

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 JAMES PONUI NICHOLLS ON
BEHALF OF THE CLAIMANTS**

Introduction

1. My name is Jim Nicholls. I have given evidence before concerning the Wai 100 lodged by the late Huhurere Tukurino and others. I whakapapa, through my paternal grandmother, Awhimate Kipa, to the hapu of Naunau, the first born son of Te Ngako and Pareoraora. Te Ngako was the first born son of Marutuahu and Hineurunga. I also whakapapa through my grand father Ponui Nicholls to Ngai te rangi of Tauranga moana. My mother, Heke-i-te-rangi Tuhakaraina, was the daughter of Taihaere Paeahu (Ngati Haua) and Tenei Tuhakaraina (Ngati Maniapoto). I am Ngati Haua on my maternal grand mothers side and Ngati Maniapoto on my maternal grand fathers side. Thus I have links to four major iwi groups and a number of hapu groups.
2. I chose at an early age to identify and work within Hauraki rather than my other whanau groupings not only because I was raised in Parawai but also because I perceived that there was a *greater need* in Hauraki than there was in

Ngati Haua. The people of Ngati Haua seemed richer in tikanga Maori than in Ngati Maru. In late 1949, it was evident that the language of the Ngati Haua was predominantly Maori but the spoken word in Ngati Maru was predominantly English. If I had doubts about my recollections of the use of Te Reo in each area, my doubts were put to rest when I listen to the words of encouragement that were recorded on tape by my father of my kaumatua and kuia in 1960. My father and I visited my kaumatua and kuia in both areas as they recorded their messages of support for their *tamaiti* (son) who was entering university. I have listened to the tape and heard their voices many times over the past almost 40 years. What is relevant to these proceedings is that the messages of those from Ngati Maru were mainly in English while most of the messages from Ngati Haua were in Maori.

3. I also noticed that in Ngati Haua there was the top pa, Rukumoana, and the bottom pa, Kai-te-mataa. When there was a tangi or a hui we gathered at one of the two marae. As *tamariki* (children) we had a great time playing chasy in front of the meeting-house or playing on the hay that was spread over the dirt floor of the wharenuī. The *kaumatua* (old people) sat in front of the meeting-house and talked for hours. At night they seemingly went on and on as well.
4. No such interaction occurred in Ngati Maru. There were no marae for us *tamariki* to meet and play. There was no place where the old people were able to display their skills of *whai korero* (oratory) so that we might learn from them the principles of *Ta Te Ao Maori*. (Our Maori World-view)
5. We just accepted the fact that there was no marae in Ngati Maru and no one ever asked, 'Why?' The nearest marae was at Manaia to the North (34 miles) or Paeroa to the south (20 miles). This became more puzzling when as a student I read Kelly's '*Tainui*' and the Ngati Maru featured so prominently. As a young man visiting other *rohe* (regions) the *karanga* (call) was always, '*Haere mai Ngati Maru*'.

6. I attributed the lack of a tikanga Maori and a marae to the defeat of Ngati Maru at Te Totara by Ngapuhi and the subsequent invasion of Hauraki by Ngapuhi war parties. Ngati Maru was not the only hapu that were effected. Many of the Hauraki hapu fled to Te Kaokaoroa o Patetere (Tirau - Matamata) and lived both among the Ngati Raukawa and Ngati Haua. After some 10 years they overstayed their welcome and returned to Hauraki to their *papakainga* (homeland) areas.
7. I failed to attach any real significance to *Hotunui*, a Ngati Maru wharenui now on display in the Auckland Museum. The only recollection that I have of Hotunui was that no one ever mentioned it in my childhood. I was surprised to realise, when a group of us were wandering through the museum on a wet boring Sunday afternoon in the 1960's we came upon this 'house from home'. It was big, had esthetic appeal but the concrete floor made it cold and the concealed lighting gave it an air of mystery.
8. In truth, Hotunui, was carved by Ngati Awa as a wedding gift from Apanui Hamaiwaho to Wiropo Hoterenui Taipari a chief of Ngati Maru. The house was erected in Thames in 1878. The gift was significant at that time not just because of the energy and effort to carve the house but the logistics of transporting the house to Ngati Maru.
9. In the mid 1980's after a restoration process to remove many coats of paint a deputation from Hauraki, lead by the late Huarere Tukukino, were invited to attend the opening of the refurbished *house*.
10. Like many others I was frustrated that "*our house*" was there in the museum but we had not had a *house* at home. I was a bit startled by the pictures of the *house* in its dilapidated state before it was shifted to the museum. What did not make sense was that this taonga in less than 50 years (1878 - 1925) was taken over by the Museum because it had fallen in to a state of disrepair. I read later that although Hotunui was given as a *taonga*, (treasured gift), by one chief of a significant hapu to another, when it was erected in Parawai Thames

