

WAI-810

**Wai 686 #T7
Wai 810 #A4**

COPY

BRIEF OF EVIDENCE OF PETER LEE

16 APRIL 2002

My name is Peter Lee. I am a fifth generation New Zealander with whakapapa into the Lower Waikato through Tiramate, the daughter of the Chief of Ngati Rangi, Kumara and his wife Kiri Werohia of Ngati Pou. Tiramate was the the wife of the trader Charles Marshall who founded a flax trading station at Port Waikato in 1830. I am also descended from Reverend Joseph Matthew the founder of the Kaitaia Mission Station in 1836. I was educated at Auckland Grammar School and Victoria University.

Because of my long-standing family connections and friendship with Maori, the claimant's barrister, Charl Hirschfeld, has asked me to give evidence regarding race relations and historical matters surrounding the claim.

I have lived on Waiheke since 1969 and during that time have been involved in various community organisations including among others the Waiheke Sports Club, the Piritahi Marae and the Waiheke Land Action Committee which was involved in the 1983-4 Ngati Paoa land dispute that saw the Ngati Paoa lay the Wai-10 claim over the Waiheke Station.

In our deliberations with Ngati Paoa members of the Club who were on the Steering Committee it was a commonplace agreement that sports clubs like ours were the key to positive race relations throughout the country. It was difficult and in a sense artificial for us to talk about it as within club culture race relations is taken as a given. It is as natural as breathing and is generally never given a thought as club members just get on with sport and race relations as an unconscious by-product.

In a telling interview in the Gulf News on 7 October 1999, Paul Monin the well known historian and local identity points to the very heart of the race relations matter. "Critical to the debate is the social and cultural composition of the Waiheke Sports Club: working men and women, about a half of whom are Maori. The gentrification of Auckland had seen both "the steady retreat of Maori communities¹ from the city centre and the 'geographical marginalisation of working people of all races'. These two 'interrelated processes' were relevant to the Ostend dispute by way of historical context. While

gentrification has been largely driven by market forces, local government authorities have also played their part through planning policy. Advances made by gentrification had come at the expense of socio-economic and ethnic pluralism. In other words, the inhabitants of particular areas have come to be determined increasingly by wealth and due to co-relations between wealth and race, by race. The multicultural objectives of New Zealand society make it desirable that neighbourhoods include as wide a range as possible of people of different economic circumstances and ethnic backgrounds. The Waiheke Sports Club and many other like groups the length and breadth of the country are living testament to such social and ethnic pluralism in action. These groups need to be fostered wherever possible by local government authorities, for in their continued success will essentially lie the success of this vision for New Zealand society as a whole... With the development of the Rangihoua sports domain, other plans were made for the Sports Club, but without due consideration being given to the preservation of its clubrooms or an equivalent, so essential to its social vitality and economic viability. As a result the club now faces the loss of a centrally located site (in advance of relegation to the geographical periphery) and worse still dislocation and diminution as a successfully functioning social group. The blithely delivered advice that it purchase its own site is hardly feasible given the modest means of its membership and moreover, is fundamentally inequitable, given the undisturbed tenancy still enjoyed by other groups on council reserves."

The reasons that the Sports Club Steering Committee has been so tenacious at holding its ground in support of Ngati Paoa members of the Club are because of the complete lack of understanding and disregard displayed by the Crown, the Judiciary, Auckland City Council and the Community Board for Maori cultural dynamics within the club, and within the wider Waiheke Community; the defence of the social and cultural constituency both Maori and Pakeha represented by the heritage and history of the Ostend Domain; and the dismissal of the cultural component of both Ngati Paoa and the Waiheke Sports Club's submissions to both the Crown and the Council.

