

**Wai705**

**IN THE MATTER  
OF**

the Treaty of  
Waitangi Act 1975

**AND**

**IN THE MATTER  
OF**

**Barbara Francis,**  
of Whitianga on  
behalf of the whanau  
of **Peneamene Tanui**

**BRIEF OF EVIDENCE OF DAVID FRANCIS**

My name is David William Francis and I was born in New Plymouth on the 9th October 1931. My mother was half Tongan and half English, my father part Maori. My family has had great trouble tracing his lineage as there appears to be no registration of his birth. This research is ongoing.

I visited Whitianga when I was in the Navy on leave and there met my wife Barbara. That was in the late 1940s. After a life overseas and in different parts of Aotearoa by 1989 I retired and we returned to Wharekaho to settle on my wife's land, on the recommendation of Rebecca - the last remaining member of the Davis family.

This claim was commenced by my wife and I as we have always believed that the area in the Whitianga township known as Huke Huke was urupa and therefore very unlikely to have been sold. This has been abundantly clear to us over the 50 or so years that we have been involved in the area, by the elders who have all at one time or another protested to the authorities on this matter but to no avail. When the Thames Coromandel District Council decided to sell the piece of land known as Taylor's Mistake in 1996 we decided to oppose the sale and development. We first went to the Ngati Hei trust but they did not support the opposition to the sale and development. So we went to the Maori Land Court and while Judge Carter said he sympathised with our claim, he said he could not go behind the certificates of title. Judge Carter made the recommendation that we go to the Waitangi Tribunal.

The urupa Huke Huke is of special significance to us. I recall in 1954 being told about this place and how the people had tried to stop development there. There is no substitute such as monetary compensation or land elsewhere in lieu. You can not shift the spirituality



from this site to any other and this site should be cleared and returned to Maori.

The other matter of significance as it affects the mana of the tangata whenua are the Maori names at Whitianga. At the place where I live with my wife, Wharekaho, the Pakeha name Simpson's Beach is lately being used. In my view the Simpson family have never owned a beach. I have contacted the Geographic Board, Wellington, and they informed me that the correct name is Wharekaho. After informing the locals, the District Council, the Whitianga Community Board and Transit NZ of this, very little has changed except that the Thames Coromandel District Council and Transit agreed to change the road signs to 'Wharekaho' with 'Simpson's Beach' below it, in brackets. This was countered by the locals who have placed signs on their front gates indicating that they live at Simpson's Beach. This is certainly not conducive to racial harmony.

My object in pursuing the Wai 705 claim is to try to do my little bit to improve the lot of the tangata whenua in Whitianga, so that Maori will not have to forever be the cleaners and servants to the tourist industry. I would like to think that my own children and grandchildren may one day return to the area, but I doubt that they would without the local Maori having some sound economic base for them. I feel this ideal had already been undermined to a large degree by the local iwi members supporting Pakeha developers such as the water-ways and local government on a promise of jobs in return for their support. I ask "what jobs?" -jobs on the end of a shovel or broom, if any at all! With a sound economic base I am sure Maori can do as well as the Pakeha developers in the area. I do not think we would have to rely solely on Maori for their input into these plans. There are quite a few local Pakeha we can depend on.

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D Francis