

In the High Court of New Zealand  
Auckland Registry  
I Te Kōti Matua O Aotearoa  
Tāmaki Makaurau Rohe

CIV-2015-404-2033

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*under:* the Judicature Amendment Act 1972, and Part 30 of  
the High Court Rules

*between:* **Ngāti Whātua Ōrākei Trust**  
*Plaintiff*

*and:* **Attorney-General**  
*First Defendant*

*and:* **Marutūāhu Rōpū Limited Partnership**  
*Second Defendant*

*and:* **Te Ara Rangatū O Te Iwi O Ngāti Te Ata  
Waiōhua Incorporated**  
*Third Defendant*

Statement of evidence of Taiaha (Lance) Joseph Hawke on behalf  
of the plaintiff

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Dated: 2 June 2020

Next Event Date: For trial, 9 February 2021

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**STATEMENT OF EVIDENCE OF TAIHAHA (LANCE) JOSEPH HAWKE ON  
BEHALF OF THE PLAINTIFF**

*Ko tēnei te reo o Whātua ārā, ko Whātua Nuku, ko Whātua Rangi  
Ko Whātua ki Uta, ko Whātua ki Tai*

*Mai Tāmaki ki Maunganui i te tai Hauāuru  
Mai Maunganui ki Maungakiekie ki te poka pū o Tāmaki  
Kei reira te pā tuwatawata o tōku tūpuna ko Tuperiri, arā ko Hikurangi e!  
Huri whakararo ki te Kapu o Mataoho, kei reira ngā tapuwae a Te Kawau  
kei ngā tae rere o te Manukau.*

*Whakawhiti atu rā ki Te Awa o Tāmaki kei reira te Pupu o Te Kawau e  
takoto ake nei. Kei konā ka rukuhia i te wai kaukau o ōku mātua o ōku  
tūpuna tae noa atu rā ki Te Toka Pūrewaha, te pataka kai a kui mā a koro  
mā i te wā i a rātou .*

*Titiro whakarunga ki tōku whenua rangatira ko Takaparawhau, he whenua  
parekura he whenua taurikura e! Kei raro i āna paripari ka papaki mai ngā  
ngaru nunui o te Waitematā.*

*Kei runga i te kare o ōna wai ko tōku tūpuna ko Tāheretikitiki e teretere  
nei.*

*Tēnā ko Tāmaki Nui, ko Tāmaki Roa ko Te Puru o Tāmaki e ngunguru nei  
Aue, aue, aue, hā!*

Henceforth travels the voice of Whātua across the land, upon the horizon  
throughout the region and across the sea, resounding.

From Tāmaki to Maunganui in the west. From Maunganui to Maungakiekie  
the very core of Tāmaki. It was there that the great palisades of my  
tūpuna Tuperiri stood, the magnificent Hikurangi!

I turn south towards the Palm of Mataoho where the sacred footsteps of Te  
Kawau are imbedded beside the rushing tides of the Manukau.

I cross over to the river of Tāmaki where the sacred staff of Te Kawau was  
placed.

There I plunge into the waters of my ancestors until I arrive at the rock of giant mussels the very food store of my elders during their time.

As I look upwards I gaze upon my ancestral land of Takaparawhau. A battle ground, yet such a treasured place.

Beneath its cliffs the powerful waves of the Waitematā rise and fall. Upon its swift currents races my ancestor Tāhere-tikitiki.

Such is the greatness of Tāmaki and indeed Te Puru o Tāmaki as its mana vibrates across the isthmus!

