

MEETING OF OWNERS OF HARATAUNGA 2C1 BLOCK HELD ON 10 NOVEMBER 2012

Place: Thames
Court Representatives: Johnson Raumati, Deputy Registrar
Dean Haggie, Deputy Registrar
Dean Parangi, Deputy Registrar
Whānau Present: See attached sheets

[Meeting is called to order by Johnson Raumati, Deputy Registrar, at 10.56 am who asks Pine Harrison to open with a karakia]

Johnson Raumati: Te Reo 10.59.52 – 11.00.06*

I just want to clearly define some rules of engagement for today. I know this is quite an emotional topic but I ask that everybody respect everybody else in this room.

Whānau: Kia ora.

Johnson Raumati: If somebody is speaking, let them speak, you will have your opportunity. It's all about respect and especially in this place. You've all been asked to sign the register under whatever iwi you feel that you represent. This is not about an exclusive group, it's about an inclusive group. You all have a say, ka pai?

The other thing is, if you speak, I want you to come up to the front here and speak into the microphone, state your name clearly because we are recording this whole session to take back to the Chief Judge.

My name is Johnson Raumati and, as I said outside, I'm from the maunga of Taranaki Ngāti Mutunga, Ngāti Tama, Te Atiawa and Parihaka. Beside me is Dean Haggie, Ngāti Mahanga, Tainui. At the back there, the gentleman that was looking after the registrations, is Dean Parangi from Waitangi and his iwi is Ngapuhi Nui Tonu so we come from a very varied sort of an area but I know that I can whakapapa into your area but I'll just leave it at that.

I think I should tell you what the purpose of this meeting is for those who've had a... I think you all know but I need to read out what the Chief Judge has stated. *"I'm going to reserve my decision in relation to this application but in so reserving my decision, and in my view in the interests of justice, I'm going to direct that a meeting take place and I'd like that meeting to be held within two months."* I think we're a bit outside that. *"It's clear that this issue needs to be resolved and, in my view, it should be resolved by the parties rather than the Court. If it cannot be resolved by the parties, then I'm going to ask that it come back to the Court and I'll issue a decision in relation to what I've heard today. So I'm going to direct that the meeting take place between the following people: firstly, the current beneficiaries of this marae; secondly, the descendants of Ngaropi White; thirdly, they who are described as Ngāti Porou ki Hauraki, I'm going to confine that further to say that those owners who have Māori land interests in Harataunga; and, fourthly, those people who can whakapapa to Ngā Hapū e Toru."*

So that's why you have those sheets up the top there to make sure that we've covered everything.

"So, it's attempting to get as many people with an interest in this particular issue in the same place. Now that same place would be the marae. The meeting is going to be called and run by an officer of the Court. I have spoken in the break to the District Manager..." et cetera et cetera. "The sole purpose of this meeting is to consider whether or not the class of beneficiaries for this marae should change and if it's agreed that they should change, to whom should they change to is the next question. If it's thought that the beneficiaries should not change or if there is no resolution and you cannot agree, then that is to be recorded and it will come back to me to make a decision on the evidence of the submissions."

So, effectively, we have forms here to vote on if we need to... as to whether it stays the same or changes and if there is a decision that it stays the same, kei te pai. If it's a decision that it changes, well then what does it change to? The applicant, is the applicant here today? Dean Katipa, is he here?

Unidentified Speaker: No.

Johnson Raumati: He's not here, alright. Is anybody here that sort of represents the side that made the application to the Court that wants to start the proceedings?

Ritihia Katipa: Kia ora tātou, kia ora te whānau. **Te Reo 11.05.27 – 11.05.48.**

Basically I represented our whānau, my brother and I, **11.05.51 [inaudible words]**, went to the Court to represent our whānau regarding the gift that we stand on today, that she gifted to here for my hapū e Toru **11.06.11 [inaudible words]** residents, and hence we're here today to try and make a decision or to work together to how we're going to do that. We have our immediate whānau, our kuia's uri here, as we have her here with us today. We all arrived last night, some having arrived the early hours this morning, so basically because we know we've seen the agenda, we've been fighting this kōrero for a long time. We've got one say hearsay, their say, regarding the kōrero that happened but all we, as a whānau, are just asking for is that her gift to be honoured, what she has put down in 1955 or 54, on her document stating and that's gone through the High Court. We've presented our case there regarding this kōrero and that's all we're asking for, as a whānau, is just to please honour our kuia's kōrero, her gift to here. And it's just for a footing or a place then for us to come and that's for her whānau that she has put down as Ngā Hapū e Toru, **11.07.20 [inaudible words]** Ngāti Porou the man here... it's stated on her documentation.

So from our whānau we're just asking can we please have the original kōrero from our kuia, for her gift to here to our Ngā Hapū e Toru, her whānau as well to be inclusive. You know, because at the end of the day, it's been a long journey for us and I know our hau kainga whānau that's here, our Uncle Windy has been supporting us right through from the beginning. My brother was here Parekura and it's been a long drawn out **whawhai** and we don't want that, we don't want that. We want to be together as a whānau and the only way our kuia could do that was from her initial gift.

So that's all I'm talking to for today. We're not changing. We've had hui after hui with my immediate nieces and nephews, our own whānau just to keep us on the right kaupapa and we want to stand quite proud regarding our kuia. So I know we're all here today and I'm hoping that we're all here for the same purpose. We don't want to have a fight, we're not into that. We just want to honour our kuia's wishes.

Johnson Raumati: Kia ora. Is there anybody here that's opposed to that line of thought, who would like to come up and speak?

[Discussion amongst whānau]

To oppose it, that opposes that line of thought, come up to the front to the microphone please.

John McLeod: Kia ora everybody. My name is John McLeod and I don't want to fight and I hope that everything works out good today. I'm actually a facts person so that's what I'll put forward today and we'll go from there. Tēnā koutou 11.10.05 ... te waka ko Hikurangi ??? 11.10.35 and I've got here Heni Ngaropi, yes, she's a great old lady.

I came back here when I was seven in 1959 and I actually, during the time I was here, I remember her coming to visit my nanny, Aunty Kate, but I don't remember what they talked about. My brother's here today, he's a bit older, and he might say a bit later what he remembers. I was going to read my statement out that I read in Court and I've written a few notes to make it a bit quicker.

I came in 1959 when I was seven and was brought up with my Aunty Kate, Kelta Te Ngaro Ngapo. I moved away for schooling and a four year stint in the Air Force. I returned in 1975 and have been here ever since.

In the 1950's and 1960's, the school at Harataunga was the focal point for the community. The community wanted a marae that they could all be part of and use. The community always extended to mean and include our Ngāti Porou relatives living at Tuatēawa. All the school photos that you look at, you'll find Tuatēawa folk in there from way back and the guys that went to war from over there, it didn't say Tuatēawa it said Kennedy Bay. This is our Harataunga Marae today. It has been operated by the home people since it was all started, fund raising, committees all over New Zealand, then the whare kāi was built and then the meeting house.

I don't personally accept that 50 years ago there was an error of the Court and by the people involved in making our marae for the residents of Kenney Bay. In particular, I knew Mr Richard (Dick) Roy Hovell. He was a good, honest and community person. He would help anybody in need.

In my statement I said that it needed to be sat down and looked at because it wasn't right. The "residents" isn't right and I've said that in my statement. I use my daughter Lesley as an example. If she's away, she can't vote and you've got a lot of people like that and that's wrong. Dad always said the residents should stay but add to it and he also said, you know, like you don't build a house with somebody and then say when it's up, see you. You know, we owe those people the residents and the ahi kaa families a lot and, as I've got here, add to.

Like we've got November 20, 1990, the *New Zealand Herald*, I've got a photocopy of that and as I've mentioned in the other Court, Mat Te Moananui, Paki Harrison, George McLeod, Windy Harrison sitting on the steps, Danny Maurio and Duane Thwaites. You know, they were part of the carving and dad was quoted in that and I'll quote "*We wanted to establish a marae complex and for it to be for the whole community, not just Māori people*" and Paki basically said the same thing in that statement.

I have a document here and it was in June 1962 and it's got here... and this is what I think is our founding document basically and it's a bit scorched so I can't see some of the words, "*The undersigned residents of Kennedy Bay, Harataunga, desire to be registered as owners of the marae to be established and named at a public meeting, the meeting to be held at a*

date convenient for our district and welfare officers." And there's a list here and it really sort of brings tears to your eyes to have a look at those names on there because everybody from here in the ahi kaa block would connect. I think the oldest here is **11.15.50 Mamae T...???** but they're all there and for me we've got Aunty Kate, Keita Ngapo and my Uncle John Robert Ngapo, George Hovell, a whole lot of names.

And then they had another meeting and they elected the trustees and that was the start and I think that that paper is very important and something that we should be working with and adding to whatever. I haven't come here to fight, and I know it looks like sometimes I seem to be always in the middle of these things, but look I'm very fair and so I hope we can come out with a good conclusion today. Thank you.

Johnson Raumati: Can I just ask a question? When you talked about the community, what was termed to be the community at Kennedy's Bay at that time? What was the interpretation?

John McLeod: Well it was everybody but, yes, I've got to admit that most of them would have been either Ngāti Porou and, if they weren't, they were sort of married in. But there was some that were... well I was going to say our first chairman was an Englishman but he was married to a Ngāti Porou lady. Oh, no, he wasn't at that time, he married a Ngāti Porou later, so mainly...

