

**BEFORE THE COMMISSIONER,  
TARANAKI REGIONAL COUNCIL  
NEW PLYMOUTH DISTRICT COUNCIL**

IN THE MATTER OF A: Notice of requirement and resource consent applications to construct a bypass at Mt Messenger. Application ID: DSN17/44711 and LUC18/47193

BETWEEN: **New Zealand Transport Agency (NZTA)**

APPLICANT

AND **Te Korowai Tiaki o te Hauāuru Incorporated (Te Korowai)**

SUBMITTER

**STATEMENT of Adrian Amos WHITE on behalf of Te Korowai Tiaki o te Hauāuru Incorporated (Te Korowai)**

**DATED: 16<sup>TH</sup> AUGUST 2018**

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*J. No:*

## STATEMENT OF AMOS ADRIAN WHITE.

### INTRODUCTION

- [1]. I am Amos White; I am the son of Peter Te Maihenga White (Te Maihenga). Te Maihenga was one of 18 children, the children of Potete Hotu White and Matehuirua Horomona. I am of Ngati Tama.
- [2]. I am the deputy Chairman of Te Runanga O Ngati Tama Trust (Te Runanga), from which business I and my fellow trustees Lisa White and Tahu White have been unlawfully excluded since 11<sup>th</sup> November 2016. We are referred to as the suspended trustees by the New Zealand Transport Agency (NZTA) in these proceedings. I am the Chairman of Te Korowai Tiaki o te Hauāuru.
- [3]. I write this to place before the commissioner the nature and extent of consultation with Te Korowai, and with Lisa, Tahu and myself as trustees.

### BACKGROUND.

- [4]. Lisa, Tahu and myself work regular jobs for wages. I work rotating shift hours as does Tahu. Tahu lives in Perth, Australia. Time off work or relief or exchange shift work has to be prearranged. Lisa similarly works in a job in which she cannot at short notice take time off.

### *PRINCIPLES OF THE TREATY - ADVICE TO THE CROWN OF IWI*

#### *DYSFUNCTION*

- [5]. Shortly after the NZTA appeared before the Trustees of TRONT with their desire to construct a road, Lisa, Tahu and myself were excluded from trust information (purportedly suspended). Lisa, Tahu and myself commenced proceedings in the High Court in relation to the suspension and related matters. Lisa wrote on our behalf to the Minister of Transport and the Minister of Treaty Settlements (Minister of Justice) advising them that TRONT was dysfunctional, that litigation in the High Court had commenced between the trustees, and providing them with a copy of the proceedings.
- [6]. Acknowledgement was received from the Minister of Treaty Settlements.
- [7]. The above Ministers were advised in writing on 2 occasions.

- [8]. We expected a wider and open consultation process among Iwi from our Treaty Partner, mindful of the dysfunction at TRONT level. That did not occur.

***PUKEARUHE MARAE***

- [9]. Many Iwi who live in New Zealand, do not attend the marae at Pukearuhe. Pukearuhe Marae is an unsafe place for many Ngati Tama beneficiaries. NZTA Hui are held at Pukearuhe with unsavoury intimidation and conduct taking place. At the Annual General Meeting (AGM) a few weeks ago, whilst putting a resolution to the meeting relating to NZTA, my fellow trustee Lisa was assaulted – now being reviewed by the Police. At the same meeting another senior Kaumatua with a large number of proxy votes was shouted down and his votes were not taken into account. On an earlier occasion, a Ngati Tama member, a member of a national professional body, on his feet putting a motion, and part way through reading his proposal, was approached by a marae trustee, his papers ripped from his hand and shouted down. I witnessed all the above in the context of the NZTA proposals.
- [10]. At a recent meeting of Te Korowai, another Ngati Tama member recounts how he was physically “frogmarched” out the gate of the marae – he vows never to return. On another occasion, a Te Korowai member, a retired director of a major New Zealand engineering company, was physically handled at the marae; he too vows not to return. That member is the chairman of a whanau trust of 500+ Ngati Tama members. I believe this is the experience of many in Ngati Tama.
- [11]. It is into that environment that few Ngati Tama members go to listen to the NZTA proposals. Attendances are low; on one occasion 12 members, on another, at the AGM 39 members. And similar low numbers attended other meetings. This in the context of the size of the roll at the time of the settlement – in excess of 800. And today, Te Korowai is in touch with 800 members, plus whanau connected through kaumatua.