- 1 My full name is Taiaha (Lance) Joseph Hawke.
- 2 I whakapapa to Ngāti Whātua, Te Tao-ū, Te Uri o Hau, Ngāti Hē, and Ngāti Mahuta.
- 3 I descend from Tumutumuwhenua and Kui, from whom descends Maearoa. She married Manumanu a descendant of Rongomai who was the captain our ancestral waka Māhūhū-ki-te-rangi that traversed Te Moana-nui-a-Kiwa. From them descend Waihekeao who married Haumoewārangi, eponymous ancestors of Ngāti Whātua. I trace lineage to these ancestors through my paternal grandmother and my paternal grandfather.
- 4 From them descends Tuperiri, the eponymous ancestor of Ngāti Whātua Ōrākei. He was the rangatira that took hold of Maungakiekie, overthrowing Kiwi Tāmaki. Tuperiri and Kuraroa begat Tarahawaiki, who married Mokorua from Waiohua – Ngāti te Ata. This union brought Te Tao-ū and Waiohua/Ngāti Te Ata lines together.
- 5 From them came Te Kawau, who was known as the “chief with many cousins” who was the rangatira of Tāmaki in his time. Te Kawau, later known as Apihai Te Kawau was one of three Ngāti Whātua signatories to the Treaty of Waitangi at Manukau on 20 March 1840.
- 6 Apihai married Kiripiro to have Hera Whakamana, who married Te Keene Tangaroa, a rangatira of the Mangamata people in the Kaipara.

- 7 They had Hamiora Pateoro who married Pori Katene from Ngāti Hē of Tauranga Moana. It is through these ancestral links that we stand alongside the iwi of Tauranga Moana and challenge the Crown's Overlapping Claims Policy.
- 8 From them came Te Hira Pateoro, who married Rawinina. Many of the whānau that currently reside in Ōrākei descend from these tūpuna, including the Cook, Cullen, Downs, Hawke, Rameka, Tumahai, Tamaariki, Peters, Maihi, Grey, Makoare, Nia and Puriri whānau.
- 9 From them came my great grandmother Mihiata Te Mamaeroa who married Hoani Maki from Ngāti Mahuta.
- 10 They begat my grandmother Piupiu Rihi who married Eruini Hawke of Te Tao-ū, who begat my father Joe Hawke and his many siblings.
- 11 My parents are Joe and Rene Hawke, and I am their youngest child.
- 12 I am the Pou Taki—Senior Cultural Engagement Specialist, to the Ngāti Whātua Ōrākei Trust. I have held this position since 2014. I have previously held positions as a trustee of the Ngāti Whātua Ōrākei Māori Trust Board and vice-chair of the Ōrākei Marae Committee. As part of my role I represent the Ngāti Whātua Ōrākei Trust on the following: Tūpuna Taonga Trust, Te Pae Motuhake o te Taitokerau ki te Mātāwai, Chairman National Māori Governance Group-Geneva Health, Chairman Ngāti Whātua Ōrākei Working Committee (Auckland Museum), Chairman Te Wānanga Takiura o Ngā Kura Kaupapa Māori o Aotearoa 2017-2019.
- 13 I have a Diploma of Teaching, Te Ata Kura from Auckland Teachers Training College 1991. I also hold a Level 5 Certification in He Tohu Matauranga (Knowledge in Te Ao Māori), and a Level 4 Certification of Te Whare Tu Tauā (Art of Māori Weaponry), from Te Wānanga o Aotearoa, 2004.
- 14 I have taught te reo Māori in primary, secondary, tertiary and Wānanga institutions since 1992. I have also been heavily involved in the national kapa haka scene as a performer, composer, tutor and judge of major competitions across all levels. To be considered

as a judge for Matatini regional and national competitions, you must be recognised as being fluent in te reo Māori and have a strong knowledge of ngā korero o nehe rā (oral traditions and history). I was also the Head Judge for the Auckland Secondary Schools Māori and Pacific Cultural Festival in 2012, 2013, 2014, 2016 and 2017.

- 15 Since 1995 I have officiated at major pōwhiri, citizenship ceremonies, economic summits, trade meetings, cultural ceremonies and blessings held at Ōrākei marae, in the wider Tāmaki area, around New Zealand and overseas. In 2000 I was appointed to the Auckland City Safer Communities Committee.
- 16 I currently hold speaking rights on the paepae, the threshold of our marae over which guests must step as part of the protocol of welcome. Again, to hold this role, one must be recognised by their iwi as having strong Te Reo Māori capability and have demonstrated a strong knowledge of tikanga. I take great honour in carrying out this role as I represent my father, Joe and the Te Hira line of Ngāti Whātua.
- 17 I am the son of Joseph Parata Hawke MNZM, better known as Joe Hawke and my mother Rene Hawke. Beginning in January 1977, my father led the 506 day occupation of Takaparawhau, Bastion Point. Bastion Point is a "whenua taurikura", a beautiful and treasured piece of land that sits above what is today Tāmaki Drive, and very close to Ōkahu Bay, which is a precious part of our history and heartland. This land is part of the Ōrākei Block investigated by the Native Land Court in the late 1860s, with title ultimately vested in our tūpuna.
- 18 Our marae looks over Takaparawhau and the great harbour of the Waitematā, our tribal offices and puna reo are located on that land, and many of our whānau live there today surrounded by the wealth of people who live on land that was acquired from our tribe through gross breaches of the Treaty of Waitangi.
- 19 The Bastion Point occupation is well-known and well-documented for the attempted (but ultimately failed) oppression of the people of Ngāti Whātua Ōrākei by the Crown, as well having wider significance