CONTEMPORARY MAORI CULTURAL DYNAMICS AND THE JUDICIAL REVIEW

The cornerstone of the Wai-810 claim regarding the Sports Club is the contemporary Maori social dynamics that has occurred on Waiheke since the reassertion of Ngati Paoa's mana whenua in the early 1980s. The community's contemporary associations with the Ngati Paoa go back to the 1983-4 land battle over the Waiheke Station when a number of locals formed the Waiheke Action Committee to support Ngati Paoa's claim to the Station. Some of us were arrested with the Ngati Paoa for trespass on the land.

The Wai-810 claimant, Moana, is the daughter of my friend the late Mason Clarke, who was popularly regarded as the Chief of the Island, (see Appendix 1). She is the niece of Louise Monaghan of Ngati Paoa who was responsible for the establishment of the Kohanga Reo at the Piritahi Marae.

Throughout the 80s and 90s many members of the Waiheke Sports Club served on the Marae Committee. The Chairman of Piritahi, Kato Kauwhata, is a life-member and Patron of the Waiheke Sports Club. Among Club members who have served on the Marae Committee are Mason and Louise of Ngati Paoa, Joy Alison, Kathy Lumber, Peggy Waite and Mike Aspden as well as myself. The current secretary of Piritahi is the claimant, Moana. Both Mason and Louise were on the Steering Committee of the Club (formed in 1997 with the sole purpose of obtaining a new lease) and Mason was vice-chairman of Ngati Paoa Whanau Trust Board and Louise was its secretary. These interlocking connections are very important because they are illustrative of **the** social reciprocity that occurs between organisations within a small community like ours on Waiheke.

Recently, the Wai-810 claimant asked for a judicial review hearing regarding the procedural impropriety of the Crown and Auckland City Council vesting the land in the City without consultation with Ngati Paoa. The Judge's decision has apparently overturned long-standing Department of Conservation (DOC) policy as expressed in its

Reserves Act Guide at Section 4 where under the heading *Principles of Treaty* it states, "The Waitangi Tribunal and Courts have identified a number of principles. These include at point (vii) page 2 a "duty to be informed". Under the heading *Obligation to Consult with Maori* the Council is directed that it " ...must consult with and have regard to the views of iwi or hapu before undertaking action and making decisions about reserves for which it is the administering body". (See Appendix 2). I would draw the Tribunal's attention to a remark by Harrison, J. at point 36 in his Decision, "I was also left with the distinct impression that Ms Te Waero's claim is a Trojan horse for the Sports Club's challenge to adverse decisions by the Council about its ongoing rights to use the land. I apprehend that protection of the Club's interests is the real agenda behind this application. This factor has compounded and confused much of Ms Te Waero's case. It is also directly relevant to Ms Te Waero's entitlement to relief."

Harrison, J. seems to have turned things on their head. He is ascribing Machiavellian motives to David rather than Goliath. Up until the claim was lodged and even after DOC, Auckland City Council and the Community Board were cynical in the extreme in their machinations to "Privatise the land through the classification process", thus depriving Ngati Paoa of their rights over the land as expressed in their larger Wai-72 claim. The Ngati Paoa's rights as spelled out in the Wai-810 claim were also the "Right of partnership with others, Maori and non-Maori in the interests of good race relations as reasonably envisaged by equality of treatment in terms of Article 3 of the Treaty of Waitangi", (see Appendix 3)

The social interactions between the Marae, the Ngati Paoa and the club described above fly in the face of Harrison J.'s remark that the claim was in response to "adverse decisions by the Council about its ongoing right to use the land". In fact the Judge is quite wrong. The Club's primary dispute was with the Crown represented by the Department of Conservation who were, in fact, the lessor. This was acknowledged by Dave Bayley in a letter of 28 May 1999, where he points out that there was a mistake in the lease showing the Waiheke County Council as the lessor and that, "The former Department of Lands & Survey, our parent department, who then owned Lot 128 and the adjoining land, should

have altered the lease to show the Minister of Lands as the lessor of the lease and the former Council as administrator of the lease in view that the former Council only controlled and managed allotment 128 and the adjoining land as a Domain Board", (see Appendix 4) Because of this the Club asked DOC for a concession over the land. They did not respond to this request instead the Crown set out on a course to hand the leasing powers over to Auckland City Council through the classification process.

