

**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 STEPHEN ZISTER ON  
BEHALF OF NGAI TAI**

Ko Pukekawa te Maunga Ko  
Wairoa te Awa Ko Tikapa te  
Moana Ko Umupuia te  
Marae Ko Ngai Tai te Iwi

1. My name is Stephen Zister. I was born Stephen Maxwell Barker, second grandson of Rangi Phoebe Barker (nee Beamish). My grandmother was a sister of Rachael Ngeungeu Te Irirangi Zister. At the request of my great aunt I had my name changed by deed poll so that her name may be carried on following her death in 1997 at the age of 103. The name I adopted was Stephen Maxwell Ngeungeu Zister.

2. I am the mandated Ngai Tai representative on the Hauraki Maori Trust Board in my second term. I am Chairman of Ngai Tai Iwi Umupuia Marae Komiti. I am the leader of Ngai Tai Umupuia Te Waka Totara, the commercial arm of Ngai Tai Umupuia. I am a Trustee for the Ngai Tai Whenua at Umupuia. I have inherited the prosecution of the Wai 96 claim from Ngeungeu for the benefit of Ngai Tai.

*Ngai Tai's Tribal Rohe*

3. Ngai Tai's mana over land and sea extends from the Tamaki River mouth northward to Motukorea (Browns Island), on to Rangitoto, and beyond to Tiritiri Matangi. Our rohe then swings eastward to include the small islands of Motu Horopapa, Otata, and Motu Hurakia (Rakino Island), as well as the larger islands of Motutapu, Motuihe (or more correctly Te Motu a Ihenga), and at one stage, Waiheke. It then swings to the south and, encompasses the islands of Pakatoa, Te Rotoroa, Ponui, Pakihi, Karamuramu, and extends to the area known as Tawhito Kino (between Kawakawa and Orere). The mana of Ngai Tai extends inland over the northern Hunua Ranges to Matai Kokako and across the land known as Hunua, to adjoin the tribal domain of their close kin, Te Akitai at Papakura.
4. Within this vast domain the Ngai Tai heartland always remained close to the western shores of the northern Hauraki Gulf, specifically from Te Wairoa (the Wairoa river area) northward along the coast to Maraetai and beyond to our kainga at Waikopua, Turanga, Mangamangaroa, Paparua, Te Naupata (Musick Point), Pakuranga Rahihi, Huiarangi (Pigeon Mt), to Te Wai O Tara and thence to Te Poutu a Rakataura (the post erected by Rakataura) on the Otahuhu canoe portage.

*Origins*

5. The origins of Ngai Tai are contained in legend. On the foreshore to the east of Howick grows a large Pohutukawa tree known by the Ngai Tai people as "*Te Tuhi a Manawatere*", the mark or inscription of Manawatere. It is said that this ancestor came from Hawaiki. Tradition states that he did not come by way of canoe but that he glided over the ripples of the waves on the back of a taniwha. He came by

way of Hauraki to Maraetai and further on to what is now known as Cockle Bay. There he landed by the large pohutukawa tree and made his tuhi (mark), using a red ochre substance known to the Maori as 'karamea'. This mark was a sign to those following that he had come that way. Hence the proverb (as stated by Anaru Makiwhara of Umupuia) in respect of things or persons lost and being searched for by Ngai Tai: "*Ma te tuhi rapa a Manawatere ka kitea*" (by the vivid mark of Manawatere it will be found). The pohutukawa on this spot maintains the rich red ochre when in flower.

6. Ngai Tai descend from the crew of the Tainui canoe which arrived in the Tamaki area over 25 generations ago. Members of the crew settled throughout the region and from them came the tribal and sub-tribal groups that still occupy these areas today. The crew of the Tainui, led by the commander Hoturoa and Tohunga Rakataura, set out to establish their mana throughout the region by traversing the land and naming specific places and carrying out necessary ceremonies to affirm their mana whenua or authority over the land. The people of Ngai Tai descended from all these important ancestors and this gave them wide-ranging ancestral links and land interests that extended from Kawau Island in the north to Tirikohua in the south (a hill just north of Tuakau). Traditionally, their interests also extended from Aotea (Great Barrier Island) in the east to the Manukau Harbour in the west.