on the history of Māori land rights in Aotearoa New Zealand. As a result, the people and land of Ngāti Whātua Ōrākei are revitalised, and are resolute to protect and nurture the land and never back down from a Crown that seeks to undermine our mana whenua. Arā “E kore ngā kahu pōkere o Tāmaki e ngaro ana ki te pō”. The black hawks of Tāmaki will not waver in the light of conflict.

- 20 The events that triggered this litigation resonate with me and others who were closely involved in the occupation. Yet again the Crown has made unilateral decisions about our whenua without involving us. In the 1970s and before, our land was compulsorily acquired for use by the Crown and for Pākehā to build houses and live on. Many of those acquisitions have been found to be Treaty breaches, with the Crown not considering (or not caring) what the true effect of its actions on our mana whenua and ahi kaa in our rohe have been.
- 21 But in this litigation, the proposed recipients of land within our rohe are other iwi who know full well the significance of claiming they have mana whenua in Tāmaki Makaurau. For the Crown to have allowed this to come about after our long-negotiated and hard-fought Treaty Settlements is astonishing to me and my whanau. It denigrates the relationship we thought we had with the Crown.
- 22 I dispute that the defendant iwi in this case have mana whenua over the lands in the Tāmaki isthmus. I refer to my relation Ngarimu Blair’s evidence that states our heartland as extending from Kohimaramara (Mission Bay) to the Māngere inlet thence to Te Whau (Blockhouse Bay) to Rangi Matariki (the mouth of the Whau River on the Waitematā, the inner Waitematā up to Tauhinu (Riverhead) and back to Kohimarama.
- 23 I have never heard anyone from Marutuahu refer to Tāmaki in their pepeha, which is a uniquely Māori way to identify oneself by referring yourself to geographical locations within your tribal boundaries. I have never heard Marutuahu refer to Maungakiekie as their mountain or Waitematā as their waterway.
- 24 Within the lifetime of my father (born 1940) we have not known of any Marutuahu kainga, or marae which are tohu rangatira (ahi kaa

indicators) of mana in relation to land on the Tāmaki isthmus and in our heartland.

- 25 After all of the Crown’s history with Ngāti Whātua Ōrākei, including Bastion Point, it is inconceivable to me that the Crown can accept that other iwi have mana interests in our rohe that justify Treaty redress. Our history with the Crown should have left them in no doubt as to which iwi has mana whenua in central Tāmaki.

**Scope of my evidence**

- 26 In this statement I will describe the occupation at Bastion Point and its significance for Ngāti Whātua Ōrākei and our relationship with the Crown.
- 27 In my view, the events leading up to and after Bastion Point are an assertion of our mana whenua, and our resilience in withstanding yet another severe breach of the Treaty of Waitangi by the Crown.
- 28 I understand that the Crown’s decision-making with respect to Marutuahu, Te Ākitai Waiohua does not directly question the events of Bastion Point. But what the Minister’s decision-making does do is question the entire history and mana of Ngāti Whātua Ōrākei. In doing that, the Crown undermines our historic struggle at Bastion Point, the history of the Ōrākei Block, the gifting of thousands of acres of land in Auckland for the new immigrant settlers and the events that led to our Treaty settlement in 2012.
- 29 My statement will set out:
- 29.1 the events that are relevant to Bastion Point; and
- 29.2 the significance of Bastion Point.
- 30 In preparing my evidence I have had access to the pleadings and relevant discovered documents. I will indicate where I rely on particular documents in giving my evidence. For example, many of the issues I personally experienced are recorded in the Waitangi Tribunal’s report on our Treaty claim, and in some academic writings.

