURAL ASSESSMENT NOT COMPLETE.

18. Te Korowai accepts as relevant the Ngati Tama Cultural Values Assessment (CVA) prepared for TRONT by Mr. Tama Hovell, but claim it is not complete, and fails to fully and comprehensively identify cultural values and address the impact of the activity on the cultural values. Where it fails, first is that the cultural values should be derived from a wide consultation with Ngati Tama iwi especially with our elders and our academics who are repositories of knowledge and are schooled with our tikanga and knowledge. Then, the CVA needs to address the particular cultural values of Paraninihi, and to resolve those as they are avoided or mitigated by the conditions of consent. Because of the consequences of colonisation this is an extensive task as Iwi are widely dispersed around the world and New Zealand. The CVA presented by Mr Hovell which we adopt is not complete.
19. We have sought information from NZTA on how the cultural values were ranked in arriving at the final position. That information has not been forthcoming.
20. Ahititi is a vibrant and important historic and cultural landmark for Ngati Tama people. It has been a breeding and nesting ground of the "mutton bird", the tūti. Te Aramua Lake (now deceased, but an original Kaumatua of TRONT) remembered and talked of the fires along the White-cliffs that attracted the mutton birds to land. Peter Te Maihengia White also an original Kaumatua and also deceased told his children the same.

1 <https://teara.govt.nz/en/1966/te-rangitake-wirimu-kingi>

TREATY SETTLEMENT – PARTNERSHIP MATTERS

21. Ngati Tama iwi in the post settlement governance entity Te Runanga O Ngati Tama Trust (TRONT) a statutory trust with perpetual succession under the settlement deed, obtained a treaty settlement of \$14.5 million dollars together with some of the land that confiscated by the Crown.
22. Included in that land settlement was Paraninihi. TRONT is administered by 7 elected trustees of which its active administration must not drop below 5 at any time, and a quorum is to be 4 trustees.

KOROWAI VIEWS ON NZTA USE OF NGATI TAMA LANDS

23. Paraninihi is not only a spiritual ancestral being; it is the habitat of many metaphysical taniwha entities that have protected Ngati Tama over time. These taniwha have contributed to the Paraninihi being a bulwark over time from invasion from the north; and until the arrival of the musket; protected Ngati Tama and Taranaki from such invasion. Today Paraninihi and its metaphysical beings which live in it are still a bulwark, even though the Mt Messenger Road was put in place by the thieving Crown. On settlement Ngati Tama did not receive income earning assets from the Crown. Paraninihi today is that opportunity, and with an appropriate arrangement it can provide the protection into the future for Ngati Tama. What is proposed in this application and its associated arrangements does not do that.
24. The Crown have from the first arrival of settlers coveted the lands of the Taranaki including Ngati Tama. When they could not get the land by doing a deal with a minor chief (Tiera in Waitara), the Crown merely took it. The treaty claim that settled with Ngati Tama gave back only a small portion of the land stolen, not all that was stolen, and then the land that was returned (Paraninihi) was burdened with covenants and restrictions. The security of Paraninihi and the protection it offered to Ngati Tama was compromised by the Mt Messenger road. The Crown stole a Rolls Royce, and gave back the tow ball, rusty at that, infested with vermin and opossum.
25. Members of Te Korowai determined from listening to TRONT that a significant sum of money and/or land was to be paid to TRONT by the Crown as part of a sale of land to the NZTA. Further, that the Crown was bargaining with land confiscated from Ngati Tama, the Shell land, as a set off or similar reimbursement
26. Te Korowai shortly after it was formed had a smaller membership of Kaumatua leaders than it does now, but it immediately sought their views on the proposed NZTA deal using the internet and a set of targeted survey questions seeking feedback from those Kaumatua and any Ngati Tama beneficiaries they could similarly obtain feedback from.

27. It was Te Whiti o Rongopai of Parihaka who is reputed to have advised the Crown that: “the blanket of Taranaki is big, and we can share it with you.” That too is the view of Te Korowai. However, we do not agree to the sale of the land.
28. Te Korowai is concerned to provide for the future generations of Ngati Tama by arranging a transaction for using the most precious Paraninihi such that future generations of Ngati Tama will view the transaction as fair and sound, and a transaction that reflects the strategic position of Paraninihi in the transport sector of New Zealand society.
- 29.
30. New Zealand's history is resplendent with unfair bargains in relation to land transactions with Māori when looked at subsequently. For example, the payment for Whanganui² consisted of “*muskets and gunpowder, tomahawks, clothing, red blankets, tobacco, jew's-harps, fish-hooks, beads and a variety of other trade goods*”.
31. Auckland similarly. The Crown paid £341 for the original land handed over for the settlement (3000 acres)³.
32. Te Korowai seeks a legacy that its descendants will benefit from into perpetuity as the proposed NZTA road will benefit the peoples of Taranaki and New Zealand into the future.