On 27 April 1999 the Club informed DOC of Treaty claims on the land (see Appendix 5) and also informed Mr Bernie Ward of Auckland City Council at a meeting at the Club on 20 May 1999. (see Appendix 6) On 24 May 1999, in an internal e-mail between Dave Bayley and John Galilee the issue of a lease concession to the Club was brought up. (see Appendix 7) There is a footnote, "John rang Wayne Devine. Wayne suggested classification proceed". The following day, 25 May 1999, Dave Bayley with full knowledge of this wrote to the Club inviting it to apply for a concession for a lease, (see Appendix 8) He knew full well that it would be futile because he had been ordered by his superior to proceed with classification. Following Dave Bayley's advice the Club applied for a concession from DOC on 15 June 1999. (see Appendix 9) Dave Bayley responded to this lease request stating that DOC could arrange to grant a concession only if ACC agreed. The Club was, in effect, chasing its tail. Dave Bayley's invitation to apply for a concession was the real Trojan horse as it had acted in a covert manner that gained the Crown time to complete the privatisation process, thus taking it out of Iwi hands. This covert action contrasts with the overt action of the Wai-810 claim. The Crown claimed that the classification was "automatic" under 26A of the Reserves Act. It belies the question that the automatic provisions for classification were only invoked after the Club pointed out that the Council did not own the land. This occurred despite DOC having been sent, in the Club's 27 April 1999 letter, a Gulf News article dated 8 October 1998 entitled *Waiheke Land Subject to Treaty Claims*, (see Appendix 10)

In 1998 the Tribunal in the *Turangi Township* hearing over the transfer of 10 reserves by the Crown to Taupo District Council, remarked "On the face of it this transfer... gives the appearance of having been designed to remove these lands from contention. If this is

indeed the case it is difficult to reconcile this action with good faith on the part of the Crown". On Waiheke this lack of good faith towards the Treaty claims was further compounded by the Crown and Auckland City Council when in April 2000, an Auckland City Council publication called *Vision Hauraki Gulf* (whose editor was none other than Bruce Bisset, Chairman of the Waiheke Community Board) published an article, entitled "This Land is Your Land" which is a provocative heading given the Treaty uproar over the Ostend Domain. Alongside it was a picture of Warwick Murray, DOC's community relations manager (Dave Bayley's superior) standing with Faye Storer (community board member and Auckland City Councillor). The article outlined the proposed swapping of DOC and Auckland City Council land to rationalise ownership and management. It should be noted too that Bruce Bisset regarded the Ngati Paoa Wai-72 claim as being merely generic and not site-specific. This raises a really interesting question. If the Wai-72 claim does not apply to all Crown land within their region do they have to lay site specific claims on every piece of Crown land.

Harrison J.'s decision shows that he regards the Treaty as a Treaty of grievances for Maori when, in fact, it was designed as a mechanism for mutual co-existence and common benefit. Section 4 of the Conservation Act requires the Crown and the Council to encourage this mutual co-existence through consultation. The importance of Section 4 is reinforced by the Crown in its order of placement in the Act.

The Wai-810 claim was lodged in the spirit of mutual co-existence between the Ngati Paoa members of the Club and members of the wider community both Maori and Pakeha. Judge Harrison also failed to note that the claim had been co-signed by Hariata Gordon who is the leader of Ngati Paoa. It was she who should have been consulted in the courtroom by the Judge not Moana who was merely the individual vehicle for the Tribe. Because of this Moana's barrister, Charl Hirschfeld, was correct in saying that his client was not in a position to speak for the Tribe, (see Point 76 Judge's Decision). More importantly the Crown had the role of consultation not the Judiciary in the person of Harrison, J. All he was asked to do was find out whether the Crown had proceeded

correctly. Harrison J. was merely reflecting a positivist interpretation of the law based on the equity of the Rule of Law.