Johnson Raumati: And that was an appointment under the '53 Act, 439, that you're talking about aren't you? That was the application to set aside as a reservation would have been under the '53 Act, section 439.

John McLeod: Well I don't know.

Johnson Raumati: The reason I ask this question because I am aware that in their application they raise the issue of section 3 which states the following: *"Every Māori reservation under this section shall be held for the common use or benefit of the owners..."* that's the original owners, *"...or of Māori of the class or classes specified in this notice. For the purposes of this subsection, the term 'Māori' includes persons who are descendant of Māori."* So the clear definition of the establishment of a reservation at that period was that you needed to a Māori or an owner in the block and that's straight from the bible according to Māori Affairs in 1953.

And also, in the current Act of 1993, the Te Ture Whenua Māori Act that has a flow on effective from when this block was succeeded to and that is under 338, section 338. Where am I, hang on I'll just find it for you.

338(3) *"Except as provided in section 340..."* well 340 means like for a national marae which is for the descendants and benefit of the whole of New Zealand, this particular section says *"...every Māori reservation under this section shall be held for the common use and benefit of the owners or of Māori of the class or classes specified in the notice."* So you can see why I've asked you the question with regards to when you say the common... the class being the community of Kennedy's Bay. Do you possibly think it should have been to the Māori community?

John McLeod: Well, look, I'm not a lawyer but it said "residents"...

Johnson Raumati: But I'm just stating quite clearly...

John McLeod: Yes, yes.

Johnson Raumati: ...how it should have been.

John McLeod: Yes but how do you allow... if it was done that way, you know, would the "Pākehā" have helped that sort of thing. But, yes, I'm not a lawyer but...

Johnson Raumati: I'm only stating you "*There was an error of the Court*" because it states quite clearly what should have happened. I'm trying to say that the benefit could have been to the community as a whole but for that specific purpose it had to relate to the Act. It doesn't mean to say... look I've been chairman of several marae and there's quite a number of Pākehā that are involved but, as far as the gazetting is concerned, it must conform with the Act. It doesn't mean to say that you can't have trustees on there that aren't. You can have Chinamen, you can whoever, you use the best. When you elect trustees, you elect the best people available that can help everybody. It doesn't matter what creed or colour or nation they are but in defining, I'm just putting this out there, it's because I'm talking about the thing that we are guided by. So that's why I just wanted to ask that question.

John McLeod: Well all I can say to that is, is that I asked that question of John Kahukiwa and he said that it was legal what they did but that's hey, I'm just answering what you've... I'm not a lawyer so...

Johnson Raumati: Okay, just answer, would you have an objection to the word "Māori" being included in there?

John McLeod: How do we include the people that helped, that's all? You know, I'm just looking at... yes, I wish I could get over some of these things like the people that helped. Some of them, the odd one of them, probably were Pākehā yes.

Johnson Raumati: We could always sort of 11.23.07 ...??? somebody to acknowledge everybody or *[inaudible words – spoken over]*.

John McLeod: Because originally it looked like this place was set aside for a community centre and sports stuff and then there was a marae built, but then...

Johnson Raumati: Because I note in her original application, which of course did not go through, but there she talked about 11.23.37...??? and that was the original application of course and that application never proceeded. But it was clear then I guess if there's no argument that Ngaropi White was the owner, so therefore I guess in line with Māori, also with the Act, but with Māori tikanga "Nga whakahekenga o tera kuia nona hoki te whenua".

But I'm trying to look at a way because I think everybody wants this marae to thrive and exist for everybody but they just want to correct one or two things so that there is proper recognition for this kuia here. Would I be correct?

Whānau: Āe.

Johnson Raumati: So how do we look for a way forward to do that?

John McLeod: Well certain things have come forward that I forgot, you know like when you're talking and that, and I believe like she originally the 54 one, but there's also evidence out there that she changed her mind. I mean there's...

Johnson Raumati: I'll give everybody an opportunity to *[inaudible words – spoken over]*.

John McLeod: Okay, yeah.

Johnson Raumati: No, that's alright, carry on.

John McLeod: And I know that well, from what the evidence I've heard and listened to, is that she wanted it because the young people had nowhere to go, they must have had good table tennis teams or whatever, and they used to use the Ngapo Pā and Uncle Sam booted them out because they were playing up there. I think they were lighting the lanterns with the bibles or something, that's what I heard. So they wanted, you know, they wanted a place and she wanted a place for these young ones. And she had waited, I think it was '58 or '60, she had done that in '54 and nothing happened and she come back and she was going to take the land back and give it to her nephew Tom Hale who she was close to because she named him apparently. And then a group got together and they talked her out of it, she changed her mind, and so there's that side of it but, hey, I want this cleared up.

And the other thing I'd just like to add, you forget these things so I'm quite actually nervous up here, hey I was down... can I just go off a bit, I was down the coast. Not so long ago my dad's last brother died down Wellington and then we took him back to **11.26.50...???** in **Kakariki???** and I was talking to some guys there, well one guy in particular, and he's a trustee of that marae and he was asking me what was going on and I said "Well, how would you like me to come down here and tell you what to do," you know. "Oh, no." I said "Well that's all I'm saying, the trustees here have got to be from the ahi kaa families and we don't want to be back, you know, where we've got people busing in. If there's an issue, you could actually bus people down and out vote us". Now that's one thing, I'm telling you straight, I don't want that and nobody wants it. Whether that will happen or not, I'm just telling you what my thoughts are. So that's it.

Johnson Raumati: Thank you John.

John McLeod: Okay, thank you.

Johnson Raumati: Kia ora. Yes, you wanted to offer a rebuttal?

Ritihia Katipa: Kia ora koutou. Now whanaunga over here has mentioned 1962 and, as I state, we're going back to 1954 with our kuia's intentions and, you know, that's what I'm saying hearsay, their say, that one said this one but, at the end of the day, the document is signed. 1954, our kuia was still alive, why wasn't she invited. We've gone through all the Māori Land Court to see if there was a letter sent out to her. She's the owner and youse are wanting to make a change. Now, just for respect for her, why wasn't she here for that?

And you didn't even answer the question that was asked of you, asking about Māori. All you have to say is "yes" or "no" and predominantly we are Māori here. So all we're saying is that our kuia's wishes is not to be disregarded here and hence we were in Court, the High Court for that, and we're here today still fighting for the same kaupapa.

Āe, John, we don't want to be fighting. We acknowledge the people that have come to awhi, to come to put... **11.28.57 [inaudible words]** is right, come to put this beautiful marae up. At the end of the day what does it sit on, the whenua of this kuia. You wouldn't have been able to put this marae up if you didn't have any whenua so, at the end of the day, we need to be quite logic about the kōrero and respecting her kaupapa. She would talk to whānau as we had to display there **11.29.22 [inaudible word]???** te reo Māori. She spoke te reo Māori when none of the ones you were talking about understood it.

And change our kuia's mind, nobody could change her mind on what she did. She gifted land here, there, everywhere but we seem to be having whawhai about it here. And you're saying us coming over, we're not friends we're your whānau. You know, we heard the kōrero that came back for you to support us to be here. **11.29.53 Kare**, we were told we were friends. **Hika ma**, we're your whānau and we're fighting for my kuia's whenua and that's the saddest thing. You know, we all one whānau and yet we're fighting against each other. You've done wonderful jobs here but we're not a stranger here. We haven't been brought here. Our mother didn't bring us here until later but if we knew this was here, we would have been here to awahi the kaupapa.

But we're here now, we're here now, but all we're wanting is her kōrero to be honoured, nothing else, and if we have to add something well I think that should be under the conditions of what we're wanting because looking at the piece of paper that happened in 1962 and who was part of that, our kuia wasn't even there. Not even any of our whānau was there. She was still very much alive. She didn't die until 1971 so, you know, **11.30.51 [inaudible words]** our nanny, her sisters, someone would have been here to represent her or they would have brought her if she knew of a hui that was happening to change her wordings. So all I'm saying is, from our whānau's perspective, is that we want to just bring it back to the original kōrero so we can just get on with it.

Johnson Raumati: Just hang on a minute. So what's your expectation as far as like I've asked John whether he's amendable, what's your expectation as far as the classification of this marae should be?

Ritihia Katipa: To the original kōrero that our kuia had asked for and it's stipulated and it's quite clear cut. It's quite clear what it states there because the reason, this could change. As you're saying, we could have Japanese/Chinese come in here, what, to guide us on what to do?

Johnson Raumati: But you, of course, you vote on who the trustees are going to be and then like I said... but what I'm trying to look at here, because I know it's correct that this is known as the Hine Ngaropi Reservation, that's correct?

Ritihia Katipa: Yes.

Johnson Raumati: Alright, so her name is here but are you wanting it to be exclusively for Ngā Hapū e Toru or do you want to include the other Māori who are part of this community.

Ritihia Katipa: Haere mai Stephanie.

Stephanie Palmer: Basically from our...

Ritihia Katipa: Stephanie is going to come and join me.

Johnson Raumati: Sorry, somebody just asked to speak before you Steph. You want to come up the front?

Linley White: Kia ora tātou te whānau whānui. **Te Reo 11.32.57 – 11.33.06**

Johnson Raumati: Could you state your name please.

Linley White: I'm Linley. So **Te Reo 11.33.17 – 11.33.29**.