31 During the occupation of Bastion Point, I attended boarding school but I was present for some of the occupation when not at school, and I was privy to the political strategies employed by my father and uncles who led the occupation. They were there for the long haul and whatever it took they would remain steadfast. From my experience and understanding of Bastion Point it is important to understand our mana i te whenua and the perspective our iwi has in relation to our ahi kaa and our tikanga.

**Lead up to the Bastion Point occupation**

32 The 13 acres of Bastion Point are part of the Ōrākei Block which has been the centre of so much of our history. I am aware that other witnesses in this case have been asked to describe the tikanga and legal history of the Ōrākei Block in great detail.

33 I don't propose to repeat any of that early history. I will pick up the story in the early 1950s by which point the people of Ngāti Whātua Ōrākei were virtually landless due to years of sustained compulsory and sometimes unethical acquisitions by the Crown. Though many of our whānau remained on whatever land was left, in 1952 the remaining inhabitants were forcibly removed from their homes, including my father's family. My father was 11 years old at the time when his papakainga, his home, our village and our meeting house Te Puru o Tāmaki, were burnt to the ground by the Crown. Aue aue taukiri e.

34 Prior to being forcibly removed from the remnants of our lands, the Crown had built a number of state houses on Kitemoana Street. Some of our whānau were relocated to these homes and became wards of the states. They moved from being landlords to tenants of the state on their own ancestral land, without any consultation or compensation.

35 There were not enough homes built to house all of our whānau, so some whānau had to leave Ōrākei altogether and establish themselves in South Auckland, Kaipara and Ōtaki. This resulted in disconnectedness from their whanau, isolation from their whenua, and depriving them of their right to practise tikanga, which for many, virtually stripped them of their Ngāti Whātua identity.

- 36 When the papakainga was burnt down, our kuia were racked with sadness and shame of being separated from their Ngāti Whātuatanga and many died shortly after. My great grandmother took the name Mihiata Te Mamaeroa—an acknowledgement of the long pain and suffering to ensure the event was captured in our whakapapa. Shortly after the destruction of our papakainga, she passed.
- 37 The memory of this was etched into the mind of my father as a child and would remain with him for the rest of his life.
- 38 Ngāti Whātua Ōrākei now had only a ¼ acre section urupā (cemetery) in our ownership. I believe that if it was not filled with our deceased ancestors, it would have also been taken away from us (although I understand the Council did pass resolutions to take the urupā as well).
- 39 In around 1954, the Crown set aside some land near Kitemoana Street for a marae. However, to add insult to injury, in 1959 the Government commissioned the site for a “national” marae, to be a multicultural marae for all New Zealanders. Ngāti Whātua found they had little control over the new marae and came to be estranged from it through no fault of their own and were unable to hold important tribal rituals and cultural ceremonies with appropriate dignity. The national marae was named Tumutumuhenua, after one of our most revered tūpuna.
- 40 By 1976 the Crown announced it was planning to develop the remaining land at Bastion Point for high-income housing and parks. This land was in part the land acquired through the Public Works Act for defence purposes in 1889 that was never returned. The area was the last 60 acres of uncommitted land that Ngāti Whātua hoped to be returned to tribal ownership. Instead the Crown planned to develop the land without recognition of, let alone payment of compensation to, Ngāti Whātua.
- The Orakei Marae Action Committee take action**
- 41 In 1976, some of our hapu formed the Ōrākei Maori Action Committee (**OMAC**). Four key figures within OMAC were my father

and uncles Grant Hawke, Michael Rameka and Roger Rameka. Their wives also belonged to the Committee and had a strong influence on the committee. OMAC took direct action to stop the subdivision, seeking the return of all undeveloped Crown lands and control of the marae.

