

**IN THE WAITANGI TRIBUNAL**

**WAI 2358**

**IN THE MATTER**

**of the Treaty of Waitangi Act 1975**

**AND**

**IN THE MATTER**

**the National Fresh Water and  
Geothermal Resources Inquiry**

**AND**

**IN THE MATTER**

**of a claim by Nuki Aldridge on behalf  
of himself, his whanau, the hapū of  
Ngāti Uru, Ngāti Pakahi and Te  
Tahawai, of Ngāpuhi, and the Lake  
Omapere Trustees**

---

**BRIEF OF EVIDENCE OF NUKI ALDRIDGE**

**Dated 23 September 2016**

---

**TamakiLegal**  
Barristers & Solicitors

Level 2, 15 Osterley Way, Manukau, Auckland 2104  
PO Box 75517, Manurewa, Auckland 2243  
P. 09 263 5240

E. [darrell@tamakilegal.com](mailto:darrell@tamakilegal.com)

**Counsel Acting: Darrell Naden/Reece Autagavaia**

**MAY IT PLEASE THE TRIBUNAL**

Ko Emiemi te maunga

Ko Rataroa te papa

Komutu te manga

Ko Whangaroa te wahapu ki te tai tamawahine ki te Moana-nui-a-kiwa

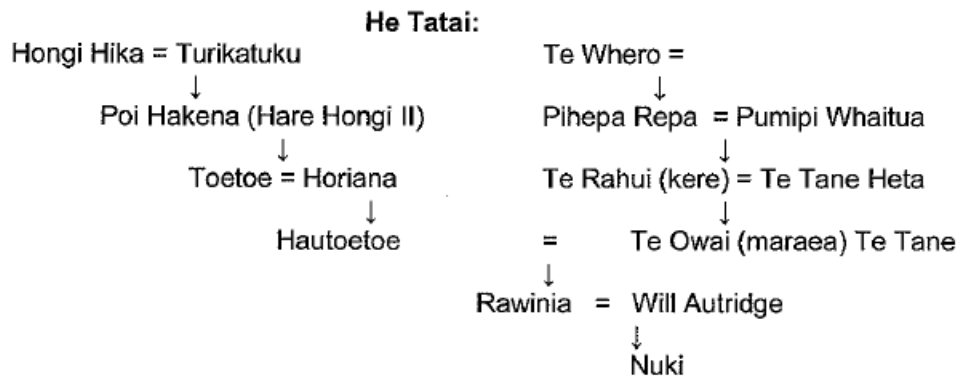
Ko Mataatua te waka

1. My name is Nuki Aldridge. I am the named claimant for various Wai numbers including Wai 2376, Wai 2377 and Wai 2382. All of these claims are currently being heard in the Wai 1040 Northland inquiry. The Treaty claims are for and on behalf of myself, my whānau, the hapū of Ngāti Uru, Ngāti Pakahi and Te Tahawai, of Ngāpuhi, and the Lake Omapere Trustees. I am a claimant in the Wai 2358 National Fresh Water and Geothermal Resources Inquiry.
2. I presented evidence during Stage 1 of the water inquiry on behalf of the trustees of Lake Omapere.<sup>1</sup> I am the chairman of the trust. In this brief of evidence, I expand on the evidence I presented on behalf of the Lake Omapere trustees and I also give evidence in relation to the waterways of Whangaroa.
3. Without reference to my ancient ancestry, I trace my recent descent from Te Hotete, who married Tuhikura of Whangaroa. Te Hotete and Tuhikura were the parents of Hongi Hika. Hongi Hika married Turikatuku and one of their sons was Poi Hakena. Following the death of his elder brother in battle, my tupuna took the name Hare Hongi Hika Tuarua. Hare Hongi had a son named Toetoe. Through the union of Toetoe and Horiana, Hau Toetoe was born. Hau Toetoe married Te Owai and they had a daughter named Rawinia. On 20 May 1934, I was born to Rawinia Hau Toetoe and Will Autridge. I was born at Rataroa, which was once named the shores of the Whangaroa harbour in Northland. I currently live at Rataroa.

---

<sup>1</sup> Affidavit of Nuki Aldridge dated 1 March 2012, Wai 2357 and 2358, #A7.