Johnson Raumati: Kia ora.

Linley White: What I'd like to highlight here is, 11.33.37 tātou katoa, the error that has been identified, see it can suggest that John made that decision to redefine the beneficiaries of the marae. However, looking back at that time in the sixties, was he proficient in the processes of the Court. So Te Reo 11.34.10 – 11.34.16 and today we'd be inclined to go with the guidance. So I'm just putting that out there Te Reo 11.34.24...??? we're not even going to attempt to say that you purposely misled them. I'm actually saying Te Reo 11.34.35...??? we're not upholding that, that was before them.

So standing here, Te Reo 11.34.46...??? to try to keep the kōrero inclusive for all those four groups there.

Johnson Raumati: Kia ora.

Linley White: Te Reo 11.35.00 – 11.35.11.

Johnson Raumati: And I think she is probably quite right because the Court shouldn't have made that order because of what it states quite clearly in the Act so, therefore, it should have gone back to the owners and said "Well, no, you can't do that. You need a classification which must include the word 'Māori' or whatever". So whoever made that application in '62 probably didn't even know that but the Court should have rectified the problem right there and then so I'm saying Te Reo 11.35.55–59.

Linley White: Just one other thing and so the issue we have today is who gets to vote to be a trustee, not who the trustees are but who gets to vote to say who your... and that falls within the current definition of the beneficiaries of Kennedy's Bay.

Johnson Raumati: Kia ora. No, sorry, do you want to go first or do you want... Te Reo 11.36. 27.

Hinetu Ngarimu: Kia ora. Te Reo 11.36.33 – 11.36.45.

Johnson Raumati: Kia ora.

Hinetu Ngarimu: I just wanted to expand on Missy's... on your kōrero in terms of Te Reo 11.36.54 – 11.38.57.

Johnson Raumati: 11.38.58...???

Harangi Harrison: Te Reo 11.39.15 – 11.39.29.

Johnson Raumati: Tēnā koe.

Harangi Harrison: Just a couple of things that I want to add. I don't think that we've ever forgotten our kuia Ngaropi here. Our whare kai is named after her. I was around when we began fundraising for this whare and we had pockets of whānau around the motu that were coming together and raising funds so that we could build this marae. And I have to say at no stage in our circles was e Toru Ngā Hapū ever mentioned, ever mentioned. This was a Kennedy Bay marae and so I don't really know what e Toru Ngā Hapū is really asking for because, you know, we've acknowledged our kuia with our whare. Her name lives on. It's like Rakairoa, this name lives on. What is it that we're asking to be set aside, you know, to recognise her because we are recognising her? We recognise her if we stand up and make 11.40.50 ...??? kōrero so she's never forgotten. So if the whānau think that we've forgotten about her, we haven't. Oh, well, I'll just leave it there for the time being anyway.

Johnson Raumati: Tēnā koe.

Stephanie Palmer: Tēnā ra koutou te whānau katoa. **11.41.17 – 11.41.37.**

I believe the use of the word "residents" is a mistake and I don't think it should stay on the Gazette Notice. And the reason I believe this is because from a number of sources, I've developed this position from a number of sources, and the first one is the gifting of the whenua that happened in the mid 1800s. That gift was to the 46 tupuna who we're all familiar with that, most of us here, Ngā Hapū e Toru are descendants of. Now Ngā Hapū e Toru is a term that was coined by Parekura White when he was preparing his treaty claim and he simply coined it as an easy way of referring to the descendants of Te Aitanga-a-mate, Te Aowera and Te Whānau-a-Rakairoa. Now if you go into the Māori Land Court documents when the original gift took place, Te Rakahurumai received the gift with **11.42.40 Paora Te Putu???** When that kōrero took place, remember the Māori land did not have names on it, it was owned by collectives but the gift came over to those descendants of those hapū collectively. At the time the Native Land Court started to force Māori to put names on the whenua, the Māori Land Court documents show that there were about nine Ngāti Porou hapū/iwi, they were hapū at the time, that were named and the kaumātua, the rangatira that were involved in the time we're talking about, **11.43.15 Raniera???** Kawhia, Rakahurumai himself may have been involved, they agreed that all of those nine hapū were represented by three main hapū and this is where Ngā Hapū e Toru comes from. So we use that term these days as an easy way of referring to our whakapapa, to our tupuna rangatira. That's all that Ngā Hapū e Toru refers to.

So what are my reasons for believing that "the residents" is a mistake, is if this whenua Harataunga was gifted to Ngā Hapū e Toru and Ngā Hapū e Toru are the kaitiaki, that was our role. We are the kaitiaki of this whenua. Now it was never given to us to sell, it was never given to us to subdivide, we were only ever the guardians who were given the right to live and occupy and enjoy this whenua. We are the guardians of the whenua.

So, my belief, that is our role and that is our obligation and that is our responsibility. In **Te Reo 11.44.14???** that is who Ngā Hapū e Toru, Ngāti Porou ki Harataunga is. We are the kaitiaki of this whenua. Now the second reason that I believe that "the residents" is wrong, the use of the word "residents" is wrong, of course is Ngaropi's own vesting order in which she names Ngā Hapū e Toru. In her own words, she names Ngā Hapū e Toru. That was clearly her intention.

The third reason I believe that the use of the word "residents" is a mistake is because of this whare, the whare itself. You look around this whare, you look at all the carvings, you look at the **11.44.51 mahau** and all of the pou that are here, you do not see one for the residents. Is there one for the residents? We have Uncle Pāki and the resource of **11.45.03 rauwene???** that he developed at the time when the whare was opened. The **11.45.07 patere???** doesn't mention the residents or his **11.45.11 rauwene???** that he developed does not mention the residents. The actual iwi that he acknowledges are **11.45.16 Porourangi???** the **Mahanga???** Tamaterā, Marutūahu, he acknowledges the gift, Tamati Paul is acknowledged, **11.45.24 H....???** whanaunga and **11.45.29???** whānau, he goes on to name some of the smaller hapū. There's no mention of the word "residents" in 1996 when this wharehūi was opened. Even though it was for the community, there's no mention of that word "residents".

And the fourth reason that I believe that the use of the word "residents" is wrong is because of the words of my own kuia, Riria. Now I have a CD here in which Riria and Dick Hovel, in 1979 in their own voices, talk about the community, about the marae. Dick Hovell talks about the marae, it's only brief, but you get to hear for those of you that knew him and we all loved him, he talks about how they saw Harataunga at the time. And my kuia is also on here, Riria, because when John stands up here and he pulls out a document in 1962 and he talks about my grandmother signing that document and he suggests that she supported the concept of "residents" as we know it today, don't forget the reason the residents that we know of today, our biggest fear is subdivision. You know, all of this whenua around here is threatened with subdivision at the moment. In 1962 there were a couple of Pākehā here, the school teacher, the Schuberts, a couple they were friends. They were no threat but now they're definitely a threat in terms of, with all the subdivision that's happening, we're becoming a minority. Ngā Hapū e Toru are in danger of becoming a minority on our own whenua that we are the kaitiaki of.

Now this is in their own words and I would seek leave from all of you to play this. We have the speakers, we have the technology, the whole CD is only 30 minutes long. Dick and Riria, they talk in the first five minutes but in case you don't want to do that, I have transcripts and I'm going to read to you this little section. In my grandmother's own words she says, the interviewer... that was on National Radio Spectrum and the interviewer said to my grandmother after various... I think Curly is on there too. By the way he's really hard case but you can purchase that from National Radio yourselves for \$50 if you want to. Anyway, the interviewer says to my grandmother Riria, "So how do you look on the Bay and how do you feel about the Bay?" and Gran says "Well..." and I wish you'd listen to her because her voice makes all the difference "Well, as a matter of fact, I've often thought myself now I like to see the Bay as it is. I don't like to see too many people around, come in and destroy this beauty of this little Bay. Now this is what I've got against different ones. They think they can buy land here but that's one thing about the people living here, we won't sell. We are dead against that but there are different ones here that have already sold. Further up the road you see old Johnny..." oh, never mind, she goes on about all the ones that have sold but she says clearly "We do not sell the whenua" and this "residents" term that some are wanting to introduce is going to make Pākehā who bought land here equal to us. We're the kaitiaki. We're Ngā Hapū e Toru. The Pākehā weren't gifted this whenua to look after it. We don't want to make them the same status as us. That's taking our mana, the mana of our tupuna. It's taking it and destroying it and making us equal to the Pākehā who are only here because of land that is being bought here.

Now I just want to take a minute to read Dick's... kia ora, right, so when Dick Hovell and a lot of us have memories of Dick Hovell, I won't read all of it, but he talks about the road, when they're putting the road in. The interviewer is asking him why they came to the Bay and he talks about the road that gets put in and he says that, you know, he was thinking about putting a road in but his wife reminded him if they wanted a road, why didn't they go back to Whitianga because they lived in a house that had a road in Whitianga and they liked the fact that they're isolated and keeping to themselves. He said, his actual words he's talking about, he must have been sick at the time 1979, how he had handed it on to his tamariki to make the decision and they had put the road in, they were putting the road in. That wasn't his choice, that was his tamariki. But he talks about the marae and he says, you know, it's hard to just cut straight into the middle of it, but he goes "Oh, yes, the marae, the reason for the marae is oh, yes, the families do return and that is why we are so keen on having this marae for that simple reason. There's no community centre where they can forgather but

having this marae we will have a central place where the whole family and we'll all get together again and they do come back by the dozens and dozens." There's no doubt in my mind whatsoever that when our tupuna put that word "residents" down, they had no understanding of what it would mean today with all of the land being sold.