42 On 5 January 1977, roughly 30 of us occupied Bastion Point. There were my parents and siblings, my grandparents, aunties and uncles, aunty Puawai and uncle Jack Rameka, their son Jack, Sam Makoare and others. As Precious Clark notes in her academic article which I have read, "the objective of the occupation was the assertion and recognition of the "mana whenua" status of Ngāti Whātua."<sup>1</sup>

43 At the beginning of the occupation a group of noted Ngāti Whātua kaumātua supported OMAC. OMAC mobilised support from most of Ngāti Whātua, as well as trade unionists, socialist action groups, churches, Te Roopu Matakite o Aotearoa movement and others. Within a short period of time about 150 people settled in to camp.

*The protest camp*

44 We grew our camp from a collection of tents and caravans to include a large meeting house, Te Arohanui, with cooking, sleeping and office accommodation. Several buildings surrounded Te Arohanui, along with a gateway and a watch tower. The surrounding land was laid in pasture or cropped to provide food.

45 I recall my grandfather Eruini Hawke tending to the gardens with great vigour and pride.

46 We were eventually accompanied by several hundred supporters. Supporters included Māori from various tribes and many Pākehā. Many groups, especially tribal groups, visited the 'protestors' marae, either to stay or to express aroha, empathy and support. For many young Māori, the protest camp helped them discover what it was to be Māori. Classes were started, teaching language, custom and history.

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<sup>1</sup> Precious Clark "Te Mana Whenua O Ngati Whatua O Orakei" (2001) 9(2) *Auckland U L Rev* 562 at 579.

- 47 Māori from around the motu came and echoed our call to give our land back. The mana whenua status of Ngāti Whātua was not disputed by any Māori at that time. The right of Ngāti Whātua to take this stand for our lands in Tāmaki was not disputed by any hapu, iwi or Māori group including Marutuahu and Te Ākitai did not dispute us asserting of our mana whenua over our whenua.
- 48 My uncle Grant's wife, Rachel, is of Ngāti Paoa descent, from the Coromandel. I recall that her parents people gifted a kahu kurī (dogskin cloak) to our father Joe Hawke to symbolise Ngāti Paoa's support and manaakitanga (care) of the leadership of Bastion Point, as well as a recognition of the mana i te whenua of Ngāti Whātua Ōrākei over the land at Bastion Point. The kahu kurī was said to have healing powers and the ability to ward off makutu. It was of great comfort to our parents and us children in a time of great unrest. This kahu kurī was later gifted to a Museum by the Coromandel whanau.
- 49 One of the many strategies employed by OMAC was to take to the road with the reasons the land was occupied by us and gathering support from the various churches, trade union movement, University student unions, Drivers Union. The womenfolk also toured locally to share the load of responsibility and forged great connection with our Kaipara cousins through Aunty Hana Richards and her daughter Rena Bycroft who were regular weekend visitors. Our mothers Patu Clark, Rene Hawke and Rachael Hawke were among the story tellers en-route who garnered exceptional praise from an all-male audience.

*Eviction from our land and settlement*

- 50 Removal of the protestors became a priority for the Government as the protest camp grew in number and became increasingly established. By May 1977, the Minister of Lands was willing to recommend the vesting of some land in Ngāti Whātua (which organisation) provided the protesters vacated Bastion Point. Eighteen elders went to the protest camp to ask OMAC to leave to allow the settlement to proceed. This choice caused anguish for OMAC, seen as a choice between rejecting their kaumātua, or disowning their people on Bastion Point. OMAC ultimately refused

to leave but insisted that Joe Hawke leave the camp to be a voice on the outside, but he declined to leave.

- 51 OMAC were supported to stay by my grandparents Eruini and Piupiu Hawke, and other kaumātua such as Steve Turner, Tommy Downs and Uncle Mike Rameka's father.
- 52 The Government formed a Joint Planning Study Group to present a settlement to Ngāti Whātua. This Group included Hugh Kawharu as a representative of Ngāti Whātua.
- 53 The Crown pressed on with their plan to remove the protestors. On 7 July 1977 the Crown applied for an injunction against Joe Hawke, Grant Hawke, Mike Rameka and Roger Rameka to restrain them from continuing in the occupation.
- 54 The protestors' view was that they were disadvantaged from the start of the proposed settlement, the Crown having access to a stockpile of files, staff to research them, 506 days to prepare and senior lawyers to represent their case.
- 55 By contrast, the protestors did not have any lawyers, and had sacrificed employment to lead the occupation, accumulating significant debt over that period. They were also denied legal aid.
- 56 The Joint Planning Study Group reported back in November 1977. It recommended that, for Ngāti Whātua, the existing Kitemoana Street houses should be vested in a Ngāti Whātua Trust Board, along with two nearby areas for future housing. In all this came to around 24.5 acres.
- 57 In December 1977, Ngāti Whātua kaumatua Piriniha Reweti wrote to the Government asking to meet. The Government met with some members of Ngāti Whātua in February of 1978. From that meeting, the Minister of Lands announced that Ngāti Whātua would be awarded the Kitemoana Street homes, some adjoining land for more housing, and additional land that was to be kept as an open space, and that Ngāti Whātua would pay a sum of \$200,000 for the land.