4. My whakapapa is as follows:



5. The union between Te Owai and Hau Toetoe was a marriage between the hapu of Ngati Uru and Tahawai. I am Ngati Uru ki Whangaroa through Te Owai, I am Te Tahawai of Whangaroa through Hau Toetoe. Te Tahawai hapu is named after an event:

*Korero mo Te Tahawai;*

*Ka tata Hotete i te mate ka hokia mai ia ki Tapua Haruru, i a ia e noho ana i kona ka hoki mai ia ki te taha o te Roto O Mapere, ka mate hoki ia ki reira, no reira ka huaina nga uri e noho mai raka I Whangaroa tenei hapu a te Tahawai (Taha-a-wai) mo te matenga o Te Hotete ki te taha o te wai. I atamiratia a Te Hotete ki Te Ripi (Te Roto O Mapere) ka mauria mai ana koiwi ka takoto ki runga o Pakinga mo tetahi, no muri ka mauria mai ka takoto tuturu ki Wharepaepae a kei Wharepaepae i Nga tenei ra.*

*Close to the time of the passing of (Te) Hotete, he returned to Tapua Haruru, and it was while there he returned to Lake Ōmāpere. It was at that place that he passed away, and so his descendants who were living at Whangaroa came to be known as Tahawai (Taha-ā-wai, meaning those near or close to the water), because of the passing of Te Hotete next to the water. Te Hotete lay in state at Te Ripi at Lake Ōmāpere, then his bones were taken and laid upon Pakinga for a while, after that they were taken to be laid (put to rest) at Wharepaepae, and it is at Wharepaepae where they are today.*

6. The facts of my birth determined in advance the conditions of my life and the outline of my destiny. It has made me who I am and I am a Maori. Not a

white man, nor a negro, a European or a Frenchman or Asian. Nor am I a savage or a barbarian. From my nurturing has come my health, my instincts, my intellectual faculties and my moral inclinations (values). From the society in which I grew up, I have my matauranga (education), my ancestral heritage (nga taonga tuku iho.)

7. My first language is Māori and my world is Māori. I must have shown some promise or something because the elders began speaking to me about history and other things when I was just a young boy. They would sit beside me at the marae and start talking to me for hours. This was a recurring pattern for me as I made my way through life. It seemed to me that wherever I went, the kaumātua kuia would single me out and start to tell me things about the old days and our culture. Much of their korero stuck with me. In addition to receiving their korero, throughout my life I have made a point of reading widely on many of the topics and much of the history that the old people talked with me about.
8. My inheritance are from my Tupuna, which imposes upon me the irresistible bias of ancestral life; political order, which shuts me up in its decrees; customs, values. This in time becomes second nature; historic tradition and testimony of my people, which extend my life in time and space and enlarge my personal experience to embrace the total experience of humanity.

## **ORIGINS OF WATER**

9. When I consider the “wai” or water, I think immediately of its association with “wairua”. If there is no wairua, there cannot be form and without form, there is no life. When I look at the meaning of the word “wairua”, to me it means that the spirits of both Io-matua-kore and of the ira atua reside within us. From this simple word association exercise, we can start to understand the significance of water to the Maori people. It is an important feature of our spirituality.
10. As we Maori walk through life to understand the origin of life, the cause of growth and the finality of death. We tread a very ancient path where our mental processes often yield to our taha wairua and so we have evolved

our own theory of life that has given rise to a specific set of values and to a particular world view.

11. We turn to some of the most ancient korero tuku iho of Ranginui and Papatuanuku. That is:

*Ka tu lo ki runga i tona rangi tuhaha, ka tuku atu i tona reo ki te Whanau-Ariki, ara, ka puta mai a Ranginui raua ko Papatuanuku i te kohao. Ka noho lo ki tona rangatiratanga.*

Io stood aloft in his celestial abode and with a proclamation to the Universe, Ranginui and Papatuanuku emerged from the aperture. And Io affirmed his omnipotence.