there was no ceremony and only a few Europeans turned out to look at the house, which was elaborately carved, and a great curiosity

(The Thames Advisor 13 Sept 1878, copied NZ Herald 16 September 1878
Weekly News 21 Sept 1978)

11. No taonga of such magnitude is given without ceremony unless there are other mitigating circumstances. Similarly, no house of that size or quality would be allowed to deteriorate so badly under normal conditions. Because of the state of the *house* Eruera Taipari the grand son of Wiropo Hoterenui Taipari, negotiated with the Auckland Museum to rescue the *house* and relocate it at the Auckland museum. Even when the house was shifted there was no ceremony and according to Toss Hammond, one of the prominent historians of Hauraki in his time, only the immediate family were involved.
12. At the time I should have had a greater understanding of the issues to realise what had happened, but I remained oblivious to the thread that tied all these different circumstances together.
13. In the late 1970's the local bodies were seeking the 'Maori opinion'. This usually occurred by speaking to a *kaumatua* that they either knew or could get hold of and his views became the voice of 'the Maori'. It appeared at the time that there was no body of opinion that represented the Maori view of Hauraki. The people of Hauraki tended to exist in isolation of each other rather than as a cohesive whole. Again I never asked the question, 'Why do we appear to lack unity? Why are we so fragmented?'
14. Quite by accident my kuia Emily Paki rang me in Auckland in August of 1983 and said, 'Jimmy, I want you to attend a Ngati Maru Maori Committee meeting at Mataiwhetu on Sunday'. (I think it was 14 August 1983). At the meeting she said to the assembled 'Now Jimmy can be our chairman and he can go to the Waikato - Maniapoto District Council Maori and get the subsidy to build our marae'.

15. Dutifully I went and met the wonderful charismatic campaigner of Maori rights, the late Eva Rickard. She told me to sit beside her at lunch and then she told me that I would take her place at the next meeting of the New Zealand Maori Council in Wellington. What impressed me about both meetings were the strong feeling of nationalism and the proudness of being Maori, which was not always apparent in Ngati Maru. Around that Council table in the Maori Affairs Room of Parliament, to me, sat the creme de la creme of Maoridom. It was the Who's Who of *Te Ao Maori* including our kuia, TV star Betty Williams, renowned for throwing that body of hers in front of traxcavators to stop gold mining at Coromandel. Watching the manner in which they conducted the meeting, the wide range of issues that were put on the table, and the sheer strength that seemed to emulate from the people, it was obvious that any revival of unity and cohesion in Hauraki should start as a member of the New Zealand Maori Council.
16. The spirit of Maori nationalism that swept the country had begun when the late Whina Cooper and her mokopuna began the land march from Te Hapua (14 September 1975). It gathered momentum with the evacuation of Joe Hawke and his supporters from Bastion Point on 25 May 1978 by 600 policemen. It took a new turn when the sanctuary of the School of Engineering came under attack by He Taua and its students were discouraged from desecrating the haka. It was a strong warning to the country that tikanga Maori was not something to make fun of. To add to the theme of protest and nationalism was the 1981 Springbok Tour. This united Maori and Pakeha alike in a manner not known before. It was a war against apartheid where the white people of this country were protesting on behalf of the black people of another.
17. Through all this Hauraki remained unmoved. There was no large contingent of Hauraki people taking up the 'sword'. As individuals many participated in these events. But to a large extent Hauraki remained in the shadows.
18. The interim committee of the Hauraki Maori District Council had its first meeting on 4 September 1983 and it took two years of meetings throughout

the rohe before Hauraki took its place at the New Zealand Maori Council table in September of 1985.