Harrison J's misunderstanding of the claimant's position is addressed by Professor Andrew Sharp writing on the development of the language of equity where he contrasts its individualist undertones with tikanga Maori and remarks, "Those who used and developed [equity] in New Zealand thought that social arrangements including societies themselves, had (when they were justified) a utilitarian and individualist justification: they were for the good of each individual. Individuals were organic wholes, the units of cosmic significance. What did not figure for individuals figured for nothing at all. Individuals made institutions and societies; they could join and leave them; they could modify or destroy them. And thus equity was the virtue of ameliorating individual lives as they were distorted by laws and social practices, so that individual fulfilment could be better attained. Nothing could have been further from the Maori view, which was that Maori was a primordial and cosmic entity. It embraced, formed and sustained individuals indeed; but those were not its purposes, functions or ends. It was an instrument to nothing beyond itself (in a way that, in the language of equity, individuals were not the instruments of any purposes beyond their own). Individuals might exist organically. But it was the spirit, the wairua, that had the truer reality; individuals simply bore the wairua through a time sequence that was as insubstantial as the human body itself. Individuals were mortal and circumscribed. Maori was immortal and limitless. In the order of things, it was not - it could not be - that the individual human being preceded the collectivity".¹

THE HISTORICAL TEXTURE OF THE OSTEND DOMAIN

The history of the social and cultural constituency is revealed in 1949 by Ivy Smytheman, an old resident of Ostend wrote her memoirs entitled *Early Years in Ostend* In them she recounts the creation of the first sub-division in 1915 when the firm Iichtenstein

¹ Andrew Sharp, *Justice and the Maori: Maori Claims in New Zealand Political Argument in the 1980s*, Oxford University Press, England, 1990, p.217.

² Ivy Smytheman, *Early Years in Ostend*, Waiheke, 1949.

Arnoldson & Co. purchased the 2,900 acres block off Commander Newton. Her father Thomas Smytheman was an accountant for the firm from 1905 to 1920. The purchase was done by way of "a swap for part of the Horsham Downes Block near Ngaruawhia". The sub-divided sections were snapped up by working class people from Parnell, Ponsonby and Freemans Bay, when those suburbs served the early trade workshops, wharves, flour and timber mills, ship-building and repair facilities for the old scows that sailed around the coast. It was a time when cars were a luxury and an affordable transport could be got by buying a ferry ticket to Ostend at Putiki Bay. Ivy Smytheman said, "The environs of Putiki Bay in those days looked rather different. The undulating land around it was mostly not yet built on. On the sandy strip of beach nearly opposite Putiki Road, stood a white boat-shed with a red roof, usually with a dinghy anchored near it. Near the boat-shed was a rustic sheep and cattle race. On the other side of the mudflat behind the sandy strip, on a tongue of land round which the little Okahuiti Creek runs, stood an old dark-red woolshed surrounded with fences, and here sheep were mustered prior to being driven through the rustic race on to scows, to be taken away. It was common to see a scow lying in the channel, waiting for the tide. In earlier years it was usually the Wanderer¹, a very old vessel; but later it was the Wendel'. Across the same end of the bay was a row of posts marking the way for those walking to or from Huruhi Bay and adjacent areas. It was muddy, unpleasant part of the way, and of course had to be made at low tide. I have vivid memories of it, with the mud squelching nearly to our knees, and of sitting on the grass at the other side while we cleaned the worst of the mud off our feet and legs with wet rags carried for the purpose. One of the most familiar figures to be seen on this old mudflat route was a fine old Maori who used to bring fresh fish - and I think kumara sometimes - from Te Huruhi, to sell to my grandparents at the Accommodation House. Another familiar sight was that of horses being swum across that end of the bay. The story was told that, long ago, a man had been lost through being sucked down into the soft mud, because he had tried to cross the bay at a spot of his own choosing, instead of going by the sticks marking the safe 'track'."