12. This korero tuku iho is remarkably similar to the essence of the Big Bang Theory—the most widely accepted scientific theory on the origin of the Universe. But Maori civilisation has long known how the Universe was formed whereas the Big Bang Theory is relatively recent. Our tupuna were aware long ago of numerous celestial events and of numerous celestial bodies, many of which cannot be seen with the naked eye:

a.	Whanau Ariki	celestial realm; the Universe
b.	Takā i te Rangi	a galaxy
c.	Mango roa	the Milky Way
d.	Taki-o-autahu	Southern Cross constellation
e.	Pateri	Magellan Cloud
f.	Marau	meteor or comet
g.	Kohao	wormholes
h.	Puangahori	Procyon
i.	Atutahi	Canopus
j.	Puanga-rua	Rigel

Puanga-rua is to the northern iwi Maori what Mataariki is to the eastern/southern iwi Maori. Here then is part of the northern iwi karakia to farewell the old year and to welcome the new

*Haere rā, kua momoe nei ngā hau,  
Kua ngarongaro hoki ngā whetu o te tau.  
Ko whetu-kau-pō anake ka kitea ake nei,  
Māna e whakarewa a Puangarua,  
Te whetu nui o te tau hou; ko te Rua-o-Puanga tēnā.  
He oti ake ngā kupu poroporoaki;*

*Waiho mā te tomairangi e whakamākuku’.*

k.	Mataariki	the Pleiades
l.	Rehua	Antares
m.	Whanau a Tama-nui-te-Ra	the solar system
n.	Tama-nui-te-Ra	the sun
o.	Takero	closest planet from the sun
p.	Tawera/Kopu-	second planet from the sun
	Tawera tauhokai ana I te ata	the morning star
	Meremere-tu-ahiahi	the evening star
q.	Ao-turoa	third planet from the sun
r.	Matawhero	fourth planet from the sun
s.	Manawhenua o Koponui	fifth planet from the sun
t.	Parearau	sixth planet from the sun
u.	Rangipo	seventh planet from the sun
v.	Tangaroa	eighth planet from the sun



settled, it became the water-filled arteries of Papa-tu-a-Nuku. Water, because of its origins, is tapu to Māori.

18. Western science recently laid out a theory that at least some of the water on Earth was carried here by ice-laden comets and asteroids. When these celestial bodies struck, the Earth was very hot. The collisions caused the planet to steam over. The steam rose off the planet and condensed in the outer atmosphere causing the water to fall from the sky and gather on the Earth. The planet's atmosphere was created. This theory about the celestial origins of water is reflected in nga roimata o Ranginui and the creation of the tomairangi that eventually clothed Papa-tu-a-nuku.
19. In the new world created by Tane, life sprang forth. At Kurawaka in Hawaiki, the sacred earth there was fashioned into the form of a woman. Once that had been completed, the divine beings bestowed the woman with a beating heart, with breath, with the life principle and with wairua. At that point in time, Hineahuone was born.
20. When Tane laid his eyes upon Hineahuone for the very first time, he fell in love and soon they were betrothed. The whakapapa of man stems from their union. But crucial to the whakapapa of man is the whakapapa of water—the many derivatives of water. Without the many derivatives, we would not exist today:

<i>Ko te wai-tatea, ko te iwi</i>	Semen, the tribe
<i>Ko te wai-ora, ko te hapu</i>	Birth fluid, the sub-tribe
<i>Ko te wai-u, ko te whanau</i>	Fluid from the breast, the family
<i>Ko te wai-Māori, ko te whanaketanga a tae noa ki tona matenga</i>	Fresh water, from childhood to death

<i>waikamo</i>	<i>tear</i>
<i>waiaruhe</i>	<i>bitterness, anguish</i>
<i>wairuturutu</i>	<i>to weep uncontrollably</i>
<i>waikohu</i>	<i>mist, fog</i>
<i>waipuke</i>	<i>flood</i>
<i>waiwaha (hukarere)</i>	<i>sleet</i>
<i>waitara</i>	<i>hail</i>



<i>waituhi</i>	<i>pool of water, fresh sign of flood</i>
<i>waipuna</i>	<i>spring of water</i>
<i>wairanu, wairaraua</i>	<i>gravy or juice</i>
<i>waihonga</i>	<i>nectar/juice from flower</i>