19. You might well ask what is the relationship between the WAI 100 claim and the movement of nationalism in this country. It is my belief that the impact of colonialism, the actions of the Crown in alienating Maori from their lands and the manner in which the Crown dealt with the gold-fields attributed to the devastation and decline of Maori society. It has taken over 100 years for a resurgence of national pride of *Hauraki whanui* (the extended family of Hauraki) which has lead to the social, political and economic renaissance of the Hauraki people.
20. I spoke of the loss of the Te Reo Maori in Hauraki. This I attribute in part to colonialism and specifically to the Education Ordinance of 1847 in which financial support was given to schools that conducted classes in English. Because headmasters were concerned about losing their financial support, corporal punishment was used to discourage Maori from speaking Maori. By 1905 the inspector of native schools urged teachers to speak only English in the playground. Whilst this had a detrimental effect on Te Reo throughout the country, in Ngati Maru in particular, Maori children went to either Thames North, Thames South or amazingly, Thames Central. These schools in the 1950's were predominantly Pakeha Schools in which Maori pupils were the minority. The predominance of pakeha to me stems from the earlier settlers who came for gold. Maori language and tikanga Maori were not part of the school curriculum. The curriculum was never about teaching Maori values

Maaori [children] should be persuaded to give up their habits, values and language and take up those of the European'

21. The domination of Pakeha in the schools and the manner in which the curriculum was taught impacted on me as a Maori student in a pakeha environment. I could not speak Te Reo. I had very little understanding of tikanga Maori. There was not the marae setting in Ngati Maru where this took place.

22. When now I reflect on Hotunui, the impact of gold mining on Maori society becomes significant. If there was no cohesion in Ngati Maru that was visible to me in my lifetime, then the roots of tribal disarray must lie in the past. Apart from Huhurere Tukukino no one stood out as the rangatira or ariki of Ngati Maru. I believe that the great rangatira of the past who opposed the Crown were either never reported by the media and their achievements have been forgotten. On the other hand the subalterns of the Crown the *kupapa* (supporters of the Crown) were recognised and rewarded. Only in recent times have the names of some of those leaders of that time surfaced and I refer to Taraia, Piko, Te Horota (Te Taniwha) and Te Moananui. That Hotunui was opened without ceremony, was let to fall to wreck and ruin in less than 50 years and was removed to the museum says something of the reaction of the people to the leadership of Ngati Maru. It seems that at some point in the past the people of Ngati Maru were disillusioned with the Crown and their leadership from which they never quite recovered.
23. Unquestionably the subsequent generations of Ngati Maru suffered through the lack of a marae facility and a place to interact. The people of Ngati Maru took on the yoke of the Pakeha so that the language spoken on my father's tapes by the Ngati Maru in 1960 reflected Pakeha domination but the words of my mother's people was still predominantly in Maori. To recapture my Maori world view I had to move outside Ngati Maru.
24. Notwithstanding that I learnt Te Reo at Tipene and at a tertiary institution, and that I was exposed to tikanga Maori at grass roots level, my mind had been colonised and I felt inferior to the Pakeha. They had wealth, lived in flash houses and drove flash cars. We had a horse, two bikes and a big garden of kumara, riwai, maize and watermelons. (Once I asked my father, 'Why don't we grow flowers around our house like the pakeha?' His answer was short and succinct, 'You can't eat flowers,' he said).

25. With this Maori body and a colonised brain I began to accept the indoctrination that was being dumped at me by Pakeha. 'Your people were crooks because you sold you land several times'. 'You just let the good land go to gorse'. 'You're just lazy' 'Eeh Mrs Jones he's got a snotty nose'. 'I don't want to sit near her. She's got scabbies'. We lived among Pakeha, were in the minority but did not have the tools to arm ourselves against the comments that placed us as second class citizens.
26. Today gratefully we live in a different world. The Hauraki Maori District Council brought with it a unity and hope for a different and brighter future. It set a platform that bonded the people of Hauraki together and became the launching pad of the Hauraki Maori Trust Board.
27. Many of the other speakers in the last few days have paid tribute to the work of the Hauraki Maori Trust Board. I too would like to add my acknowledgement. If there was doubt about the leadership of the distant past, quite the opposite can be said of the last 16 years. We have been fortunate to have had the leadership and the commitment of some dedicated people. This leadership was and still is acknowledged outside of Hauraki. At a Ngati Haua hui in the late 1980's I was asked by a woman from Tainui why had Hauraki moved forward so quickly. After a short time she said that we were lucky to have had Eddie (Te Moananui), John (Mc Enteer), Josie (Anderson) and Toko (Renata) working with the Board. This year in Wellington a similar comment was made by a Taranaki kaumatua who said that he had watched the growth of the three Trust Boards that were set up in the 1988 and had admired the progress that Hauraki had made. *Ehara teenei he korero whakahihi.* These are not boastful words but simply words that recognise the leadership of our time.
28. And what of the future? How can the progress to date continue so that we as Hauraki can recapture the taonga that we have lost? (I suppose we could start with the green lipped mussel). If there is a vision then it must be one that focuses on attitudinal change that will allow our children to move forward into