*Present day Ngai Tai and Hauraki*

7. According to tradition, as the Tainui canoe cruised along the east coast of the Bay of Plenty, following its arrival at Whangaparaoa (in the eastern bay), Torere, a daughter of Hoturoa the Captain of Tainui, was left at a place subsequently named after her. There she married a Chief Manakiao. About twelve generations ago, there was an incident in the Tribe's history known as 'Te Hekenga O Nga Tuatoru' or 'The migration of the three'. A descendant of Torere by the name of Tamatea Toki Nui was the Paramount Chief of Ngai Tai. There had been long and continued feuds over cultivations. Many people, both young and old, had been ruthlessly slaughtered. This

led to the Ohaki or oration that Tamatea Toki Nui made to his children and mokopuna before he died.

8. "Children", he cried "depart to Hauraki and to Tamaki for here is only death; there is life." He urged his children and other members of his tribe to leave their homes and go to a land where they might find peace, and also find their close relatives.
9. On the death of Tamatea Toki Nui, the three chieftainess sisters, Te Raukohekohe, Motu ki Tawhiti and Te Kawenga along with other members of the tribe, left their old East Cape home. In their tribal canoes they sailed from Torere Nui a Hotu settlement, through the Bay of Plenty, via Tauranga, on past Moehau (now known as north Coromandel), past Port Charles and then to Papa Aroha a few miles on. Here lived their relatives, the Ngati Maru people.
10. Just after their arrival came a party of other relatives from Tamaki; Te Whatatau, son of Tamaki Te Ao, of the Tamaki - Maraetai section of Ngati Tai and Wai O Hua and his wife of Ngati Maru of Papa Aroha. Te Whatatau, we are told, was extremely fond of his wife, and had come not only to welcome his relations from the Cape, but also to bring her to visit her relations on this interesting and historical occasion. Owing to the fact that she was an expectant mother and also to show his great love, Te Whatatau collected many delicacies for her and presents for her people. He also wished to maintain the credit of his name and rank as a great chief among his wife's people.
11. On the arrival of his canoe at Papa Aroha his party was formally welcomed by the Ngai Maru people. After being formally welcomed, Te Whatatau and his people went on to the marae for the exchange of the whaikorero or speech making. After greeting the new Ngai Tai arrivals, Te Whatatau sent his wife's mokai back to the canoe, requesting a portion of the 'hua manu' to be sent to honour the three Ngai Tai chieftainesses. The hua manu were birds of different kinds preserved in their own fat. Te Whatatau's wife became very angry and jealous, insisting that none of the hua manu be given to the three ladies. Te Whatatau was greatly ashamed and asked his

wife's people to persuade her to share the food. Consent was given but the husband felt deeply humiliated. He decided to abandon his young wife and returned to the village to make known his resolve. Since then the place where he left her has been known as 'Te Kiko Whakarere', which literally translated means - flesh abandoned.

12. The three migrant rangatira were very sympathetic with Te Whatatau and he asked for the consent of two of the sisters in marriage, namely Te Raukohekohe and Motu Ki Tawhiti. The third sister, Te Kawenga, married a Wai O Hua man called Te Whiringa. Te Whatatau and his new wives made their home within the Maraetai - Wairoa - Hunua areas, but also made short stays at other Wai O Hua - Ngai Tai villages throughout Tamaki Makaurau.
13. From this time the broader tribal name Ngai Tai has been retained. However, the people who lived between the Wairoa and Tamaki River also used the name Ngati Te Raukohekohe. The name came from Te Raukohekohe, the ancestress whose marriage to Te Whatatau cemented the union between the two related tribal groups.
14. It is the descendants of these ancestors who make up the present people of Ngai Tai. Te Wana, son of Te Raukohekohe and Te Whatatau, assumed leadership of Ngai Tai, Ngati Kohua and Te Uri O Te Ao (a sub-tribe of Te Wai O Hua) after his father's death. By this time his people were firmly established throughout the Tamaki, and Upper Hauraki area.
15. To the east, travelling south from the Wairoa River Mouth along the coastline of the Hauraki Gulf are landblocks known as: Te Kawakawa, Taupo, Orere, Karaka Taupo, Rangipakihi and Tapapakanga. These blocks are claimed by Te Uri Karaka. They are a hapu of Ngati Paoa who also have geneological links to Ngai Tai and Te Wai O Hua. Ngai Tai interest in these blocks came from their Ngati Kohua - Ngai Tai ancestors Hikapou and Te Kohu. Hikapou controlled the Hunua Ranges and coast as far south as the Tapapakanga block. Much of this land was gifted by Hikapou to the Uri Karaka hapu on account of the death of their rangatira, Te Mahia. He was also