Now I have a solution. *[Laughter]* When the injunction was put down on the marae in 2006 and our kaumātua was removed, which is what happened as a result of that injunction, and then we had... Judge Milroy ordered that we vote the current trustees under "the residents" mantle when all of that was happening, and uncle was put back in under "the residents" but initially he was removed. When all of that happened and I have a whole theory around why all that happened, I'm not going to bore you with that now, but at that time we were working on a charter, a charter for this marae and we actually ratified this charter. Over 150 of our whanaunga came here, we discussed it, we looked at it and we ratified it. It has sat on the shelf since 2006 because of all this raru.

Now in here in our charter, because our purpose in this charter was to define the purpose of the marae, we had also written a huge book called *Te Wharenui o te Iwi* but another story. Anyway, the third point of this talks about the beneficiaries of the marae. Now this is something that we developed with the owners because they're very much involved, Ngaropi's uri, and we said in our charter that we ratified "The beneficiaries of the Harataunga Marae are the descendants of the hapū of Te Aitanga-a-mate, Te Aowera and Te Whānau-a-Rakairoa, also called Ngā Hapū e Toru. They are the beneficiaries that should be on the Gazette Notice. Then we go on to say "The Harataunga 2C Block was set apart as a Māori Reserve on 23 January 1963 for the purpose of a meeting place and a sports ground for the common use and benefit of the residents of Kennedy Bay of Harataunga."

Now we had this in place in 2006 but we've been at each other throats since then. We've never bothered to talk to each other so thank you to Wilson for giving us the opportunity, I mean Judge, Chief Judge Wilson Isaac, for giving us the opportunity to talk to each other because we've been waiting years to do it. I believe that brief paragraph captures all that we need. It restores Ngā Hapū e Toru to the rightful place, so rangatira having decision making authority over the marae, and it acknowledges the fact that it is for the benefit of the whole community. The residents have never been excluded from this marae but when I say residents I think tauwiwi, never been excluded. Kia ora koutou katoa.

[Clapping in audience]

Johnson Raumati: I'm sorry, a gentleman at the back on this side wants to come forward and say something.

Edward McLean: Kia ora.

Johnson Raumati: Kia ora.

Edward McLean: Kia ora, my name is Edward McLean and my iwi is Rakairoa. You talk about the residents. Three years ago an old lady, she died. Her name was Mrs Elsie Nightingale and she was one of the original donators to the marae. The residents were asked to donate money for the carvings for what you're sitting in now. She had leukaemia and her husband died but I looked after her for four years and, in that four years, she told me that when she dies, she'll pack her bags and she'll move on. And I said what about your donation to the marae? She said there were others in our era but the ones who are trying to get in now had nothing to do with what we did in our day. They're trying to come over the

top of what we put in place of what we got our receipt for. And she died and Windy and Peg came down to her and they got her and they brought her and lay her here in the marae, a Pākehā. Now since then other Pākehā have died here and they've lived in our community and they lay here. The workers that they've worked with in the marae here, with Windy as our kaumātua and Peg, we've all got our places so I've got my place and nobody sees me. You probably hear me but you don't see me. The cooks in the kitchen have got their place and you don't see them but you can hear the banging at the back.

You know, Ngāti Porou, we're a people who go to people who die elsewhere and we bury them. We take whatever we've got there. This old lady she died knowing that she donated something to this marae but it stops there. If there's anybody else who's alive who's in their seventies, she was 74 when she died, if there's anybody else alive today who can front up with a receipt for what they've done, she has a receipt, let them come forward. But I find that there are a lot of imposters taking advantage of this, the situation that has happened here, and it's put us at loggerheads at one another. And the kitchen still goes on. That old man is looking old. Windy still sits there. We still rattle our pans and still look after the people. Kia ora awahi, thank you.

Johnson Raumati: Tēnā koe.

[Clapping in audience]

Johnson Raumati: There was another gentleman at the back. Was it somebody...

Jason Harrison: Te Reo 11.58.10 – 11.59.05

I just want to say a few words in regards to all the kōrero that's been put out there. I mean, if we look at the Gazette Notice, I now feel it is an issue, that it is just the residents, because there was never a problem in the past. I mean to say when we come back here for holidays and there was a meeting down here and, you know, we needed to vote on something, hey we'd just rock up and we would vote, no problem. No one brought it to our face that you don't belong here because you don't fit the criteria as being a resident. But "resident" for me, it's spiritual. You know, you fellas know who I am. I used to go to school here. I come back and forth, played rugby here, played touch, yes that's me and probably, more than my own whānau that live here, I probably come to more meetings than them.

[Laughter in audience]

That's just a fact but you know, I mean to say, I remember there was a time when kapa haka was called culture *[inaudible word]* and now when I think about those things, you know, going back and looking at the word "residents" you know for me it's a matter of interpretation. For me the Māori equivalent basically is ahi kaa so I mean to say the ones that are attending to the home fires, you not affected by this. But I do want to mihi out to the whānau of the kuia who gifted the whenua, tēnā koutou, but for me Ngā Hapū e Toru is still exclusive because I can whakapapa that way through my Reidy side, Ngarimu side, but I'm uri 12.01.13 ...??? on my Harrison's side so it's like an uri 12.01.17...??? heart and so nō reira whānau 12.01.23...??? that's us so for me 12.01.26 I'm a third of my uri??? and so where does that fit in? And it doesn't, it doesn't, so I do think it... and you know we're talking about some of the ahi kaa whānau that could be excluded simply because of Ngā Hapū e Toru. We're more than that. We can whakapapa more. Some of you may have the ability to do that, some may not, maybe only just one too. So I don't know but for me I know how to go down this track, this track when it comes to whakapapa to my whenua, you know to the

lands here in Harataunga. But I do believe the Gazette Notice should change because now that it is thrown up in my face with regard to being a resident, in a way I've been adversely affected. No one's ever stopped me yet but I'm just saying for the sake of the paper, I like to see it changed. I've seen those registration forms out there. What have we got to fear, rather just retain the resident because of what I've just explained in terms of my interpretation of resident, ahi kaa, all that. I mean to say you've got those registration things out there. You know if you've got land interests in Harataunga, maybe that can be added. You know, if you're descendants of Heni Ngaropi White, maybe that can be added. Ngā Hapū e Toru maybe that can be added so that we're all covered, or another resolution made as a way to move forward together, just add Ngāti Porou ki Harataunga. I was going to say ki 12.03.13 M.....??? but, no, I'll just leave it.

[Laughter in audience]

Ngāti Porou ki Harataunga that's my solution as a way of moving forward together and, you know, I'll tell you what going through all of this stuff, it has been heart breaking, it sucks, it sucks. You know whānau here, there, and we're fighting against each other, that's not us. You know, people that I was brought up with ever since I was that high, it sucks and even at a cousin level, aunty level, koroua, moko, all that sort of level, it's a... yes, it's eating me up anyway but that's me. **Nō reira 12.04.06 – 12.04.16.**

Johnson Raumati: Kia ora.

Whānau: Kia ora.

[Clapping in audience]

Jordan Daley: Kia ora everybody. Welcome everybody that come up from coast, a long journey for you guys. It's a shame that it's under such bad circumstances. This house was built by great Gran, you know, for everybody including you guys. Now there is an illusion that we are separated. That is only a small minority with a large voice. That is not the case, we are altogether.

Johnson Raumati: Could you just... we need your name for recording purposes.

Jordan Daley: My name is Jordan Daley. My grandmother is Olga Hale who is sitting down the back there. My grandfather is Bill Hale. There's no need for any of this. Someone has created, excuse my French, a shit storm. There is no need for this. You guys are welcome here.

Whānau: Kia ora.

Victor Takarangi: Kia ora everybody. My name is Victor John 12.05.55??? Takarangi. My mother is from 12.06.04.....??? and my father is from the other 12.06.10??? for my father, I'm named after him, and Wikitoria stands for Victor which I'm proud of as you would have found out the last couple of weeks when the East Coast won the *[clapping in audience]* and I'm proud of that name. And 12.06.38 Alderbah??? I didn't know where it come from until I asked my uncles. I said "Where did I get that name Alderbah??? from?" and he said "Your uncle was over in Egypt 12.06.52...."??? He says, well he jumped into a pit, a fox hole, and he had this orange and he was going to save it for a just a quiet moment for himself and eat the orange. In those days he always had a servant running around with him, a little Egyptian, you know and he found out that the Egyptian was Muslim. Well, it didn't go very well so anyhow he starting looking his orange then he realised the

Egyptian had pinched his orange and taken off, so that's how I got the name **12.07.21 Alderbah??? Te Reo to 12.08.40** I'm a shareholder here so I come on two sides. And I'm proud to have come here because I've never been here before and I've spent nine long hours driving from Gisborne to here. The last hour was the worst.