## **TIKANGA MO TE WAI**

21. I have talked in the Northland inquiry about how the English have failed to reach the heart of Māori society. They have never properly met and talked with us. This is particularly true in the case of the English understanding of how Māori made and enforced their laws. When settlers arrived, they saw no police force; they saw no court houses; they saw no judges. In that situation, the English assumed, how then is this civilisation? The simple answer is that people lived it. The Māori way was that we didn't just teach the law to the rangatira, we taught everyone the law. And everybody walked around with the law being part of them. It's ironic that a society claiming to be more advanced needed people and buildings and tools to tell them how to do or not to do things. How I understand the psyche of the Māori is, it is one where the individual is responsible—where the individual asks him or herself whether their actions are right or wrong. Māori lived the tapu and rahui. They knew what it meant to manaaki, and they knew what tapu meant. The people governed themselves through their long-established social systems.
22. Kaupapa, or philosophy, is the body of principles that underpin tikanga. Tikanga flows from kaupapa. The old people used ma te tapu, ma te wehi and ma te muru when creating tikanga. Tupu was considered to be the quintessence of life itself. Mana is social standing and utu is an adjustment mechanism that ensures equality. Tapu is about the stability of conservation and muru is social sharing.
23. Ritenga is the application of law. For social cohesion, there is a way to behave and there are actions that are appropriate. Elsewhere in the country it is known as kawa but in the North we call it ritenga.

24. The right to make law is mana motuhake. Maru is the power to apply the law. You need maru in order to have mana.
25. There is ritenga in relation to water. An important ritenga is that human waste should never enter the awa. I was very young when I was caught urinating into the stream by my parents. They said, *“Don’t do that. Somebody’s going to drink that.”* It was just common sense but more than that, it was about consideration for others. It was important to leave the water in the same condition you found it in. The water that left the mountains should be the same water we drink downstream.
26. Children learn by seeing and copying the actions of their parents. I never once saw my parents throw things into the river. There was always a place where rubbish was disposed of. Even the rubbish from our gardens never went into the river.
27. If there was a drowning or an accident, a rahui would be placed over the awa and a tapu placed on gathering of kai. The hapu would gather to determine what happened and to if there were any measures that could be taken to prevent it from happening again. If a death resulted, then these issues were discussed at the tangi. Often, the mishap would give rise to a new name. During one tangi, my grandaunt had Poti added to her name because of a boating incident at sea. This practise kept what happened in the collective memory. It acted as a warning or reminder so that the mishap did not happen again.
28. There was ritenga around the use of water to wash the sick and the dead. Tupapaku, were cleansed and blessed in a separate area away from the awa. That area was tapu. I do not know the detail of where these acts were done because only wahine could do the task.
29. One of the ritenga for our punawai is that a tuna should be left in it to keep the punawai clean. It was known to Maori that tuna was a filter for any contaminants that came into the puna.
30. In pre-European times, Ngati Uru, Ngati Pakahi, Te uri Taniwha, Te Whanau Pani and other hapu such as were in existence in the Whangaroa area long before the advent of Nga Puhi. It is hapu and whanau that have dominion over the water resources in our rohe. I do not know of any

occasion when hapu or whanau had to defer to iwi in relation to our awa or waipuna. The same goes for any resource or geographic feature such as land, maunga, the foreshore and seabed, the ngahere, and so on.

31. My hapu and whanau have unextinguished rights over water, including the right to control and manage water. I am uncomfortable using English terms for Māori concepts.
32. In days gone by, there were numerous battles between the people of Whangaroa and the people of the Hokianga. The fighting went on for so long that eventually one day, some of the women stood at the top of the maunga and cried for it to stop. Since that event, the maunga has been called Tangitu. When the old people taught us to whaikōrero, they would say "*make sure the mountain hears you*". I thought they were just telling us to make sure that we were loud enough so I upped the volume. But then they told me that my words should travel along the streams and waterways back up to Tangitu so that the maunga could hear me. They also told me that the maunga would respond and its words would come back along the awa and streams all the way to Te Moana-nui-a-Kiwa, from there to the tides at Te Reinga and from there to all the people of the North. This is how the people communicated in the days of old. But to be able to do that, the water needed to be pure.
33. However now that the waters are not pure, our words don't travel anymore. They are not reaching Te Reinga and they are not going out to the people of the North. The people will not hear the message or story and so we are all at a loss. When you take the purity from the water, you take the mauri from it. And when you take the mauri from it, it is no longer pure water.
34. All the hapu knew which part of the river they belonged to and which parts other hapu belonged to. Each whanau knew the areas they had for gathering food or for fishing and they knew where the other whanau went. For example, we used to place fish traps in certain streams that run across the mangrove swamps in our area of the Whangaroa Harbour.
35. Three or four different whanau would put down traps in the same spot together but we did not put the traps just anywhere. I remember as a child