- 58 The settlement proposed was problematic for some. For some Ngāti Whātua residents, it represented nothing more than a change in landlord. Rent charged for the public housing far exceeded the value of the land and buildings. In effect for those living on the land, the settlement would change very little.
- 59 The injunction application against the protestors was scheduled for late 1977, around the time the Joint Study Group released their report not much happened. The hearing was adjourned to March 1978, but the settlement had only been announced on 27 February 1978. A further month adjournment was provided against the Crown's wishes, but my father only had a "newspaper" knowledge of the settlement when the hearing eventually began on 3 April 1978.
- 60 Judgment for the injunction was given in favour of the Crown on 20 April 1978. Unsurprisingly, the protestors were unconvinced by the decision and decided to continue the occupation.
- 61 Large numbers rallied at Bastion Point. Bastion Point was recognised as an opportunity for Māori to express frustration against years of breaches of the Treaty of Waitangi and therefore represented a national injustice. OMAC maintained control and prevented the outbreak of violence by providing a clear focus on passive resistance. This strategy was strengthened by the support of Taniwha Sonny Waru of Taranaki who shared the teachings of Te Whiti o Rongomai and Tohu Kākahi, the leaders at Parihaka. Instruction sheets were disseminated to each person outlining the policy of non-violence.
- 62 On 25 May 1978 the Government sent in a massive force of police and army to forcibly remove the protestors, and there was a navy frigate stationed in the harbour direct sight of the occupation. The banishment from our land was enforced by around 600 policemen, army personnel, army vehicles, buses, bulldozers and helicopters. This was a reoccurring theme of racism and greed that Ngāti Whātua had suffered at the hands of the Crown some 26 years before. The images and footage from this shameful act are now a

well-documented event in the national psyche.<sup>2</sup> The events have also had an effect on the academic writings about Māori protest in Aotearoa.<sup>3</sup>

- 63 Two hundred and twenty-two protesters were arrested, and Te Arohanui the meeting house, buildings, and gardens were demolished. All protestors remained passive, and were escorted away and charged with wilful trespass. This included my parents, my grandparents, my aunties and uncles, and my siblings. This was the first of three mass arrests that would take place at Bastion Point. I myself was arrested on the third occasion in 1982.
- 64 Following the forcible removal from our land, OMAC set up a base at the Ōrākei Marae to assist the defendants in their court cases. Only one of the defendants pleaded guilty to wilful trespass. Within four weeks a stay of proceedings was put in place by the Governor General, with only 30 cases of the 222 being heard. The remaining prosecutions were eventually dropped.
- 65 Later in 1978 the Ōrākei Block (Vesting and Use) Act was passed. The Act gave Ngāti Whātua 13 acres with a debt to pay of \$200,000 for ownership of 27 state homes on Kitemoana Street which were administered by an interim tribal trust board for Ngāti Whātua. My father and his cousins calculated that with interest on the \$200,000, the amount would be \$1 million by the time it was paid off.

#### **Bastion Point: the meaning**

- 66 Ngāti Whātua Ōrākei has had a history of deeply disappointing dealings with the Crown since 1840, which had been met with peaceful resistance, utilising legal channels to resist Crown land acquisition, with little success. As far as the Crown is concerned, Ngāti Whātua Ōrākei has never resorted to war.