George Taylor, an old identity whose family bought a section in Te Toki Road, confirmed to me in the local RSA one evening many of Ivy Smytherman's memories. He

remarked that Jack Kennedy who oversaw the running of the old woolshed and the loading of wool and sheep on to the old scows over the old canoe landing place, (which was dedicated as a landing reserve) remarked to his father, Ernie Taylor and Roy Wickstead, who were organisers of the Ostend Football team, "That if the players helped them dismantle the yards and woolsheds and moved it to the Onetangi Straight they could have the paddock for a football field. George remarked that for years afterwards on the old woolshed rafters you could still see the words Taylor-Wickstead Demolition printed in chalk". This informal arrangement between the Kennedy family and the Club was formalised in 1935 by the Ostend Roads Board declaring it a reserve for football. The football photos (see Appendix 11) show football teams of the 1930s and 1950s with Maori members from the local families, the Clarkes, Royals and Kawhi, whom Mason said used to use the same track across the mudflats from Surfdale to play football at the Ostend Domain. After the War because of its proximity to Auckland and to the fishing grounds in the Gulf, as well as old tribal connections a number of ex-Maori Battalion members moved their families to the Island. Late 1951 saw an influx of wharfies who took shelter on the Island after being locked out of the wharves. They all used to socialise, play football and lay hangi under the umbrella of the Club. The 1950s also saw the influx of the Seamen and Cooks and Stewards Union, some of whom were gays at a time when it was not so fashionable. In 1964 the Ostend Reserve was host to a visit by Sir Bernard Fergusson, one of New Zealand's more progressive Governor-Generals. He had been one of General Wingate's top commanders in the Burma Campaign. During his time in New Zealand he spoke at a number of Maori Battalion Reunions and was a great admirer of Sir Peter Buck and Sir Apirana Ngata, (see Appendix 12)

The 1960s and 70s saw the Island attract artists and writers who reinforced its tolerant cosmopolitan heritage. This was expressed politically in the 1980s, which in contrast to the rest of the country, saw the political and social infrastructure of the Island being run entirely by Maori. During that period the Island had two Chairperson of the Waiheke Island County Council who were of Maori descent - the late Alan Murray and Sandra Lee. The headmaster of the local area school was Frank Solomon and his family came from the Chathams. The local policeman was Lindsay Proctor who was Ngapuhi and

who received his Queens Service medal for his services to the Waiheke community. In 1979 he was a New Zealand league representative and was very active in the Club being coach and manager of the Club's senior league team. Passing commuters in the evening would see him under floodlights in his police uniform and gum-boots training the team. The Power Board and old Post and Telegraph on the Island was managed and staffed almost entirely by Maori. This occurred within a predominantly Pakeha community. Maori leadership and participation was an organic process, indeed it was hardly noticed and was in a sense an outgrowth of Waiheke's cosmopolitanism whose unwritten rule was that people that take shelter here are given a fair go. This accords with the early Maori name for the Island - Te Motu Arai Roa (the long sheltering island).

The history of the Ostend Domain represents a heritage of tolerance. Of a time and location for generations of Waihekeans many of whom have passed on. This is expressed in many memorial trophies, team photographs and plaques in memory of members who had died. In a sense the Ostend Domain is our field of dreams. This was expressed in a wonderful letter by Mr Charles Walker, a retired veterinarian of Rocky Bay, to the Gulf News on 30 September 1999 entitled *Vigorous Community Organisation*. He said, "I am writing to support the sports club in its wish to retain its position at the Ostend Domain on the Causeway. Although I personally have zero interest in competitive sports, I am perfectly well aware of the vigorous community use of the grounds and the cohesive value of this position in the heart of the most populated area of Waiheke, close to the boat club, close to the school, uniting people. It would be wrong to disrupt this situation. The intensive use of the club's facilities and the enthusiasm of players and spectators pleases me; it is good to see and to be so aware of its activities as part of everyday Waiheke life - we don't want it tucked away out of sight, dividing u more and more into isolated areas. For visitors it must be heart-warming to see how we intermingle in our life; and although I have driven past frequently at weekends in the past ten years I have encountered neither drunkenness nor bad behaviour related to this club. I have often given a lift to boys, girls and adults in both directions and always been fired by their excitement and enjoyment of life. I totally oppose the views expressed by Judy Voullaire and liz Lambert. I strongly

oppose any attempt to force the club to move. It is part of our accustomed way of life, so just stop interfering".