my matua saying to me, “*Hey don’t go over there. That’s not ours.*” That’s how we learnt the boundaries between hapu/whanau, korero tuku iho.

- 36. There has always been an understanding that hapu will cooperate, compromise and recognise each other’s mana. For example, I remember a rahui being in place over the coastal area of a neighbouring hapu. They could not go fishing in their rohe and so it was agreed that they could come and fish in our hapu rohe.
- 37. Te Awaroa River is the main waterway running through the Pupuke Valley. Some people call it the Pupuke River. Te Tahawai, Te Whanau Pani, Te uri Taniwha, Ngati Pakahi, Ngati Uru and other Hapu, co-existed along Te Awaroa River.



*Whangaroa Harbour showing Pupuke (Awaroa) River, Komutu, Rataroa and Whatiwhati*  
Source: NZ Topo Map: [www.topomap.co.nz](http://www.topomap.co.nz)

- 38. On my Tupuna land, Rataroa Komutu, we have a stream named Komutu. Rataroa the land, Komutu te awa. Komutu flows from land to the Whangaroa Harbour.
- 39. Other whanau in the Pupuke Valley have their own streams with their own names for them. Most of the whanau streams are tributaries to the Awaroa River. We would never access or use the streams or rivers of other whanau for kai or any other purpose.

40. The hapu and whanau along the Awaroa River were well organised in relation to resource allocation and also for defensive purposes. My whanau are situated at the entrance of Te Awaroa River. We had a clear line of sight all the way down the harbour so we could see if anyone was coming our way. We will warn the rest of the hapu if invaders approached from the sea. Our whanau is the first line of defence. The elders in my whanau joke that we are the cannon fodder. We are expended so that the others upstream could make ready their defense.
41. In earlier times, Te Awaroa was used for travel and transport. If there were visitors, hapu and whanau members would stop them and ask them what their business was in the area. If they could whakapapa to the area, they were given safe passage. Those that couldn't whakapapa to our rohe, or that didn't have a good reason for being on the awa, had to leave. Even today, we ask visitors the same questions.
42. I used to walk along the river with my mother. As we walked along, she would say, "*Have a look down there.*" I would look into the water and see tuna or koura. We would go to another section of the river and she would show me something different, such as Kaeo. I learnt that different parts of the river fostered different types of food.

### **Maramataka o Te Wai**

43. We use the maramataka to organise our activities—when to hunt, when to plant and when to fish. The maramataka has other uses. For instance, we can tell what someone will be like as person from when they were born during the maramataka. The calendar is linked to the 12 cycles of the moon. Each lunar cycle is related to a star system, beginning with Tahī o Pipiri, around June–July, and ending with Te Tahī Wehewehe. The names that Northern iwi have given to the star systems differ from the names they have been given elsewhere:

<b>MARAMATAKA</b>			
<b>O te Tokerau</b>	<b>Ngā taima</b>	<b>Ērā atu Iwi</b>	<b>Te Hunga ke</b>
Tahī o Pipiri	Hotoke	Pipiri	June

Rua Hongongoi	(Winter)	Hongongoi	July
Aponga		Here-turi-koka	August
Ahunga a Uruao	Kohanga (Spring)	Mahuru	September
Tumatareia		Whiringa-a-Nuku	October
Tianga o Rongo		Whiringa-a-Rangi	November
Whituaka Whenua	Raumati (Summer)	Hakihea	December
Waru i Kataina o Rehua		Kohitaatea	January
Te Iwa o Ngahuru		Hui Tanguru	February
Ngahuru Hangarua	Ngahuru (Autumn)	Poutu te Rangi	March
Ngahuru Tuumaa		Paengawhawha	April
Te Tahī Wehewehe		Haratua	May

