

**IN THE MATTER OF**      The Treaty of Waitangi Act  
1975

**AND**

**IN THE MATTER OF**      Claims    by    HUHURERE  
TUKUKINO and OTHERS  
known as the HAURAKI  
CLAIMS

**STATEMENT OF EVIDENCE OF JOHN McENTEER  
ON BEHALF OF THE HAURAKI MAORI TRUST BOARD  
AND ALL OTHER CLAIMANTS**

My name is Terrence John McEnteer. I am of Ngati Maru descent through Te Ngako to Naunau. My whanau is Watana. I have been retained by the Hauraki Maori Trust Board as the project manager of the Treaty of Waitangi claims. I do so under contract and have carried out the role of Claims Manager of the Wai 100 claim and the others lodged by the Board since 1992.

My formal tertiary education qualifications comprise a Bachelor of Social Science from Waikato University in 1974 and a Master of Social Science Hons from the same university in 1976. Since then my working experience has involved project

planning and corporate management positions with public and private sector organisations such as the Commission for the Environment, Ministry of Energy, and Coal Corporation. In the last six years of my consultancy business I have provided a bicultural service to a number of clients in the area of treaty claims, environmental resource management and Maori business development. I hold a warrant from the Governor General as a Commissioner on the Representation Commission whose job it is to set the boundaries of electoral districts for representation in Parliament. I am currently a member of the Institute of Directors in New Zealand (IoD).

3. As the Claims Manager my role could best be described as that of a project manager. I supervise and direct the research and coordinate strategy with the Trustees of the Hauraki Maori Trust Board. I maintain general liaison, secure financial assistance and report to the Board and hui on progress and policy issues the outcome of various negotiations with the Crown and other agencies related to the Treaty claims.

#### **Hauraki Maori Trust Board**

4. The Hauraki Maori Trust Board exists for the benefit of its beneficiaries. These beneficiaries are the descendants of the 12 iwi of Hauraki, Ngati Maru, Ngati Paoa, Ngati Tamatera, Ngati Whanaunga, Ngati Hako, Ngati Hei, Patukirikiri, Ngai Tai, Ngati Tara Tokonui, Ngati Rahiri Tumutumu, Ngati Porou ki Harataunga ki Mataroa and Ngati Pukenga ki Waiau.
5. The Board itself was established in 1988 by an Act of Parliament, the Hauraki Maori Trust Board Act. A copy of this Act is contained in Volume 1 The Claims as appendix 1.
6. Before 1988 the merits of establishing an iwi authority in Hauraki were discussed at hui held throughout the Hauraki rohe at Harataunga (Kennedy Bay), Manaia

(near Coromandel), Thames, Paeroa, Tirohia (near Paeroa), Te Aroha and Whakatwai (near Kaiaua). After three years of hui it was agreed that the most suitable mechanism for the establishment of such an authority was through the Maori Trust Boards Act 1955. At this time there was quite a lot of discussion on the different options available for incorporation of a Maori authority as envisaged. The Runanga Iwi Act was promised but not enacted and a couple of years later, when it was brought into existence, a change of government saw that Act repealed. I make this point because the Hauraki Maori Trust Board needs to be distinguished from the older style trust boards. When Hauraki was established it was not set up to administer an asset such as a lake bed or land nor did it administer any compensation monies or the like. It has built itself into the equivalent of a medium sized business based on the hard work and commitment of our people working together for a common purpose. In the most recent Report of The Controller and Auditor General in July this year, Hauraki is given a clean bill of health and complies with all statutory requirements and reporting provisions.

7. The Board is made up of representatives from the 12 iwi of Hauraki. These representatives are elected by registered tribal members every three years. The Board convenes at regular six weekly intervals throughout the year. Regular hui are also held by the Board during the year so that issues of importance and the opinion of tribal members are able to be addressed. The day to day business of the Board is managed by the Chief Executive Officer and her staff.
8. Between 1987 and 1996 the Hauraki Maori Trust Board has filed four separate claims under the Treaty of Waitangi Act 1975. The Board has lodged four specific claims regarding lands and forests at Maramarua and Athenree land at the central Auckland railway and most recently a claim concerning the proposal of the Crown to establish a Hauraki Gulf marine park which was the subject of a recent judicial conference in Auckland. Individual whanau, hapu and iwi of Hauraki have also

lodged general and specific claims in their own right. In total there are now more than forty claims concerning the Hauraki tribal estate.