SO HOW DO WE GO FORWARD?

33. Our starting point is that the proposal should be declined given the significant adverse cultural effects.
34. If approval is to be granted (which we oppose) then Te Korowai requires a comprehensive values assessment of our lands, waters, Wāhi Tapu and taonga including fresh water and water beings, to be completed in relation to Paraninihi and the associated resource consent/s and related activities. That assessment will first, fully describe the cultural values of the area of Paraninihi affected; determine the cultural values involved; and then condition by condition in the proposed resource consent assess the project works against Ngati Tama values; finally coming to a conclusion. That has not been carried out.
35. Members of Te Korowai involved in the early survey mentioned above, rejected the sale of land in any way what so ever.

2 <https://teara.govt.nz/en/whanganui-region/page-5>

3 <http://teaohou.natlib.govt.nz/journals/teaohou/issue/Mao27TeA/c11.html>

36. Te Korowai wants the NZTA Paraninihi Road named to reflect the Ngati Tama ancestral being that Paraninihi is. The Mt Messenger road, named after one of the members of the armed constabulary Colonel W. B. Messenger⁴ who farmed at Pukearuhe; and was a member of the New Zealand Armed Constabulary and who as such led the party of colonial troops that attacked and destroyed our Pukearuhe pah, constructed their redoubt, proceeded to disposes us and oppress us; (it was Messenger who also led the invading Crown troops into Parihaka⁵ on that infamous day.) The name “Messenger” should not be used for the designation.
37. Outside the scope of this designation, Te Korowai wants the Crown to recognise Paraninihi as having “legal personality”. This will require an act of Parliament similar to the Whanganui River recognition.
38. Te Korowai wants the old road at present known as Mt Messenger, to be returned to independent trustees on behalf of Ngati Tama, for those portions that pass through Ngati Tama Paraninihi. This would form part of compensation or offsetting under s171 (1B) RMA.
39. Te Korowai wants the way-points and rest stations on the NZTA Paraninihi Road to have interactive signage that tells the story of the mana whenua world view; the theft of our ancestral lands and resulting tragedy.
40. Te Korowai does not want to see any more of Paraninihi pass out of Ngati Tama hands, neither for money nor for exchange or at all. Te Korowai is prepared to consider the use of the land in a similar manner that the Anglican Church⁶ allows the use of the land around St Helliers, Mission Bay and Meadowbank in Auckland – A perpetually renewable lease⁷. Te Korowai does not require any money to change hands as a purchase of this use of Paraninihi. This would require further negotiation and I understand there is a legal issue as to whether a state highway can be established on leasehold land.
41. Te Korowai wants the Protective Management Area (PMA) to extend over Ngati Tama Paraninihi, and to be maintained in perpetuity. Te Korowai wants this PMA entrenched such that it is never subject to a variation downward in level of protection, but monitored to achieve its- objective and varied if necessary to give effect to that targeted achievement.
42. Te Korowai requires an economic analysis of the increased value of the proposed road to be determined and from that value the first annual rate of remuneration to mana whenua to be set. This payment should be started on the commencement of design works to implement the proposed consents, to a special purpose and independent trust fund.

4 <http://www.diggerhistory.info/pages-heroes/messenger.htm>

5 <http://nzetc.victoria.ac.nz/tm/scholarly/tei-Cow02NewZ-b1-1-21.html#name-125128-mention>

6 <https://www.waitangitribunal.govt.nz/publications-and-resources/school-resources/orakei/the-founding-of-auckland/>

7 https://www.parliament.nz/resource/en-NZ/51SCLGE_E...

43. Te Korowai believes the lease rate should be reviewed every year on the basis of the Consumer Price Index change, ratcheted so that it only indexes upwards; and every 5 years a market review similarly ratcheted as the rate of economic benefit increase to New Plymouth region and New Zealand.

44. Te Korowai believes that as usable timbers and other resources found in the NZTA road constructions are removed, they should be stored so that they are protected from deterioration for mana whenua use.

POSITION OF TE KOWOWAI

45. Te Korowai remains opposed to the application.

Dated: 16th August 2018

William Te M. White.