[Laughter in audience]

You know, I arrived somewhere along the beach. I could hear the waves coming underneath me. I thought geez, how long is this going to last and I could see cars way, way ahead. I think it was a turn off. Worse was to come. Coming up the hill I thought geez. Oh, well, we got over the hill, got on this side and my son says to me "Gee dad, I can see two cars down the middle." I said "Where?" He said "Don't look". There were two cars way ahead perched at the top of the hill there somewhere. Anyway, I was glad to get here if it was crap. I've been in some fights before but this one here took a beating but I'm here to tautoko **Te Reo 12.09.54 – 12.10.22** we didn't come here to push anybody away. We just came here to assist, assist you people, and that's all I've got to say and I'd like to thank the man in the middle for letting me speak. Kia ora.

Johnson Raumati: Tēnā koe. Oh, do you want to speak?

Sue Nikora: Tēnā tatou tēnā **12.11.09 – 12.11.19** he must have been a master carver. Nō reira **Te Reo 12.11.25 – 12.16.22** ...they have breached the human rights of my mokopuna. You have breached the human rights of our mokopuna in not doing your job properly, not doing it properly. **Te Reo 12.16.39 – 12.17.07...** so, yet again, instead of using his stupid head, he needs to use his lovely heart.

Dean Haggie: Do I record that?

Sue Nikora: So **12.17.16...???** I've got the paper here **12.17.22 ...???**

Johnson Raumati: Inaudible...???

Sue Nikora: **12.17.28 – 12.21.00.**

Your land is aboriginal, indigenous, native, Māori, lands extant, extant. What it means is your land is full, absolute, exclusive, final autonomy of the Māori people. What's on it, what's below it, what's above it belong to the indigenous people of this country. And don't let them tell you it's wrong because it's right. When my tupuna or our tupuna **12.21.43 P..... Te Putu???** granted it in this time of need, in this time of need he granted it graciously and I pay full respects to our tupuna P.... **Te Putu???** under Tamaterā, Tamaterā, and also Tamata Paul and whanaunga. Nō reira tēnā koutou tēnā koutou **12.22.22...???** so you're in trouble, you're in trouble and so is my son Isaac. Nō reira **12.22.40 – 12.23.04.**

[Waiata]

Tu Hariroa: **12.24.26 – 12.25.14.**

I was the kaumātua that actually worked with Parekura White in the years of doing a lot of research in regards to Harataunga. One of the things that came through quite strongly in our research was the **12.25.31 kopu.** The kopu was the kopu mana whenua and the bonding of **12.25.34 – 12.25.46.** Just before I carry on, can I just sort of side track a few minutes because you made mention of Ngāti Mahanga **12.25.55 – 12.26.19.**

Secondly, my lovely wife, she comes from the shores of the basin of Ngāti Maniapoto and like my aunty over there, her husband and my wife come from that lovely place and what wonderful people but we'll deal with that issue after their claims.

Can I have your attention please? **Te Reo 12.26.42 – 12.27.16.** I'm just trying to clear a pathway to why I want to talk about the bomb that came out of one of our nanny's mouth **12.27.24...???** Ngaropi. **12.27.30 – 12.29.18.** But I'm quite serious here. I'm only saying this out loud because those young men that are getting up, they would be my nephews, they would be my nephews. It is my role as an older brother, an older uncle, to ensure that we provide the right information to our younger generation. **Te Reo 12.29.39 – 12.29.51.** The other thing you've got to be careful of, what actually came out of our Aunty Ngaropi's mouth. I actually met this kuia, I actually met that kuia and that generation as my aunty... because I noticed some people were laughing when she was talking. Be careful of this generation, they're from the old world people, old world. When that kuia spoke, she didn't use all these big, big, big flash thing that you'll find in the Courts, she didn't care a stuff about them. **Te Reo 12.30.35 – 12.30.46** listen to the wonder of what's actually in those few words. **Te Reo 12.30.50 – 12.33.40.** If that's what you want, you want a marae on one of the school grounds, a community centre, take it to the school. Climb over there and then go see my niece and I'll sign the document. I'll sign the document **Te Reo 12.32.53 – 12.33.00.**

Whānau: Kia ora.

Johnson Raumati: Kia ora. Tēnā koe Matua. Yes, yes?

Cam Hunter: **Te Reo 12.33.14 – 12.33.51**

I find myself connected to Ngāti Porou ki Harataunga by virtue of marriage. I guess they couldn't do very much else but accept me after that, for better or worse.

Perhaps I could allude to some of the things that have been spoken already. One was the charter that had been proposed for the whareniui. I had no objection to charters being devised and implemented but we need to remember that this marae has a constitution. It was a constitution that was in force long before I became connected with it and any departure from a constitution, of which Paki Harrison was intimately involved, changes need to be in accord with the articles of that constitution I believe.

The whareniui and the carving and the decoration and embellishment of this fine house has also been alluded to. I believe it is by far the best in this peninsula. My late brother-in-law, Dr Pakariki Harrison, was the **12.35.40...???**, who masterminded. Paki was diligent in his research. He carved many meeting houses right throughout the motu. He was meticulous in his research of the kaupapa which underline such marae, for it was this kaupapa that was embodied in the finished article. If he was negligent in researching the background of any particular marae, it could spawn interminable conflict and irreconcilable squabbles in the future. It is inconceivable to me that he would overlook the beneficiary base, particularly when carving his own marae.

There is no question that the demography and the population base of Harataunga has changed since 1962. There's probably not much doubt that it will change in the years ahead. The beneficiary status as it stands, I believe is something of a travesty. There appears to have been some negligence on the part of the Court in reference to the articles that govern the vesting of marae and I believe some changes are appropriate.

I was one of those who fund raised for the establishment of this marae and complex and I can state that in the late 1960s, the establishment of marae was not exactly the celebrated cause of that time. There weren't any such things as pub charities. Lotto didn't exist. If there was funding at all, it was provided by the then Department of Māori Affairs and there was a queue, a long, long, queue and we had to come up with at least 50% before they would entertain a subsidy.

I put my shoulder to that fundraising appeal in the belief that, as a resident and as a Pākehā, it was going to be my marae too. There's a fair chance that the beneficiary status will change and if it changes to the exclusion of residents, and much maligned Pākehā at that, I will be disappointed. I'll accept it nonetheless but, in my heart, this will always be my wharenui too. Kia ora 12.39.22...???

Whānau: Kia ora.

[Waiata]

William Willis: My name is William Willis. My mother was 12.40. 42 Heni Matara. Her father was 12.40.44...??? the mother is a kuia. This all came about, well the fighting was going on before I... I was in Aussie before I come back. I came back for a meeting in the Courthouse and like everyone else has been saying you fellas, you know, you had all the votes. I couldn't even vote and I was uri, you know, I'm family and you fellas say no because I don't come from here but, we're saying, all we want is that it goes back to the original. The reason for that is Ngaropi said for the three hapū. She did say for all her family, it was a specific hapū she wanted because she's got a wide base of family.

Now that was the first part and she wanted a marae with a meeting house. Now you fellas talk about... it's actually quite a nice place, quite a nice thing, but no one actually thought about her. She was a person that was in front of everything. She never went and cooked anything. That wasn't her job. Now you fellas say you've got people who do different things but her job was just to look good and she was in the front. She never went behind and she never went in the kitchen unless there was something to eat.

12.42.18 Now you folk got her name. 12.42.20 Paddy??? but you fellas all know Paddy???, he's my brother, he was actually quite annoyed but the old lady had to say to him leave it because, you know, at least the marae is getting done. No one recognised her as who the thing was given for. Now that was an after thought about her name going on there. Like, everyone is talking about... like I was brought up with her. I was there right until I was 12 and that was until 1965. The only reason I had to go, because she was getting sick quite a bit and I had to go and stay with my mother. But up until then I travelled everywhere with her. I know I've come up here quite a few times because that was part of my thing with her. Paddy, well he wasn't like that. He stayed and went to school. I couldn't be bothered about school, I wanted to follow around doing things. I could speak a lot of Māori, I was very fluent in it, but when I went to town Māori wasn't a [sounds like] thing to me. My grandmother wasn't there so I said, oh, I'll just stay now with the Pākehā stuff.

Now getting back to this particular part when she gave it, like this is our belief, she was giving it so that we could come up here anytime. Now this is where we could stand and talk but we were told to shut up because we weren't recognised. "Residents", we're not a resident. Now up until you fellas got it recognised that we are, you know, we're the uri but we've also got to recognise that you fellas have a part in it. At the moment, no one wants to get together and say this is how we should do things. You fellas are all looking at well this is

what we can get. We don't want those people there. So like, our family, we would like firstly it should be for the hapū, those three hapū, because that's what she wanted. You know you've got the marae, that's what she wanted, now all we have to do is build on it. If that changes the structure a little bit, then we have to do that but if you just say to us uri "we don't want you fellas" because at the moment that's where it stands.

So it's up... I don't know what group or which group is good and which group is bad but until you fellas decide, the uri are just going to be riding along and it's going to come to a stage where we're going to say, "Hey what are you fellas doing, what are you fellas doing disrespecting our grandmother" so where do we have to go from there. I came back from Aussie and I always remember that time my brother... because I was heading back to Aussie I said I won't be able to get back in time because I thought a Court case would be very quick but it's taken four years.

So, you know, it's these things that we need to start talking and talking constructively about. Whether we have to get rid of the old people up top and get a younger group going into it that are more open minded, you know it's good talking about good things but you all also need to be talking about how we can improve things not how we can go away from it. We've got to keep building and looking ahead because, at the moment, everyone's looking at what I've got, what I've given to you fellas, given to the marae. You know we need to be looking up and saying we want to take this marae a bit further. Now I don't mind if we have to sort something out but four years and it's taking this long. We should be talking about why it was before this case come along. Okay, that's all I have to say, thank you.

