

Wai 349 #A15(b)
Wai686#W5(b)

Wai 720 #A5(b)
Wai 778#A15(b)

Appendices to Brief of Evidence Given
to the Waitangi Tribunal Hearing
in the WAI 349, 720 and 778 Claims
by Te Wiremu Mataia Nicholls

1. My name is Wiremu Mataia Nicholls. I am a senior kaumatua of Hauraki he tangata korero on all the marae. My whakapapa covers the majority of tribes and hapu within the Hauraki rohe. I am advisor to various Councils, e.g. the Waikato and Auckland Regional Councils, the Thames-Coromandel, Hauraki and the Bay of Plenty District Councils, on various issues such as those relating to lands, waahi tapu, water and coastal concerns, and forestry.

2. I am here to represent standards which have been passed to me from my tupuna. These standards are based upon tikanga which in a sense is like the Common Law of England. The principle standards in brief are as follows:

(a) Ranginui - Skyfather - the heavens and everything in them

(b) Papatuanuku - Mother Earth - all that is upon and within the earth - the sustenance and nurturing of all life etc

© Tanemahuta - Flora and fauna and water etc

(d) Tangaroa - Marine life and the bounty of the sea - what is in and under the sea etc

(e) Tumatauenga - The laws governing People etc.

(f) Whakatiri - lightning etc

(g) Ruamoko - Earthquake, earth movement etc.

3. We do not support gold mining because of the disruptive and destructive nature of the process, and the effects this has on the environment. The intrinsic value of the environment cannot be compromised in any form especially for extrinsic human values of monetary gain.

4. I was born in Paeroa 75 years ago. I attended primary school and later the Paeroa District High School, and spent most of my youth in Paeroa and Coromandel. I also attended an Army camp at Matata hoping to go overseas, but was rejected because of my age. Years later I joined the R.N.Z.A.F., completing 8 years service.

5. Along with the late Huhurere Tukukino I lodged the WAI 100 Claim with Archibald Wendell; lawyer at his Otahuhu offices. Witnesses were Mrs Kathy Bowers and Garth Banks. After the death of Huhurere Tukukino I lodged the WAI 349 Claim on behalf of the various hapu and iwi I represent.

6. It was my great-grandmother Rihitoto Mataia and others who lodged the Hauraki Goldfields Petitions with the government: No 23/1931, and 347/1934-5. These related to:

(a) The acquisition and purchase by the Crown of lands within the Ohinemuri and Hauraki districts.

(b) Goldfields revenue in respect of Goldmining rights over all Maori lands within the district, from Cape Colville to Te Aroha mountain.

© Mining rights within Coromandel and Hauraki district. Hoani te Anini and Others also lodged a petition (96) 1935.

These grievances are still outstanding, and have never been resolved.

7. My father William Tawhia Nicholls acted as his mother's interpreter and secretary on many of her transactions. Rihitoto was respected by her people of Ngati Tamatera and Ngati Hako , and was presented with the O.B.E. in 1936. She was married to my great-grandfather, Sir William Grey Nicholls, who was a member of the Legislative Council and the House of Representatives in 1903. He also represented many kaumatua in their cases before the Native Land Court.

8. In 1956 I went to Auckland to seek employment. There I got married and had eight children. I bought a home in Otahuhu. In 1974 I joined in the Maori Land March with my mother-in-law Whina Cooper. The March commenced at Te Hapua and ended at Wellington. We were welcomed on many marae with tremendous hospitality. The reasons for the March were the many existing grievances concerning land and the transactions concerning this, and the fact that so little land was still held by Maori, and ownership was still being lost.

9. Evidence given by me in the WAI 349 Claim, amended statement of Claim, heard on 27th April 2001, pertains to the current hearings also. We attach as Appendix A, a copy of this Amended Statement of Claim which lists the legislation which was used as a tool of Crown oppression, cultural and economic destruction, and colonisation for our people.

10. Re Block Te Arero o te Huatata No 1: This Block of 20:1:21 acres was surveyed out for Mataia te Ngahuri and Rihitoto, on behalf of the Ngati Tamatera tribe, and shown on ML Plan 3456; 4th March 1876. Provision was allowed for a proposed road through the block, which would take 2:0:25 acres from the total.

11. The area was re-surveyed and ML Plan 3731 was produced before Judge Monro at a sitting of the NL Court at Ohinemuri on 7th July 1877. The road was re-sited and it is unclear from the plan whether the area given, 25:3:20 acres is inclusive of the road area or not. The road was Gazetted No 122 on 22nd Nov.1883, Fol.1638, and entered on Block XVI Waihou Feb 24th 1879.

12. This land was never sold, nor compensated for, but now all of it has been taken from our possession. Part of the block to the North of what is now Belmont Rd was formerly occupied by the NZ Railways Road Services bus station. (Pt 126/127/128 Appendix B).

The area to the south of the road is where Woolworths' shop and carpark and the Hauraki District Council buildings are now situated. It is possible that this land may have been taken under the Public Works Act for Railways reserve purposes.

13. See Appendix C for a list of Coastal Reserves, previously owned by Ngati Tamatera which were taken through Gazette Notice on 10th December 1981 and turned into Recreation Reserves, under the Reserves Act 1977. This was a unilateral decision taking our lands by a Crown Agency under legislation

14. Here is a further issue. Waihi Gold Inc are responsible for the removal of our Waahi tapu at Pukewa, Waihi, through their excavations, and re-locating of this to their tailings dam of toxic waste situated behind the Ngati Koi Reserve. We request that the Waitangi Tribunal direct that we be appropriately compensated for this action, which has been supported by Crown legislation and agency.

15. Hoi ano ko tenei whakamutunga me waiho ma te Atua. Mana i manaaki mana tiaki mana i whakatote purapura pai i roto i tena i tena o tatou. No reira tenei tonono ki nga iwi o nga iwi o Marutuahu, Tamatera, me era o nga iwi o Hauraki puta noa. Hei tautoko tenei pitihana. Apiti hono tatae hono ki te hungamate ki te hungamate. Tatou te hunga ora kua mahua ki muri hei tautoko o ratou hiahia o ratou wawata o ratou. No reira tena koutou, tena koutou, tena koutou moemoea katoa.¹

Appendix D: Whakapapa of Te Wiremu Mataia Nicholls.