THE FARCE OF "CONSULTATION"

I would draw the Tribunal's attention to two documents. One presented by Hariata Gordon to the Parks & Recreation Committee of Auckland City Council on 22 October 1999 (see Attachment 13) and the other presented by the Chairman of the Piritahi Marae, Kato Kauwhata, to the Waiheke Community Board on 4 September 1999. (see Attachment 14) In October 1999 the Club sent a delegation to speak to the Parks and Recreation Committee in Auckland City. Attending that meeting were the Club's consultant, Ron Stevenson, lawyer Richard Brabant, Auckland Rugby League's Sel Pearson, Hariata Gordon of Ngati Paoa, and a number of Club members. The Chairman of the Committee, the late Phil Raffles, introduced himself prior to the meeting to the Club's advisers and representatives, including Hariata. He displayed a considerable warmth and generosity of spirit. He then sat down went through the formalities of the meeting in a machine-like manner and gave our delegation five minutes to speak instead of the 20 minutes promised. Mrs Gordon effectively had one minute to present and speak to her paper. Because of her own tenacity she stretched it out a little longer. The sudden shift by the Chairman from one of warmth to outright rudeness startled us all. It so alarmed the deputy-mayor, Bruce Hucker that it elicited a profuse apology to Mrs Gordon from himself. Also at that meeting the Mayor, Christine Fletcher, remarked that she was against the mixing of children and drink at the Club which in view of her well-known commercial interests in a Coromandel Hotel left us a little surprised. Her remark drew a response from the club's lawyer, Richard Brabant that he was a member of a well established yacht club within the city environs and after a pleasant days sailing he enjoyed a drink with his wife and children at the clubrooms and he felt that if it was good enough for the long-standing yachting fraternity it was good enough for the Waiheke Sports Club which had been the long-standing backbone of community sport on the Island.

The Parks and Recreation meeting was a mirror of a consultative meeting with the Waiheke Community Board and the Club on 4 September 1999. Kato Kauwhata read a submission reflecting similar themes to Hariata's. Both submissions contained references to kaitiakitanga, wairuatanga, manakitanga and whanaungatanga, which were vital to the submissions. Kato's submission was greeted with a remark from Councillor Storer, "That Maori drink too much and should be restricted in their drinking."¹¹ (see Appendix 15). The committee left the "consultation" in stunned silence and we stood outside trying to gather our wits together. Kato broke the silence by saying simply, "Well I don't know about you but I certainly need a drink." Later that afternoon Sel Pearson, the then Chairman of Auckland Rugby League who was visiting the Club was briefed on the restricted drinking scenario. One young Maori club member who was a little puzzled by the remark asked what it all meant. Sel, with his usual wry humour, said, "Well young man what it means is that when you Maori have one drink, we Pakeha will have two."

Both Hariata and Kato's submissions were expressing the essence of Maori culture which operates within a dynamic force-field between the sacred and the profane. This force-field is particularly common to many clubs where there are large numbers of Maori or Pacific Islanders in its membership. Speeches in Maori, together with prayers, are often given at after-match functions. Kaitiakitanga, wairuatanga, manakitanga and whanaungatanga are a natural part of club life.

Margaret Mutu, the Maori academic, has remarked that many hapu throughout the country are sick to death of being culturally consulted. All that results, she says, is that people do not understand Maori terms and will still not acknowledge Maoridom in a practical sense.