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<sup>2</sup> See for example "Bastion Point – The Untold Story (1999) NZ On Screen < <https://www.nzonscreen.com/title/bastion-point-the-untold-story-1999/credits>>; Margaret McClure, "Auckland places - Eastern suburbs: Ōrākei to the Tāmaki River", Te Ara - the Encyclopaedia of New Zealand, <http://www.TeAra.govt.nz/en/video/16199/bastion-point-protest>.

<sup>3</sup> Aroha Harris *Hikoi: Forty Years of Māori Protest* (Huia, Wellington, 2004) at 78.

67 However, with our land almost entirely alienated from underneath our feet, Bastion Point was the 'last stand' for our people.

68 By the 1970s, Ngāti Whātua Ōrākei had experienced about a century of the ill-effects of colonisation and discrimination towards Māori. The original protestors, my father and uncle included, represented a hapū of people whose culture, language and spiritual wellbeing had been nearly obliterated.

***Tikanga and whenua***

69 I understand that several witnesses have or will address this Court about tikanga Māori, what it means, and how it is expressed and passed on to future generations.

70 As my father has recounted on a number of occasions, it is difficult to enjoy the undiminished tikanga connection you have with your land when you are prevented by the Crown from accessing it, especially land that is owned by the Crown or private Pakeha individuals. There is a proverb (whakatauki) that reflects this reality for Māori:

*Pērā anō te Māori ki te kumara; kaore he whenua ka mate noa.*

A Māori is just like a kumara; it dies without the land.

71 There are a number of types of mana that should inform tikanga-based relationships: mana atua, mana tūpuna (or mana tangata) and mana whenua. In my view, for Ōrākei, I would add a fourth strand of mana: mana motuhake. In my understanding, mana motuhake is the unique mana that an individual fosters and comes to possess over a period of time, and is bound together by an individual's connection to their iwi/hapū and their ancestors (mana tūpuna), their atua (mana atua) and their land (mana whenua).

72 Over the years I have noticed an emphasis on the term mana whenua. To me mana whenua means the authority that a Māori kinship group has the privilege to have, by virtue of its constant attention to and respect for its land. I am reminded of the way Pā Henare Tate delivered a message about Māori and our whenua: he would say we have "mana i te whenua", that is "mana from the

land". That has always made sense to me, because an individual or a group simply cannot have dominion over Papatūānuku. We must gain the blessing of Papatūānuku through tending to her and respecting her – this is the practice of kaitiakitanga-guardianship which determines the rights and responsibilities of a people who actively strive to maintain ahi kaa: a consistent presence on the land without interruption.

- 73 These days, I hear some iwi and their spokespeople confusing mana whenua with the Pākehā notion of ownership. I am always disappointed to hear the concept of mana whenua misused in that way, because to me it shows that the Māori person using mana whenua interchangeably with ownership, sadly, does not understand or practice the correct tikanga associated with it and therefore cannot claim it.
- 74 Furthermore mana whenua as a concept has always existed. But during the time of Bastion Point, the term was not often used. Rather, tangata whenua, literally the 'people of the land', was the vernacular both among the protestors, who by and large did not speak te reo Māori, and their supporters, who spoke even less te reo Māori. Tangata whenua and mana whenua are closely related concepts—the tangata whenua are the people who hold and exercise mana whenua in relation to a particular piece of land.
- 75 It is important to note, however, that in the 1970s many of our Ngāti Whātua people did not have the privilege of being able to debate and discuss the nuances of tikanga. Only a handful of our kaumātua were fluent in te reo Māori at the time, with the rest having suffered the terrible consequences of colonisation where te reo, karakia and kōrero tuku iho (knowledge handed down from generation to generation) were literally shamed and beaten out of them. At this point in time the focus of our people was to survive in a Pākehā world but at the very least live on our ancestral land.
- 76 Despite all of that, the Bastion Point occupation gave us time and space to think, act and feel Māori, and rekindle the connection with our land. For my siblings and me, as teenagers during the occupation, we felt as though we had finally returned home. I recall

the joy that our parents and grandparents felt at living a fully communal and kinship based life on Bastion Point in accordance with Te Ao Māori values. We reconnected to our sense of identity and common purpose, which in my view has continued with us to this day.