a Healthy, Wealthy Hauraki Nation. The past is our heritage. Our experience with the Crown is a part of that. A success settlement by the Crown will allow us to take future generations optimistically into the future. With the settlement we can control our future by reshaping our destiny.

- .29. This poupou (refer to the screen) represents a past generation. It has been changed by exposure and many of its original features have eroded away. However a likeness of its former self remains. Hauraki Maori society has also changed. It has been altered by the exposure to colonialism. Although many aspects of Maoridom have disappeared, the essence of the Maori has survived.
30. The challenge for Hauraki leadership is to reshape Hauraki society, as one might reshape this carving, so that the change reflects the image of the strong and dynamic culture that it once was. This will take time. It will take a generation. Hauraki should plan to achieve this by the Year 2021. *Rua tekau, rua tekau ma tahu*
31. In my view it is the future that holds so much promise but it is how we marshal our resources that will determine our effectiveness by the year 2021 *Rua tekau, rua tekau ma tahi*. What do we see for our mokopuna? Do we see prosperity and progress or will their lives continue on as before? The vision must be bold enough to see social, political and economic change. We need to see the profile that fits this change and the Waitangi Tribunal Settlement plays a large part in it.
32. If this poupou were to represent the changes that need to be made then the names for those poupou might be:
1. The Poupou of Customs and Traditions (Pou Tikanga)
 2. The Poupou of Education (Pou Matauranga)
 3. The Poupou of Social Services (Pou Tauwhiro Hapori)
 4. The Poupou of Business (Pou Umanga)
 5. The Poupou of Politics (Pou Too Rangapu }

Poupou Tikanga

33. To relocate the uniqueness of being Hauraki iwi by understanding Te Reo and Tikanga of Hauraki.

School Curriculum

34. That the customs and traditions of Hauraki become part and parcel of the education curriculum. That a pact exists with all schools in Hauraki, from pre-school to tertiary to ensure that all curriculum programmes staircase Hauraki pedagogy. Such a process will provide an educated iwi proud of their customs and traditions and skilled in numeracy and literacy.

Tikanga Maori

35. That Hauraki kaumatua/kuia identify waiata, waiata-a-ringa, poi, and haka that Hauraki tamariki learn at school, kohanga, kapa haka and the marae. Within a generation, all of our tamariki will have a deeper understanding of who they are.

Resources.

36. That Hauraki Maori create resources for teachers about Hauraki Maori history that will allow our stories about our hero's and our Haurakitanga to be told in the schools. The texts written must be appropriate to all levels of learning.

Wananga

37. Develop a wananga programme on marae kawa for kaumatua/kuia in Maori protocol that staircase knowledge on mihi, himene, waiata karanga to whai korero, karakia, tauparapara, pepeha and kawa. Develop programmes on the performing arts of Hauraki. Develop coordinated teacher training programmes for kohanga, kura kaupapa, primary and secondary teachers.

Marae

38. Write the history of all our marae and identify and name all our tipuna whakairo.

Pou Matauranga

39. To Control the curriculum of Hauraki schools by moving forward with tikanga Maori and tikanga Pakeha.

Numeracy and Literacy

40. To identify numeracy and literacy programmes and enter into joint venture with the Ministry of Education to deliver such programmes in Hauraki.

Private Training Institutions.