Johnson Raumatī: Kia ora. Is there anybody else that wants to... It's the form of natural justice. Everybody gets an opportunity to say what they want to say. It doesn't matter whether it's for or against, but everybody has a point of view, so we should listen to what they have to say.

Jacquie Hamon: Tēnā koutou katoa. Ko Jacquie Hamon tōku ingoa. 12.47.42 -12.47.51.

Before I start, I just want to say my son gave me a book, a pukapuka a few weeks ago to read. It had a proverb on it, a Chinese proverb actually, and it said "*Behold the toad that opens its mouth and shows its insides*". I've heard a lot about the people who helped fund raise for this marae. I don't think we need to go there. I know the road we all walked on. I was born and bred in this place but there's too much concentrated on that, "who gave this, who gave that" we want to build. We talk about building a house and what's a house for? I can remember the fund raising was going on in the fifties when I was growing up. My people went to Auntie Mae's next door. What were they going there for? They were going to raise money for a marae that hadn't even come to pass. So it's been going on.

It's been very sad what's taken place in this place. It's split families, split people apart. I come from a big whānau like all of us. My whānau can't vote, they live all over the place. The residents of Harātaunga, they've listened to the kōrero and, yes, it's time for a change. Tēnā koutou 12.50.08...??? I've never seen us as being separate people, never, and it is time for a change. For me and my whānau the ones that I know, my whānau, we want that change. We want that change to this marae. We're not exclusive, you're our people. I stand here because some of my whānau... I am the eldest of my whānau now and that's very sad so I stand because their tamariki are here and it's time for a change and, because we're one people, I'd like you to help me.

[Waiata]

I just want to close on one little word Wilson Isaac, went to school with him here.

[Clapping in audience]

[Johnson Raumati indicates who is to speak next]

Bevan Hunter: Kia ora te whānau, Bevan Hunter, Ngāti Porou ki Hauraki. Kia ora whānau. Look I've heard... the first thing I want to do is acknowledge the whānau that gifted us the land for this. I think that we all acknowledge you. There's no way we can exclude you from our whare and our wharenuī. You're here. You gifted us the land like the gentleman said, mana whenua, and like a mihi to earlier on today, you know, yes kia ora anō.

So I've heard all the arguments and I'm still really a little bit conflicted. There's one issue that still sits with me and, you know, we've spoken about the beautiful wharenuī, we've spoken about the whakaaro. I guess the only concern that I still have now with Ngā Hapū e Toru, and I whakapapa to Ngā Hapū e Toru every way you look, the only concern I have is, you know, if everyone could just look above there we see these beautiful paintings up here and that was done by the Reverend John Hovell. I've been talking to John and he said to me he doesn't whakapapa to Ngā Hapū e Toru. I've spoken to other people with whakapapa knowledge and they tell me that they do. Identity is hugely personal. You can't tell somebody who they are so I guess if we think about John Hovell, everywhere you look he's in here.

And we're talking about not wanting to exclude people and not wanting to exclude whānau. I saw Aunty Mary here earlier on. I certainly don't want to exclude the Hovell whānau by changing things. I live in Auckland so I don't have a vote either. I like what you said earlier sir. That's my Pākehā father that got up and spoke a bit earlier and he's a trustee now and you've told me, that was another one of my concerns, you told me that that's okay, you know, it's in the law books and everything. So that was an issue and I grew up knowing Uncle Paki and my father they were so close, their relationship, and I knew Uncle Paki was... he always seemed to hold himself...

Unidentified Female Speaker: A master.

Bevan Hunter: Yes, he was a master alright. He held himself, he never preached any hatred or anything towards any Pākehā and he was always very wonderful to me.

I also see the argument that some of our whanaunga are saying that, you know, we've got... there may be Chinese and Japanese come in here and may outvote us. I mean, it might not happen today but that is a potential concern down the track. So, yes, the main issue there I guess is so long as we include our Hovell whānau. I'd like to be able to vote as well if we can manage that. Yes, so I'm a little bit middle of the road for some of the stuff but I just wanted to add those things in. I can't think of any waiata so I'll just compose one on the spot.

[Waiata]

Nō reira, kia ora tātou.

Johnson Raumati: I think we've had a pretty good effort at the kōrero so there has been kōrero both ways and I guess we could sit around here all day discussing the situation but we need a way forward. Now the issue here is, I hear on one side the issue around who can vote. Today everybody can vote but what about for the future if you clearly define the beneficiary base to the exclusion of everybody else as far as voting is concerned. Your

trustees can be anybody but the people that appoint those trustees, are the ones who are the beneficiaries okay? So if I was to say that all the beneficiaries of myself will vote, that means that these two gentlemen on my side 12.59.45....??? can't vote at all. If I was to include them somehow, then it includes everybody in regards to who can appoint the trustees for an area.

Now I've heard Stephanie's kōrero about the charter. Each marae is supposed to have a charter under the regulations. Now sadly enough, off the record, the marae regulations were put together by somebody who lived in Wellington, who did not necessarily know how to run a marae, and that's just the way it is. As I heard this gentleman, Mr Hunter, talk about the constitution, now does the constitution override the charter? That's probably a question for another time and another place because, as I said, the regulations talk about a charter but it doesn't talk anything about a constitution. That doesn't mean to say that a marae can't have a constitution. I'm just saying this is what the regs say. So how you resolve that issue, I don't know but I also heard Stephanie talk about who the beneficiaries might be but the common purpose of the marae would be for everyone which is what everybody wants. Everybody wants to be part of the marae, wants to, as we've said, somebody talked about Te Reo 1.01.43 – 1.01.46.

So it didn't matter who it was, they were brought on to the marae because, at the end of the day, I'm listening and I'm hearing that Te Reo 1.01.57 – 1.02.00 it doesn't matter who you are, you've either intermarried or what have you, except some people have specifically come here for other reasons, kei te pai tēnā Te Reo 1.02.16...??? But to look for a way forward is to look for a way that can be inclusive but still recognise those that feel the māmae. And how do we do that, it's up to you. I can't tell you because when I walk out of this door, I'm going somewhere else. Te Reo 1.02.42...??? you fellas are going to stay here and your children are going to grow up here and Te Reo 1.02.51...??? mokopuna, so the decision that's made today is a decision for the future. And it needs to be one where you're not looking like this but you're looking like this because the saying says that when the parachute is open, it will land safely. When it's closed Te Reo 1.03.13...??? So you need to be open with your thinking, that's what I'm saying to you now. So do you want me to put a paper in front of you so that you vote "yea" or "nay" to the change or do I call for a show of hands saying we want change or we don't want change? How do you want to do this?

Whānau: Show of hands.

Johnson Raumati: Ka pai and I hear and I get the feeling that people want to change but, but... so, okay, let's do this. All those in favour of a change to the Gazette Notice please raise your hand.

Do I need to count them, I don't think so. I think the majority is in favour of a change. Okay, ka pai.

Is anybody against and wants to be recorded as being against the change?

[No response recorded]

Kia ora. Alright, put that aside, let's move to the next stage. What do we want it to be changed to?

Rītihia Katipa: The kōrero that Stephanie gave us regarding the...

Johnson Raumati: E tu, e tu.

Ritihia Katipa: First of all, kia ora to the whānau and thank you for the support and for the kaupapa. Having a whanaunga, Stephanie, stand up and with everybody that supported the kaupapa with us today, thank you very much.

The kōrero that like from our standing regarding our kuia, like Stephanie has already stated it because we did in 2006, she presented her solution, she gave us a solution. She stood up and gave us a solution, so the beneficiaries of Harataunga Marae are descendants of the hapū of Te Aitanga-a-mate, Te Aowera and Te Whānau-a-Rakairoa also known as Ngā Hapū e Toru.

Harataunga 2C1 Block was set aside as a Māori Reservation on 23 January 1963 for the purpose of a meeting place and a sports recreation ground for the common use and the benefit of the residents of Harataunga, Kennedy Bay because that's including us all. So that's what we want to put forward.

Johnson Raumati: Okay, I'll take those original resolutions. Sorry, can we have that clearly worded again so that everybody can hear. The resolution is? Do you want to do it Steph?

Ritihia Katipa: Stephanie does it really well.

Johnson Raumati: Your exact words please.

Stephanie Palmer: Alright. I move that the Gazette Notice is changed to the following beneficiary group *"The beneficiaries of Harataunga Marae are the descendants of the hapū of Te Aitanga-a-mate, Te Aowera and Te whānau-a-Rakairoa also called Ngā Hapū e Toru. The Harataunga 2C Block is for the purpose of a meeting place and a sports recreation for the common use and benefit of the residents of Harataunga."*

Johnson Raumati: Is there a seconder to that? And your name is?

Ritihia Katipa: Linley White.

Linley White: L I N L E Y.

Johnson Raumati: Alright. Is there an amendment to that motion?

Unidentified Female Speaker: Excuse me? Could you just clarify because I'm hearing lots of people down here? People don't understand why you're doing the first part and the second, so you need to explain about the Gazette Notice and then the purpose is a different thing.

Stephanie Palmer: Alright, okay.