9. In 1987 the late Huhurere Tukukino filed Wai 100. That claim covered the whole of the Hauraki tribal rohe. A copy of this original claim is included in Volume 1. The Claims at chapter 3 pages 49 to 59. It was his request that the Hauraki Maori Trust Board bring Wai 100 before the Waitangi Tribunal on behalf of himself and of the people of Hauraki. This request was made at a hui I attended on 29 April 1989 at Matai Whetu in Thames. Mr Tukukino was widely regarded as the paramount chief of Hauraki. He was honoured by the Queen and in 1990 I took him and other kuia and kaumatua to personally meet Queen Elizabeth at Waitangi. I recall that hui at Matai Whetu in 1989 because the Board was not long established and I had recently commenced working for the Board on a secondment basis from the Iwi Transition Agency.
10. I brought my eldest son along to the hui. He was then only four years old. We knew what was to take place that day, it was a very special and significant occasion attended by many of those here today. I said to my son at the time that while he did not really understand what was going on it was important for him to be there. To be there at the start and continue the unbroken link of those who have worked on these issues we put before the Tribunal. I said that I hoped that by the time he was my age he would be able to see an end to the claims and the achievement of positive results. That was nine years ago, he is now 13 years old. I still believe we can make good progress and that within a few years the next generation will be focused on an era of development rather than an era of grievance.
11. The Board agreed to undertake the prosecution of the claim and set about the task of securing a mandate from iwi. The huge resources that the Hauraki Maori Trust Board would be required to use in pursuit of this claim meant that the agreement

of the people of Hauraki would be required. This agreement and endorsement was achieved by a number of means. Since 1989 the Board has held regular hui at which formal resolutions were put to endorse the action of the Board in researching and bringing the claims to the Waitangi Tribunal. As far as I can remember, I have attended all these treaty related hui. Whanui hui were held at least each year and sometimes twice a year. In addition the Board has a formal presentation of its annual report and accounts where the board strategy is discussed and endorsed. The overwhelming weight of opinion (in many instances it was unanimous) has been to support the actions of the Board in bringing these claims to the Tribunal. In the last two years we have also sought mandate by way of the mandate protocol. A copy of this document is contained in Volume 1 The Claims as appendix 2. This has been circulated to each Iwi represented on the Trust Board. To all those marae identified on Page 6 of Taimoana Turoa report Nga Iwi O Hauraki (this is the red coloured Volume 2 of our research). To individual kaumatua of Hauraki and to various parties who have lodged claims with the Waitangi Tribunal. The details of these signed mandate documents are discussed elsewhere but suffice to say representatives of all the iwi have signed these mandates along with the majority of claimants, and others. Today, we see the culmination of this earlier work. The special contributions of Huhurere Tukukino, Mairehau Williams and Taimoana Turoa are beyond measure. However there are many more that need to be acknowledged. In the next few days you will hear of their names but let me refer you to the opening mihi of Volume 1 The Claims, (the mihi is recited).

12. Since 1988 tribal representatives on the Hauraki Maori Trust Board have provided the political will and support necessary to progress the Hauraki Treaty Claims. Although some trustees have passed on and others resigned, many continue as serving members today. Since 1988 the following tribal leaders have served on the Hauraki Maori Trust Board: Toko Renata, John Linstead, Harry Mikaere, Lully Watene Heemi, Patricia Macdonald, Mapuna Turner, Pani Gage, John

Tamihere, Stephen Zister, Kemara Tukukino, Henry de Thierry (deceased), David Peka, Murray Peters, Christine Karu, Whai Ngata, Caroline Williams, Fred Paraku, Desmond Castle, Kahu Mankelow (deceased), Walter Te Moananui, Lawrence Beamish, Sarah Williams (deceased), Edwin Te Moananui, Doreen Royal (deceased), Robert Gage (deceased), Jim Nicholls, and John Reta.