known as Totokarewa from events surrounding his death and his descendants adopted the name Te Uri Karaka for their hapu.

16. Important marriages took place between Ngai Tai, Ngati Paoa and other related Hauraki tribes to cement peace. However, each one kept its own land and retained their own tribal name and mana. Thus, today all the Hauraki tribes are closely related through marriage and whakapapa. Similarly because Ngai Tai is situated between Huaraki and Waikato the west and Tamaki to the north we have strong bonds to our western and northern neighbors. For this purpose however, we are entitled to and do emphasise our strong Hauraki identity.

#### *Our Claim*

17. Ngai Tai has a claim within Wai 100 called Wai 96 which relates to the confiscation by the Crown of the East Wairoa and Otau blocks. Issues relating to the confiscation were first heard by the compensation court in 1865. Ngeungeu's Grandfather was Anaru Makiwhara (Anaru Maxwell) who in turn was the grandson of Tara Te Irirangi. Tara Te Irirangi was the paramount chief of Ngai Tai around the time of the signing of the Treaty of Waitangi and was active in protest against the government at the time of the raupatu. This struggle he shared with his son Honetana Te Irirangi. In the 1920's my great aunt assisted Anaru Makiwhara and her mother Emere Beamish to collect signatures of Ngai Tai to a petition seeking redress for the raupatu. Anuru Makiwhara was a grand nephew of Honetana Te Irirangi. So it can be seen that nearly every generation since the time of the raupatu has carried the raupatu grievance.
18. Ngeungeu herself drafted the 1920 petition. Anaru Makiwhara, her grandfather died three weeks before the petition was presented to the Royal Commission on the confiscations, known as the Sim Commission. Hence my great aunt, on the advice of Te Puea and with the help of Maui Pomare, presented the petition to the Commission in 1924 (a copy of the petition is attached). Not only was she a woman, but she was only 30 when she presented the Ngai Tai petition.

19. The result of the petition was that the Crown agreed to pay annual compensation to be administered by the Tainui Maori Trust Board. The compensation was hopelessly inadequate as the recent Tainui Raupatu Settlement shows. The Wairoa and the Otau raupatu blocks were not included in the Tainui settlement.
20. In 1989 Ngeungeu filed the claim of Wai 96 with the Waitangi Tribunal.
21. Although the Tribunal has commenced hearing the Wai 96 claim, it has yet to be completed. A good deal of research has been done. A report was prepared by Tom Bennion, completed in July 1997, entitled *Research Report Ngai Tai and the East Wairoa Confiscation* (Hauraki claims Wai 686-A46). David Ambler who was then counsel for Wai 96 completed a video interview with my great aunt and prepared a report in December 1992 (Wai 686-A36 and A37). Ngeungeu's evidence was heard by the Tribunal at Maraetai on 3<sup>rd</sup> October 1994 followed by evidence from Tai Turoa and others. She was then 100 years old. The relevant documents are Wai 686 A41-43. I have inherited the prosecution of the Wai 96 claim from my great aunt, for the benefit of Ngai Tai. I fully expect that if the Ngai Tai claims cannot be justly and honourably settled in the context of the Hauraki hearings then our claims will be carried on by my children and their children until they are.