Johnson Raumati: In the Gazette Notice it defines the beneficiaries. It must define who the beneficiaries are and it can also say for the common benefit of. So you can have them side by side but I'll need to be reasonably clear in regards to this. When you are electing trustees then the beneficiaries decide who the trustees should be.

Unidentified Female Speaker: Thank you.

Johnson Raumati: That's to make that clear okay? That's why I said they've got a motion on the floor as to who the beneficiaries should be Ngā Hapū e Toru and that's fine but I want to see if there's an amendment first. I see somebody waving their hand over there. Yes, are you wishing to put an amendment to the motion?

[Response inaudible from person speaking from the floor]

Can you come up the front please so that everybody can hear what you want to say? I don't think they will bite you but never mind.

Erica Burke: My name is Erica Burke and I just want to sort of talk a bit more about it if we can okay. Ngā Hapū e Toru, like that will include all Ngā Hapū e Toru all over the world, all over everywhere if we just leave it open like that is that right?

Ritihia Katipa: The specifics?

Erica Burke: *[Sounds like]* Can we sort of bring it down a bit not to contain it just to maybe Hauraki... oh, three hapū and you and the descendants of Ngaropi maybe?

Ritihia Katipa: We've got the descendants there. We're honouring our kuia's kōrero, her descendants, and also the Hapū e Toru and it's stipulated who that three hapū is. It could be all over the world as long as they whakapapa to that.

Erica Burke: I know but, like he just said, you've got to be very careful about the beneficiary base because they're the ones that elect the trustees. We're very suspicious people here. We've come through difficult times, you know, so we're very suspicious. We're not very trusting no more so we want it to be very specific.

Ritihia Katipa: We're very specific.

[People talking over each other]

Johnson Raumati: Sorry, sorry, you'll get your chance, just let this person...

Erica Burke: Because if you don't lock it down to make us feel comfortable that when there's voting of new trustees, youse could bring bus loads from the coast and out-vote us all again. So that's what I'm very, very, suspicious about.

Ritihia Katipa: We're not a suspicious whānau.

Erica Burke: I know but, like I said, we've come through very hard times here fighting and we want to feel comfortable. Make us feel comfortable to accept that.

Stephanie Palmer: Well my suggestion is the beneficiaries of the marae, the descendants of Te Aitanga-a-mate, Te Aowera and Te whānau-a-Rakairoa which is as the kuia wanted and we're all very clear about us whakapapa to that, to those hapū, and if there is a take that we need to discuss as beneficiaries, then bring your bus loads to that and we will have another discussion and find the wisdom, you know, the answer. So that's the...

Erica Burke: To me it's still leaving it wide open to...

Stephanie Palmer: The purpose of the marae...

Erica Burke: I mean, I know we want to agree but like I said we want it sort of contained a bit more.

Ritihia Katipa: That's how containment is going to be but from our kōrero from my whānau for my kuia, she was really quite direct. So her descendants, her uri and the three hapū, we've stipulated we're the three hapū, it's come from her kōrero, her wisdom of words. Sorry I can't explain it any more. And if you're saying explicit to Hauraki, we're going to have

everybody over the hill that will connect here then our so called bus loads won't even matter. So that's how clear cut I can be.

Erica Burke: Most of us live in Hauraki now.

Ritihia Katipa: But you will whakapapa to the three hapū that's stipulated...

Erica Burke: I do, I do.

[People talking over each other]

Johnson Raumati: I can sort of understand what she's saying.

Erica Burke: A lot of people, sorry, use this as a power base, our marae as a power base.

Johnson Speaker: I suppose there *[inaudible words]* that you could elect trustees from anywhere throughout the world to be trustees.

Erica Burke: Yes, that's right, and a lot of our whānau use this as a power base and don't have nothing much to do with it but they use it to get what they want, so that's why we're suspicious.

Johnson Raumati: Kia ora.

Male Speaker: Look, to elect people on, you've actually got to come here. If you're talking about the ones overseas, it cost them a lot of money. It cost me a lot of money to come here. So what we're saying is you've got to start somewhere. Don't put up one proposal. Can we hear what you fellas have got.

Erica Burke: I just said.

Male Speaker: No you said for us to contain this one. Have you fellas got one...

Erica Burke: Yes, I'm trying to add to yours.

Male Speaker: No, we don't want you to add. If you fellas have your one that we can read them together, that might be the only way because at the moment everyone is shooting this one down.

Johnson Raumati: Also you need to if you want to, you sort clarification. I think if you want to seek an amendment well *[inaudible words]*.

Erica Burke: After they vote on this motion for now.

Johnson Raumati: If we talk to the motion we can seek amendment to it but, at the moment, I'm just allowing discussion from the floor with regards to the motion that's there. Anybody else to speak to this motion either for or against?

Cam Hunter: Yes and with respect to Erica who has the floor, I would propose an amendment which would not exclude the residents of Harataunga and I fully support your take. These people have been excluded. I don't think intentionally but, nevertheless, excluded. If your take was adopted and voted upon, then residents such as myself would be excluded. We need to remember that the beneficiaries *[inaudible words]*. Inevitably the *[sounds like]* constructions have been constructed here largely on the *[inaudible word]* of the

residents. Not exclusively but largely. *[Inaudible words – sound distorted and people talking near a microphone coming over top of speaker].*

I propose an amendment which would bestow the beneficiary base to Ngā Hapū e Toru but include the rest of us at Harataunga.

Johnson Raumati: So is there a seconder to that motion?

Ritihia Katipa: Marie Dobbs is.

Johnson Raumati: Your name is?

Marie Dobbs: Marie Dobbs. I second Cam's motion.

Johnson Raumati: Alright, we'll vote on the amendment. There's an amendment on the floor, the motion still stands, but they're seeking an amendment to be included in that motion.

Female Speaker: Can I just suggest that we write up the two current motions that are on the floor.

Johnson Raumati: Well one is the main motion and the other is simply an amendment to it.

Male Speaker: Can I speak to the amendment if possible?

Johnson Raumati: Yes, certainly.

Male Speaker: Kia ora koutou *[inaudible words]*. What I wanted to say, speak to the amendment, is I believe we came here today because we are whānau, we are from here, and we do want change and I think that's a given. Everybody put their hand up and showed us that.

Johnson Raumati: Yes.

Male Speaker: So we all agree on that. I don't believe coming together to compromise is to just swap hats. I believe a compromise is just that. *We [inaudible word]* we meet and we go forward otherwise we still have resentment, we still hang on to our issues, our point of reference from both sides. And I don't believe by just standing here taking a motion and I'm not good with rules, and I have to be truth to that, but we came here together to find a way to go forward I believe and I believe everybody here is asking for that and if we are, as we say, open and transparent what have we got to hide. We can come together and we can move forward. I believe we should take a recess to discuss the motion that's on the floor because to just railroad and swap hats is not a compromise I believe. And I'm not a lawyer so I'm just asking the question, is that an unreasonable thing to do.

Johnson Raumati: Thank you. *[People wanting to speak]* No, another lady is just coming up the floor wants to speak to.

Female Speaker (Stephanie Palmer?): **Te Reo 1.18.46 – 1.18.58.** In seeking to understand the positions for me, I draw reference to my own life experience. Our Palmer whānau have lived in Te Aowera rohe for over half a century. We have marriages that have been sanctioned by our kuia that interlink us to whānau there, we work on the marae, we are called upon in advisory roles for our areas of expertise but never, ever, ever would I dare to assume that I have the rights of mana whenua. If ever I am asked to contribute in any way

the privileges and the growth is mine, the gift is mine from the learning that I have from Te Aowera people. Kia ora.

[Clapping from people in audience]

Johnson Raumati: Anybody else wants to speak to that matter?

Nehe Rapata Mareroa: Te Reo 1.19.58 – 1.20.33. I was in this movement from grass roots as regards to why there is a standing here now and we're saying a lot of things today that you know, probably we wouldn't have needed to say if it had been put forward and accepted rightly by the Court in the first place. So that's number one thing and that's been expressed fairly strongly here today. But getting back to this, what we're doing at the present time, could we not, would it not be more appropriate to have "Tangata Whenua" in there rather than residents. Would that simple word be a better word to be in there to give us more strength in what we're talking about. It's a question I'd like to ask everybody, is there a difference between residents and tangata whenua? That's the only amendment I would like to make to that resolution. Thanks very much.

Johnson Raumati: Would you accept that word in your amendment or do you want us to *[inaudible words]*.

Cam Hunter: Perhaps it could be amended to "ahi kaa".

Johnson Raumati: Hang on, well just... the people doing the writing here they seem to be in their own *[inaudible words]*.

[Laughter]

There's been a suggestion to the amendment that the rewording "for the benefit..." what was it "...of ahi kaa". Is that what you want? You want to remove the word "resident" and put "ahi kaa".

Cam Hunter: I would certainly accept that Sir yes.

Johnson Raumati: Take out the residents... for the benefit of the ahi kaa of Harataunga. Take the word "residents" out and put "ahi kaa".

Fred Thwaites: Any chance of just a quick word?

Johnson Raumati: Yes, yes. Are you speaking for the amendment or?

Fred Thwaites: No, I just want to talk to the mess that's developing.

Johnson Raumati: Pardon?

Fred Thwaites: I just want to talk about the mess that's developing. I'm sorry, no disrespect to you people but, I believe, we need to have a break to talk because...

Whānau: No.