- 77 While the resolution of matters between Ngāti Whātua and the Crown was a compromise, I do not take lightly the effect of these events on our hapū. Although traumatic, the occupation was an uplifting experience, which I believe has produced a hapu that is stronger and more resolute than ever to resist the injustice of the Crown and others, especially after the injustices were investigated and reported on.
- 78 Following Bastion Point, our drive to nourish our mana atua, mana tangata, mana whenua and mana motuhake grew. Many more whānau have returned to Ōrākei to live. Our efforts to record and pass on our history increased and continue to this day.

***Ahi kaa***

- 79 The occupation of Bastion Point was our way of expressing our ahi kaa. It has provided our urī, (current and future generations) with great pride. Our mokopuna, including mokopuna of those whānau who did not support the occupation, are proud of our stand to occupy our land that eventually saw it returned into our hands.
- 80 Ngāti Whātua Ōrākei have continued to maintain our ahi kaa in Tāmaki since Tuperiri (my nine times great grandfather) conquered Tāmaki. As the Poutaki of the Ngāti Whātua Ōrākei Trust, I have officiated more hui than I can recount.
- 81 I have opened events throughout our tribal area within Tāmaki ranging from award ceremonies, citizenships, economic summits, trade talks, weapons proliferation, business conferences, university graduations, openings of buildings, parks and roads because we are the ahi kaa of Tāmaki and it is our responsibility to ensure cultural appropriateness and spiritual safety within our tribal area. Mana whenua requires the tangata whenua to be seen within and working

with the community on a regular basis. This is something that Ngāti Whātua are well versed in and continue to do to this day.

- 82 On 25 January 2020 Ngāti Whātua Ōrākei led the pōwhiri for the Tāmaki Makaurau regional kapahaka competition held at Aotea Square. I was the lead speaker on behalf of Ngāti Whātua Ōrākei. That was an event organised exclusively by Māori. What this demonstrates is that Māori recognise the ahi kaa status of Ngāti Whātua Ōrākei and therefore expect us to lead the powhiri at such events. Our mana here as ahi kaa is not disputed, rather it's enhanced and respected.

***The impact of Bastion Point***

- 83 Our father's participation has had an effect on Treaty claims in Aotearoa New Zealand too. Joe Hawke was the first named claimant on the WAI 1 claim, the first claim to the Waitangi Tribunal. He was a claimant in WAI 9, which produced the 1987 Ōrākei Report condemning the actions of the Crown in relation to all of its dealings with the Ōrākei block as breaches of the Treaty of Waitangi.
- 84 Our Father would go on to receive a Queen's Honour as a Member of the New Zealand Order of Merit for his services to Māori in recognition for his leadership during the occupation of Bastion Point which brought around constitutional change in New Zealand, his nine years as Secretary of the Ngāti Whātua Ōrākei Trust Board and his two terms as a Member of Parliament for the New Zealand Labour Party. My father's mana was ultimately recognised and even praised by the Crown, the very entity responsible for the demise of his people.
- 85 Our stand inspired other Māori throughout the country to take a stand for their land rights, including the Raglan Golf Course under the leadership of Eva Rickard, Āwhitu, Pakaitore and more recently at Ihumātao.
- 86 The governance model that followed Bastion Point is also progressive and reflective of our historically generous relationship with the Crown. The "whenua rangatira" model was the first of its

kind, where the land was vested in Ngāti Whātua Ōrākei but co-governed by a majority of Ngāti Whātua Ōrākei members, as well as Auckland Council members.

87 In closing I refer to a Ngāti Whātua whakatauki:

*Kei raro i te tarutaru o te whenua ngā tuhinga tupuna.*

Sacred signs of ancestral heritage lay beneath the surface of the land.

88 This informs the Ngāti Whātua approach to maintaining its mana i te whenua through the continued practice of kaitiakitanga over the land, sea, forests and estates of its ancestors. The ahi kaa of Ngāti Whātua in Tāmaki remains current to this day and is as significant to this generation of Ngāti Whātua as it was to the last and will be to the next.

89 Ko Tāmaki Nui ko Tāmaki Roa, ko te Puru o Tāmaki e ngunguru nei, aue, aue, aue hā! The greatness of Tāmaki and indeed te Puru o Tāmaki resounds throughout the land!