13. These representatives have been closely advised and their policies effectively managed, initially by Edwin Te Moananui and since 1992, by Josie Anderson, Chief Executive Officer. Their enduring commitment and support of the Board has been matched also by that of Andrea Ngaia, Liane Ngamane, Damien Waitai, Peter Te Moananui and Rawiri Bidois, who together have comprised the management team. These people and the people of Hauraki have ensured the bringing of this claim before the Waitangi Tribunal.

#### **The Historical Research**

14. The Board has undertaken an enormous amount of historical research. The results of this research are before the Tribunal in eleven volumes of material. The themes covered by each volume are briefly set out on pages 6 and 7 of Volume 1 The Claims. I will not repeat that information at this stage. However what I would like to do is to briefly explain the meaning and significance of the symbolism in the covers, colours and the logo which you see before you today. (The symbolism of the covers is explained as well as the meaning of the logo).
15. At this stage I would like to acknowledge the time and effort contributed by those who have worked to bring this research to the high standard that you see before you.
16. In 1990 a special task force was set up by the Hauraki Maori Trust Board in Paeroa and Hamilton under the guidance of Tewi Nicholls, Jack Taiawa, Nora Taiawa, Bob Gage, George Nicholls, Jim Mita and Liane Ngamane. The kaupapa

of the task force was to develop an information base focusing on block histories and archival retrieval. The task force consisted of Fred Paraku, Tomo Peeke, Caroline Williams, Puarewa Williams, Pauline Paraku, Marilyn Te Moananui, Frank Waitai, Arama Turner, Phillip Heagney, Doreen Flavell, Graham Coulter and there were many others who lent support when they were able.

17. In 1993 a team of professional historians and others assembled, under the direction of myself and were entrusted with the task of researching and prosecution of the claims. The results of their work are the 11 volumes and an historical archive together numbering over 40,000 pages of material. Since 1993 the following people have contributed their skills as a part of the team - Dr Robyn Anderson, Professor William Oliver, Professor Russell Stone, Dr David Williams, David Alexander, Louise Furey, Taimoana Turoa, Joe Williams, David Taipari, Mary Gillingham, Suzanne Woodley, Jim McNicholas, Helen Walter, Liane Ngamane, Jeanette Wikaira, Jody Allen, Kylie Brown, and Tom Bennion.
18. As well as all this human endeavour we have had to find the necessary financial resources. This has not always been easy and even today we continue to struggle to obtain the money to do the job at hand. I suspect that many of the public would not appreciate what is required to produce the results so far. Over the last nine years these claims have cost about \$1.2 million and over the course of these hearings in the next year or so that figure can be expected to climb to about \$2 million. It sounds a lot but when bench marked against the other major treaty claims in New Zealand such as Waikato, Ngai Tahu, Taranaki and Muriwhenua it represents a fair and reasonable investment. The approach we have adopted presents substantial savings to the public purse because hearing times are already reduced and other time savings could be achieved, if the Crown were to clearly state its position in regard to the claims made against it. Given it has had this evidence for 10 months now, it should be able to produce a clear statement of defence to say what it agrees with and what it refutes. Such an approach would

reduce the time in hearings, save the taxpayer many dollars and promote a quicker negotiation and settlement.

19. The volumes or research do not reflect the huge store of information and knowledge that the people of Hauraki possess. Our Kaumatua hold within themselves the stories of our tupuna which will supplement the written word of the historical researchers. We present this material as a valuable resource to be considered in these hearings.