The late Bruce Jesson, (a supporter Otahuhu League and former chairman of the Auckland Regional Services Trust) for many years a close personal friend of mine, would have agreed with Dr. Mutu's sentiments. He once remarked to me that with a handful of notable exceptions most local body politicians and their entourage were 'ego-driven fruitcakes'. He found them to be prissy, self-important busybodies whose vanity and

pomposity took precedence over any rational discussion of the practical realities of life.³ Such people are obsessed not with the community they purport to represent but with legalisms, property rights, the machinations of managerialism, and crass political power plays.

The legalisms of property rights and the ideology of the market economy of Pakeha society are mythic because they give the impression of being the workings of fate where human beings are powerless to intervene. Contemporary Maori society in contrast is modern as the history of the Waitangi Tribunal itself bears testimony too. Submissions to the Tribunal, made by both sides, illustrate the possibility of human influence upon events and, with it the moral and political responsibility of people as conscious agents able to reshape the destiny of our country as a bi-cultural nation. Paul Monin has remarked to me that this has been done within a climate of civility, openness and rigour, and that while the Tribunal is an adversarial forum both sides exhibit no rancour in cross-examination despite having to bring to the fore an uncomfortable past

In my time as a member of the Marae Committee and the Sports Club perhaps the worst representatives of the Crown's agents Auckland City Council, (in consultation mode) that I have met are the liberal patronising "empowering and cultural-safety" exponents who see the Maori people as history sufferers not history makers. In this, they deny the self-activating tradition of Maori society. Their romantic dabbling in things Maori is a mood rather than a philosophy that lacks any theoretical armature. They deny their own culture and react to our colonialist past with guilt. Such an approach does not allow engagement with a marae life and is afraid of the real Maori-Pakeha world of the Sports Club.

The fight over the last three years has almost crippled the Club financially. It has made a moral decision not to install poker machines which some clubs are now using to try and survive Auckland City Council's "User Pays" stance.

¹ Bruce Jesson, *New Zealand Political Review*, April 1999, p.31.

The machinations of the Crown and Auckland City Council have made a mockery of the Waiheke Sports Club, its players, supporters, coaches, administrators and the business sponsors over all the years of its existence until now. Volunteer workers have spent countless hours nurturing and training the children. For those of us that can remember back to gentler times before community values disintegrated clubs such as the Waiheke Sports Club were nurtured and supported by the state. Market rents for sports facilities were unheard of. Team sport was supported because of its character-building qualities. There has been a concerted effort by the Council to restructure recreation reserves away from community team sport into individualist pursuits such as walking, tennis, patanque, In the Club's case the Council were trying to move the Club to accommodate the last two.

Finally, it is worth noting, that in 1994 the same Treaty themes as discussed in this brief were included in a submission to Auckland City Council regarding the field at Ostend Domain, by Kato Kauwhata in his role as Chairman of the Piritahe Marae speaking for the Maori members of the Club and myself speaking for the Pakeha members of the Club. In this submission we noted that, "The Waiheke Sports Club is, outside of the Marae, the centre of Maori and Pakeha race relations on the Island. There are warm feelings between Maori and Pakeha in the Club. ...Visiting teams are based either in Ngati Whatua or Ngati Paoa territory but most supporters and players would be of multi-tribal origin similar to the make up of the local Maori population. Often at after-match functions the club is turned into an impromptu Marae with speeches in Maori and English interspersed with good humour ...The every-day reality of our young Maori people is centred very much on sport and the club acts as a focus for this. ...Such activity expresses the wairua, the spirit of partnership embodied in the Treaty. It could be summed up by the Maori word manaakitanga with its connotations of distance yet respect tinged with a touch of kindness. This cultural aspect of the Club with its associated ceremonies has created a turangawaewae, a footstool or place to stand, for both Maori and Pakeha", (see Attachment 16⁴) Clubs such as ours must be protected.

⁴ Submission to Auckland City Council. Illustration drawn by Charles Heaphy in 1850 showing the site of Ngati Paoa Marae at Te Huruhi - Kia Piritahi Marae.