***CONFIDENTIALITY OF NZTA MATERIAL TO TRONT.***

- [12]. The NZTA negotiations with Iwi have been cloaked in confidentiality and initially confined to the 7 Trustees of TRONT, with changes made to information exchange following the alleged suspension of Trustees.
- [13]. This “cloak of confidentiality” imposed through the Chairman of TRONT can be seen in various items of correspondence he has communicated to trustees.

- [14]. Members of Ngati Tama iwi, informed from newspaper reports of the proposal have written to TRONT and its legal team seeking to be advised and informed. I do not believe they have been informed.
- [15]. Hui a Iwi have been advertised in the Taranaki newspapers, cancelled and re advertised, “on again and off again”. However, our Iwi has a register of members; our members are wide spread around the globe. United Kingdom, USA, and Australia to mention a few places. Some live in New Zealand. For the reasons outlined earlier in this statement at para 10 many are reluctant to attend Hui at Pukearuhe.
- [16]. No wide communication with Iwi has taken place save for the survey work carried out by Te Korowai in forming the preliminary views outlined in Bill White's submission. It would be expected that a reasonable Crown partner, attentive and actively protective; with knowledge of our situation; and mindful of its treaty partnership obligations would take steps to facilitate physical and electronic Hui a hapu; Hui a Iwi; website and mailed information.

***LIMITATIONS OF LISA, AMOS AND MYSELF IN REGARD TO INPUT.***

- [17]. As a functioning Trust of TRONT we expected as trustees to be able to attend meetings properly called; listen to NZTA aspirations; discuss and debate with our fellow trustees – even if those debates were tense; even if we agreed to differ; to consult with our registered Iwi and reflect those views back to our trustees and onwards to NZTA. We have not been able to do that. The effect of the cloak of confidentiality, and the effect of our exclusion from trust meetings has meant we are simply reactive to the matters presented to us.
- [18]. Te Korowai when it heard of the positions arrived at by the 4 trustees of TRONT, immediately by electronic survey with key questions, determined the views of a very limited snapshot of iwi Kaumatua who we quickly were able to make electronic contact with. A reflection of their position is outlined in the statement of Bill White.
- [19]. The Te Korowai view requires more engagement and information sharing, as there are a significant number of members of Iwi and hapu yet to be involved. All have a stake and custodianship of Paraninihi.

***LIMITATION OF NZTA CONSULTATION.***

- [20]. As Mr Dixon for the NZTA acknowledged when he appeared before you on the 3<sup>rd</sup> August 2018 and you asked him what involvement NZTA had, had with Ngati Tama members other than Te Runanga – that is Te Korowai and Poutama. He stated he had only acknowledged Te Runanga of Ngati Tama, on the advice of Mr Dreaver. Saying : “I have given little weight to those (others) and given (full) weight to Te Runanga.”

*"I have taken the Cultural Values Assessment<sup>1</sup> as important." "I rely on the cultural values assessment".*

- [21]. Mr Dixon's statement reflects Te Korowai's experience.
- [22]. None of our members that we are aware of, was consulted in the preparation of the cultural values assessment. Whilst we accept the cultural values assessment as relevant, it is not comprehensive of Ngati Tama cultural values, and more is required in order to sufficiently avoid remedy or mitigate cultural values.

### ***TE KOROWAI***

- [23]. It is against that background that Te Korowai was formed. Te Korowai was formed to provide a legal vehicle that will enable our wider whānau to have input into the NZTA project. As an administering body we have endeavoured to cast a wide net among known members of our Iwi and hapu whānau. We have concentrated on making contact with the elders of the various hapu. This is an ongoing process and we are still making contact with beneficiaries. We have surveyed the initial members as to their views on the NZTA proposal, and developed an informed position.
- [24]. Whilst Te Korowai (some of our Kuia and Kaumatua) and NZTA have met we have not had the chance to reflect to NZTA the Te Korowai views. The meeting was "without prejudice" at our insistence and we were grateful for the information we received.