Fred Thwaites: Excuse me, Fred Thwaites is the name. I actually believe we need a break. We've come here to try and get a change but, at the moment, we are being railroaded into a change one way and I believe that we need to have a break so people can talk about what the amendment is if there is to be an amendment, or else we are going down a path that some of us are forgetting about. There are the ahi kaa families and there are the

people that look after this marae that don't live here. Now I heard some of you people say it costs a lot of money to get here. It does and those people who don't have the funding to get here to do the work, have to rely on the people who live here and they're the ones that do the work to keep this whare and to host people and they keep it available and in good condition for the people who come back. Hey any one of you people can come back, you can whakapapa here you can use this place, but I believe the way that this amendment is going, is going to be nothing but trouble and I'm going to tell my people not to vote. Now they were the people that joined the last... they were the majority that said to you people we want change but we want change that's inclusive not exclusive and I'd like to take a break so that I can talk to my people about what we do when we come back with an amendment.

Now if you don't want to take that break, then we've got problems because I do not like the way that this motion is being put. Sorry, that's how I feel.

Johnson Raumati: Look, in fairness to everybody, I'm prepared to accept that. Recess for half an hour. Thank you.

[Meeting broke for a recess at 1.26 pm]

[Meeting reconvened at 1.56 pm]

Johnson Raumati: First of all we had to change the original resolution to conform with the wordsmiths that do the gazetting so hence the change to the *[inaudible word - coughing]* which I now can't see. Ideally we can probably worry about the wordsmithing a bit later but the important part is the beneficiaries and that is where the difference lies. It's quite clear with the original motion, that it is Nga Hapū e Toru with the other fraction saying kei te pai but we want to be included. Is that what I'm hearing?

Whānau: Yes.

Johnson Raumati: Okay. So before I go back to the amendment, I think it's important that we know, as far as those who put up the original motion with regard to Nga Hapū e Toru, are you prepared to be more inclusive or do you strictly want to stay with that? You are accepting to be more inclusive so we can talk a bit more?

Ritihia Katipa: We're just trying to get our wording...

Johnson Raumati: Well I think that's a way forward.

Ritihia Katipa: Inclusive with that, one word has come out as ahi kaa, tangata whenua, hau kainga and mana whenua.

Johnson Raumati: Alright. To the group that's seeking the amendment, how close are you to that?

Male Speaker: I would find that definition *[inaudible words]* with the four categories which you've identified.

Female Speaker: You have to choose one.

Johnson Raumati: Well they're virtually much the same.

Male Speaker: Perhaps we could refine it. There was a petition signed in 1962 which, at that time, was signed by most if not all of the ahi kaa families at that time. May I propose that we use "ahi kaa and their descendants."

Ritihia Katipa: Are you sure?

Male Speaker: Now those names were *[inaudible – people talking over each other]*

Johnson Raumati: Taihoa, do you know what those names are? I'm just saying, I'm asking this side **Te Reo 2.01.14 – 20** or do you need them to be read out?

Stephanie Palmer: With the names of the whānau that were here, you know the key whānau that were farming the land at the time. But the problem with going there is it kind of snap freezes that decade or time, you know it ignores the fact there were whānau that were moving, sort of gone before.

Female Speaker: I personally resist the motion of *[sounds like]* this farm land.

Johnson Raumati: Alright. We're trying to look for a common... I think we're just about there.

Female Speaker: Yes we are.

Johnson Raumati: Yes?

Elizabeth Ngarimu: Kia ora. I think that the term up there that really is inclusive and accommodating of all those four different groups is hau kainga. Ahi kaa, you really have to understand the concept of what that means. Tangata whenua will work for some but not for everyone, same as manawhenua. So of that four, hau kainga was probably the best that reflects everyone. Up to you, no it was up to us.

Johnson Raumati: **Te Reo 2.02.46....???** well what do you think, hau kainga, the word "hau kainga" being included in the... so we're seeking to include "hau kainga and the beneficiaries?" Āe? Ka pai tēnā?

Hinetu Ngarimu: Kia ora. Just the difference between ahi kaa and hau kainga, ahi kaa is the people that actually come and open the door, that bring the food, prepare the kai. Most of us have got to go home but they're the ones that are left to clean the place up. Now "hau kainga" you can be hau kainga but not necessary be part of the marae. The tangata whenua, well that's everyone. That's the whole of Maoridom, so their class is tangata whenua. Well the manawhenua is kind of like hau kainga but the manawhenua is that's where we come back to *[inaudible words – spoken over]*.

Johnson Raumati: Yes. That's already inclusive?

Hinetu Ngarimu: Yes that's already *[inaudible words]*. So that's the difference between ahi kaa and hau kainga. Now ahi kaa, they're the ones that come in and do the work, get the marae ready. Hau kainga, your from here tuturu but not necessarily part of the marae. Kia ora.

Female Speaker: Is it possible to include, if we were to go for ahi kaa, to have beneath that somewhere, maybe in the charter or another doc, but noted the definition of ahi kaa as the kuia has described it.

Johnson Raumati: Yes, you can do that in your charter but you could also... *[Sounds like]* I note that the constitution... if there's a constitution I did say that maybe the two could exist. You would amend the constitution to have clear definitions of those. Ka pai tēnā?

[Indication from someone wanting to speak]

Come up the front here so we can all see your beautiful face. Obviously you work in the background.

Amohia McQueen: Kia ora koutou. **Te Reo 2,05.09 – 2.05.13.** Just a question to the **tepu???** really. In terms of ahi kaa and any kupu Māori that we may use in this resolution, down the track I'm thinking if ever it was challenged in Court about the interpretation of... even though we have it in the charter and we defined it, which one has the weight?

Johnson Raumati: Are you saying...

Amohia McQueen: Defining a kupu of ahi kaa or hau kainga, which one has the weight if anyone challenges it in Court down the track?

Johnson Raumati: I think the definition that you put in your charter or you put in your constitution, clearly defines for you *[sounds like]* here in the mind as to how it should be because you need to be clear as to how that will be defined.

Amohia McQueen: Okay then.

Johnson Raumati: And that's good for the future generations so they know exactly, there are no grey areas.

Amohia McQueen: Yes, yes.

Johnson Raumati: And I think that's your concern.

Amohia McQueen: Yes, yes, in case someone pulls up in a case law to say well, actually, let's test this in Court as to how we see ahi kaa or any of those. That's my worry about where that is so kia ora.

Johnson Raumati: You, the people, make the decision as to that.

Female Speaker: Can I just ask a question? What is the most potent, the constitution or the charter?

Johnson Raumati: As far as the marae is concerned, your charter is a requirement under the regs okay? But some marae also have a constitution because in some cases they have a charitable trust, in other words so that their money won't be taxed and those sorts of things when they do donations to the marae. So, as far as the Act is concerned, the charter is what is required but I'm not prepared to argue as to which should take precedence. I think what you should do is make sure that you've got them in both places because I don't really know nothing about your constitution. I have no idea so I can't really comment about that, how that was formed, what was the purpose of it and that's something that when you go from here *[inaudible words]* that you will look to make sure that those protections that that lady just spoke, are in there to ensure that everything is clear for the future. I don't want to make a decision either way and give you one and I could be wrong. But I know what's in the regs and I know Incorporated Societies have constitutions but I don't know whether you're an Incorporated Society and how you constituted your rules.

Eliza Ngarimu: Just that point on the Charities Commission, to be registered they ask for a charter, or a constitution or a charter, and that's to receive the certificate to exempt you from *[inaudible word]* tax.

Johnson Raumati: Yes, kia ora. Tēnā koe tēnā. Alright, let's go back to the board. So the land known as Harataunga 2C1 Block is set aside as a Māori Reservation for the purpose of a marae for the common use and benefit of...

Female Speaker: Common use and benefit of the beneficiaries being the descendants of...

Johnson Raumati: Oh, being the descendants of Heni Ngaropi White, Te Aitanga-a-mate, Te Aowera and Te Whānau-a-Rakairoa and the hau kainga, the ahi kaa of Harataunga, Kennedy's Bay.

Okay hau kainga?

Whānau: Āe.

Johnson Raumati: Show of hands, hau kainga?

Ahi kaa? Oh, I think you've lost that one. Ka pai, so hau kainga. That now being, I believe it to be the motion, so I'll ask the motion to be read. You can do that Dean, as you've been sitting there.

Dean Parangi: Resolution. "That the land known as Harataunga 2C1 Block is set aside as a Māori Reservation for the purpose of a marae for the common use and benefit of the beneficiaries being the descendants of Heni Ngaropi White, Te Aitanga-a-mate, Te Aowera, Te Whānau-a-Rakairoa and the hau kainga of Harataunga (Kennedy Bay)."

[Clapping in audience]

Johnson Raumati: And all those in favour say Āe.

Whānau: Āe.

Johnson Raumati: And those that are against that want to be recorded? Kia ora, your name?

Harangi Harrison: Harangi Harrison.

Johnson Raumati: Harangi Harrison, kia ora. Alright.

Female Speaker: The motion was moved by?

Winiata Harrison: Me.

Johnson Raumati: And seconded by Ritihia Katipa.

Alright. I hope that everything will move forward in a really aroha way, manaaki way for the future. When we walk out this door **Te Reo 2.12.29 – 2.13.29.**

[Karakia whakamutunga nā Winiata Harrison]

Meeting closed at 2.15 pm