### **Key Issues**

20. The key issues of the Wai 100 claim are:
  - land confiscation in the East Wairoa Block on the western side of the Firth of Thames, near Maramarua and the Piako, near Te Aroha and Katikati;
  - Crown policies operated through the Native Land Court to acquire the land, the pre-1865 and old land claims as well as various twentieth century practices including the Public Works Act;
  - ownership of all minerals, geothermal resources and hot springs, the failure to fulfill the terms of the original mining agreements including the recovery of financial compensation;
  - ownership and management of the foreshore;
  - destruction of natural resource habitats such as streams, rivers and wetlands, and excessive pollution leading to the destruction of traditional food resources;
  - the return of specific parcels of land such as Crown forests and other lands taken under legislation such as the Public Works Act, and the Hauraki Plains Drainage Act, and for reclamation works, roads and other infrastructure services now no longer used for the original purpose;
  - the destruction of sacred places and the acquisition of Maori heritage or cultural property;



- cultural breakdown, and social deprivation in health, education and welfare;
- economic disadvantage including the loss of land taken in lieu of rates by local authorities;
- failure to provide adequate land reserve to meet immediate Hauraki needs.

### **The Tribal Estate**

21. The tribal estate of Hauraki encompasses everything between the sky above and the earth below. The Hauraki tribal rohe covers a land area of about 1,500,000 to 1,850,00 acres or 650,000 to 750,000 hectares in addition to the offshore islands in the Hauraki Gulf. The tribal rohe also covers all that lies beneath the surface, minerals, geothermal resources and hot springs, as well as the forests, farms, settlements and cultural property which are on the surface. The rohe also covers Tikapa Moana, the seaward area of approximately 91,509 square kilometres incorporating all of the foreshore and coastline, most of the Hauraki Gulf to the north of Auckland, the Firth of Thames and parts of the north eastern Bay of Plenty out to the 200 mile economic zone of New Zealand.
22. The tribal estate is shown in two maps and I want to refer you to these and explain a little bit about these maps. The first is what I call the 3D place names map. It is based on a concept developed by Dr Malcolm McKinnon, and Barry Bradley of the New Zealand Historical Atlas project. I have supplied laminated copies of this map for your use throughout the hearings. First reaction to this map is to try and turn it upside down because we are all so used to looking at maps with Northland at the top. Given the Maori view of the world which sees Northland as the tail of the fish and Wellington as the head and especially the relationship of Tikapa Moana to Maori of Hauraki we have produced an image which we believe more clearly explains the relationship of all the natural elements of land and water. Hauraki talk of the prow of the waka as being Mt Te Aroha and the stern being Mt Moehau. The central position of Tikapa Moana becomes clear. On this map I

have shown the place names commonly referred to in all the research as well as key mountains, rivers and islands.

23. The second map is our high tech Hauraki From Space map which we had produced from the French and American satellite photography. It is taken from 640km above earth. It shows contemporary features of the landscape in a special colour range. The darker colours are the natural indigenous vegetation of forests and bush as they absorb more light. The light pink represents the more reflective surface of pasture and farmland, while the light blue almost teal colour is the most reflective and indicates the built environment of our towns and cities. The blackish colours in the middle of the Hauraki Plains clearly show the Kopuatai raised peat dome and mineralised swamp.
24. I hope that with these two maps you can appreciate that when we use the term Hauraki we are not just referring to the Coromandel Peninsular as many people think because to do so would essentially be referring to ourselves as if we had one limb cut off. Hauraki is all that area broadly from Matakana in the north to Matakana island in the south. It includes what some refer to as south Auckland, the Hunuas, Maramarua, the Hauraki Plains nearly extending to Matamata as well as the Coromandel Peninsula. This covers pretty much the same area as the new sixth Maori seat in Parliament which is called Hauraki.

### **The End Result**

25. The Hauraki lands are also shown in a series of large coloured display maps. You have the same versions in black and white reproduced in volume 1. They show the progressive land alienation which Mr Alexander discusses in his evidence. These maps have been produced from a database which we developed using as the base the standard New Zealand cadastral and GIS system. This allows us to take any time period to calculate land loss, to plot or layer these historical land blocks over any existing parcel of land or subdivision today. The data base has also

being designed in such a way that any existing Crown owned land today can be applied as a layer across the land block information. In this way if we have built a platform which will be able to show the Department of Conservation land, mineral permits granted, SOE land or other government property provided they can supply the data in an electronic form. This capability may be of use to the Tribunal in the course of these hearings to relate contemporary land information to the historical pattern of alienation.