41. Establish a private training institution that will allow Hauraki to control the development of learning programmes in Hauraki. Move towards improving numeracy and literacy of Maori in school and those who have left school.

Whare Wananga o Hauraki.

42. Establish a relationship with a tertiary institution that will allow programmes to be taught locally for Hauraki Maori. Support and enhance Haurakitanga programmes throughout the rohe in kohanga, kura kaupapa and mainstream.

Targeting Success.

43. Determine the professions and industries in which we want to locate Hauraki iwi by 2021. Identify and locate Maori students who show aptitude and foster their development.

Fishing and Aquaculture Scholarships

44. Establish scholarships that advance the social, economic and political programmes of Hauraki.

Pou Tauwhiro Hapori

Positive Parenting

45. Send out a 'Haurakitanga Whanau Pae' to the mother or family of every new born child outlining the Hauraki position on Positive Parenting and the Hauraki Vision, *The Healthy Wealthy Nation of Hauraki*. Support and encourage sex education in learning institutions. Provide support centres that assist parents in child development. Develop a healthy nation by using the existing structures to improve Maori health and life styles.

Te Korowai o Hauora.

46. Promote wellness and change negative health statistics. Control health services throughout Hauraki. Fund and operate Hauraki Hospitals Extend Maori longevity. Increase life expectancy of all Maori by 10 years by 2021. Take positive action that extends Maori longevity. Exercise Dietary programmes for the family and the marae. Reduce smoking/Change diets/Reduce obesity/Reduce cancer/Reduce diabetes.

Reduce the Incidence of Family Violence

47. Develop Programmes on family violence. Provide access to strong counselling services. Create opportunities to work. Improve the Quality of Housing that ensures the majority of Maori families are adequately housed by the year 2021.

Pou Umanga

Integrated Development

48. Develop an Integrated Plan associated with fish and aquaculture that will generate jobs and income for Hauraki Maori. Undertake research into strategic economic opportunities in Hauraki for fish, shell-fish, eels, forests, farming and tourism. Plan for economic growth on behalf of all Hauraki Maori. Control the economic development of Hauraki and the employment market.

Consultancy and Research Centre.

49. Negotiate with government and local body agencies to provide expert knowledge on Maori issues in Hauraki. Negotiate for Crown funding to promote iwi Maori in Hauraki. . Provide services to Hauraki iwi regarding the allocation and the handling of the fisheries assets. Promote iwi alliances to strengthen iwi groups. Review of Existing Fishing Operations. Ensure that all business operations are consistent with an integrated business plan. Review structures, management strategies and operations.

Joint Venture Operations

Pou Too Rangapu

50. Target long term relationships nationally and internationally that will advance the kaupapa of 'Te Arikitunga o Hauraki'. (The Uniqueness of Hauraki)
51. Develop a political structure that will see the settlement of the Wai 100 claim and the establishment of a strong politically aware people.

Wai 100 Claim

52. Continue to process the claim and to source finance for the hearings to continue. Promote seminars about post settlement strategies ie an organisational structure to handle the post-claims settlement, a review of Tainui and Ngai Tahu models, options that allow for the development of iwi, hapu, whanau and Hauraki.
53. Research on other indigenous development models.

Political Leadership

54. Have Hauraki Maori as MP's promoting policy that influences the commitment of Hauraki to the 2021 philosophy. Have Hauraki Maori as consultants and significant players on all local body and regional councils that effect Hauraki. Develop active lobbyists within all agencies of the Crown and political parties to support Hauraki 2021.

National Leadership

55. Ensure that Hauraki Maori are represented on the major national forums throughout New Zealand. Have our Hauraki candidate in parliament this year.

Service Provider

56. Buy service contracts to provide services in Hauraki.

Conclusion

57. I have covered a wide range of topics that have effected Hauraki in the past and in the future. I have tried to look at my history to understand why I am what I am. I have been fortunate to have lived at this time, to be part of this emerging process and have witnessed the sitting of the Waitangi Tribunal in Hauraki. I remember the meetings and the voices of the old people and it is a relief that what they wanted, a settlement of the Goldfields is drawing closer. There is richness in our sad history but we as a people must move forward. The wrongs of the past can be put right and I thank the tribunal, the legal council and those present for your patience.

Na Jim Nicholls (Thursday, 5 August 1999)