### ***PARANINIHI.***

- [25]. Paraninihi is an ancestor arising from the union of Papatūānuku and Ranginui, as are we. Paraninihi has fed Ngati Tama, protected us and sheltered us. Within Paraninihi live our taniwha, in every river and stream. Paraninihi in times of old was impassable save along the coast. Paraninihi fed us. We had guardian pah on the ridges, rat lines for protein, occasional Pidgeon and larger bird, food trees and vegetables. And more often than not, prior to the musket, we, living in the pah on the coast would feed on tauiwi trying to get south, at Te Kawau; or along the coast at the jaws; the keys; at Pukearuhe and at various places in between, with our rivers to provide condiments<sup>2</sup> to garnish our meals.
- [26]. Paraninihi contribution to Ngati Tama was her guardianship and impenetrability by land, a prolific protein source along the coast and an ancestral being beloved to this day by Ngati Tama.

1 The cultural values assessment was prepared by Tama Hovell. Tama Hovell on his firm's website states he is of Ngai Te Rangi, Ngati Porou, Ngati Tamatera and Nga Puhi descent

2 Lampreys, tuna, koura, cress.

- [27]. In European terms we lost access to Paraninihi and all our productive fertile lands between Mokau and our southern boundary in the 1860's when they were stolen from us by the Crown. Led by the mercenary Col Messenger; our Pah was attacked and defeated, our lands stolen, the remainder<sup>3</sup> of our people dispersed.
- [28]. We were dispossessed and forced to labour for pakeha for our sustenance. A road was pushed through Paraninihi, and then in more recent times when the Crown sought to write the wrongs of times past we got a little bit of the stolen goods back, Paraninihi, heavily burdened with covenants on behalf of DOC, and a trust deed drafted in white man's law. Paraninihi infested with the vermin of settlement – the bush ravaging opossum. That is us today. A Rolls Royce was stolen and the tow-bar returned with conditions. Our people generally, are still poor and wage labourers.
- [29]. Paraninihi for Ngati Tama extends beyond the land that was returned, she encompasses the wider area of impenetrability much of it making up the lands under consideration by NZTA. When we talk here of Paraninihi we talk of the wider Paraninihi than the land returned.
- [30]. In this NZTA application neither Te Korowai nor many of the members of the various hapu and iwi that constitute Ngati Tama appear to have had any input into the works to be carried out in the freshwater streams, and the valleys that feed into them. What we as an iwi and our various hapu value has not been taken into account – we just have not been consulted. Those streams are of life-force value to us. They have fed us over time, provided sustenance in times of refuge, and assist us today in our poverty. They contain pathways of taniwha, and taniwha. Our fish breeding sites and fishing and food gathering sites, freshwater fish feeding sites. None of this has been obtained from us. Our views and values of not been heard.
- [31]. Similarly our views on the biodiversity of Paraninihi and the families that live within. The Commissioner has heard copious comment from experts in everything from birds to bats. There has not been any assessment of the wider iwi views on those matters. All those beings are the children of Papatuānuku and Ranginui for which we the wider iwi as Kaitiaki have a duty to protect.

### **Biodiversity Loss and ecological adverse effects.**

- [32]. Members of Te Korowai are most concerned at the projected biodiversity loss of the taonga species in the ancestral being that is Paraninihi the sanctuary of our people and our lands returned. This biodiversity loss concern has also been expressed by the Department of Conservation and by Wildlands. All biodiversity and taonga species in the Paraninihi are ancestral beings connected by whakapapa to us as Ngati Tama.

3 Much of our tribe was forced to flee south with the advent of the musket when our weapon of choice they became obsolete. We were welcomed back and were returning.

We have been told and seen evidence of significant taonga species, biodiversity and natural habitat modification and loss with adverse effects on the lands that have been returned to us, including and also in the high value biodiversity areas.

For example, we have the issue of long tailed bats, identified by the Department of Conservation. We are also concerned that there is to be significant works carried out in the rivers and streams with no or little concern at our fishing sites, and taniwha pathways and places of habitat.

***ONWARDS.***

- [33]. We will with the assistance of Mr Enright and Mr Greg Carolyn present our Te Korowai position as it is at present. It is not our doing that we are this late – we expected better from our treaty partner. I have covered that earlier.
- [34]. Much of the Ngati Tama way forward will depend on the outcome of the Court case on the 20<sup>th</sup> August 2018 and what follows. Never the less Te Korowai will have an ongoing legal status in this matter.
- [35]. NZTA has clearly been put on notice as to the consequences of “doing a deal” with Te Runanga as it presently stands.
- [36]. Some of our members will present our position.

**Date: 16<sup>th</sup> August 2018**

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***Amos A White***  
*Chairman of Te Korowai.*

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