26. From a quick look around the maps I believe it becomes obvious to the viewer that in all parts of the tribal estate, all the tangata whenua suffered from the historical experience which we are about to unfold. As Professor Ward has already said in the Rangahaua Whanui reports Maori in the Hauraki district were the most land short, followed by those in Taranaki, Waikato then Auckland, (page 11 Volume 1 National Overview). It is not a pretty picture to look at these maps and realise we are the people who have suffered the greatest land loss in the North Island. While some of this was achieved as a result of the barrel of a gun and subsequent confiscation, the majority of the land loss was acquired by the Crown through a process of raupatu by the pen. It achieved the fruits of war without going to war, by a complex and in the end an equally devastating process of law making which breached the Treaty of Waitangi, agreements which were abrogated and the manipulation of a government tool called the Native Land Court.
27. No Maori in this region was left unaffected by this pattern and practice of colonial history. Because of our kinship and whakapapa linkages all iwi to a greater or lesser extent, wherever they were living, suffered the same fate. Of the original tribal estate, today, we are left with about 2.6% of the land remaining in Maori ownership.

## **Conclusion**

28. From the words you will hear in the coming weeks from our own people and those independent and professional researchers a most sorrowful picture emerges.
29. In closing, I want to recall some of the words I wrote in the forewords to the research reports.
30. The history of colonisation in Hauraki - the deliberate policies of the Crown leading to the social and economic deprivation endured by those who have gone before us and their years of responsible protest - has not been told before. These volumes, the foundation of the Hauraki case, will forever rewrite our nation's history books, contributing only now, a Maori perspective to the history of this region.
31. The economic theme examines the destruction of a pre European economy, aided and abetted by government officials, creating a situation where Maori became paupers in their own land.
32. The social theme provides an analysis of the plight of Hauraki Maori and describes the inequitable provision of health and education, leading to the persistent deprivation and poverty which continues to be faced by our people today.
33. The political and Crown - Maori interrelationship themes examine the material destruction of the Hauraki resource base - the tribal loss of land, loss of control over minerals, timber, rivers and foreshore. Land was taken for drainage schemes, river improvements, settlement schemes, railways, roads, town development and the promise of partnership, with social and economic betterment for Maori did not materialise. It shows the disparity between the promises and the

actions of the Crown, the calculated nature of Government dealings, the protests of Hauraki Maori faced with the deliberate undermining of tino rangatiratanga.

34. The letters of protest, petitions, action committees, special representations to parliament and Ministers of the Crown, major hui and court cases were some of the methods employed by Hauraki leaders of the past in attempting to resolve the Treaty grievances and deal with the situation they faced. However that was to little avail. The resulting social, political and economic distress and deprivation has lasted for generations.
35. The general community may feel some apprehension and uncertainty about the treaty settlement process. The majority do want to see these grievances settled, believe in fairness and want to look to positive future development. We need patience, tolerance, vision, generosity, statesmanship and to more successfully deal with these issues so that we leave a better legacy for our children. There is a danger of polarising views to such an extent that racism and conflict emerge. Community leaders have a responsibility to manage this situation for the benefit of all who live in Aotearoa. As a result of the other treaty settlements, such as Ngai Tahu and Waikato, there is a growing appreciation in the community, that Maori and Pakeha alike can look forward to the social and economic benefits that treaty settlements bring to a region. New business and employment opportunities and a reduction in negative social statistics are likely. The benefits derived from Maori ownership of resources such as land, forests and fisheries are likely to remain in the Hauraki region for the long-term benefit of all citizens.
36. I look forward to this hearing, the resolution of the claims that it will bring and following that, a more productive and happier period as we build positively for our benefit and those of future generations. I would like to come away from these hearings, knowing that I had contributed to making this a better place.