44. When Puanga-rua rose on the eastern horizon, it was the start of the New Year and it was time to prepare the soil for growing season.
45. In accordance with the Maramataka, we carry out certain tasks around the awa. One such task involved the setting of kupenga in the streams that ran through the mangrove forests. I have discussed these kupenga before. They were not permanent. They were built during a particular time of the year and once the fishing was completed, the kupenga were dismantled.
46. In accordance with the maramataka, we put punga in our streams to catch tuna. A punga/hinaki is made to harvest eels. It is about 4 to 6 feet long and made out of kareo (supplejack). It has an entrance for the tuna to enter and bait is placed inside to entice the tuna. We would set the punga/hinaki overnight. Other hapu would set for two (2)-three (3) days. By the end of that time we would have caught all the tuna we needed.
47. By keeping up with the Maramataka, the elders knew when tuna heke was about to occur. They were able to pick the very night when the eels would start their trek.

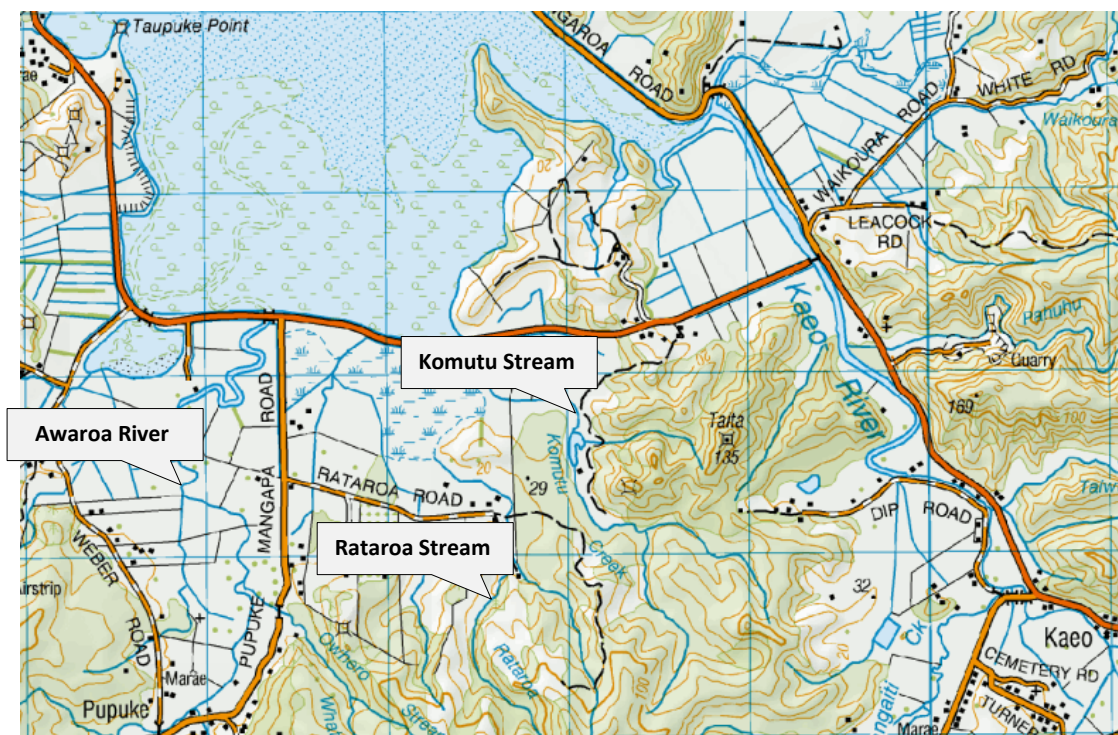
48. Each area along the awa had a kaitiaki. My Uncle Teri Hau Toetoe was the kaitiaki for the mangroves in our rohe until he passed away. He knew when we should fish for certain species of fish and when not to. He used to say that if we wanted some parore or some patiki, now's the time. A few days later we would be told, no more, and so we stopped. No questions asked.

## COMING OF THE SETTLERS

49. There is symbolism associated with the four battles of the Northern War of 1845-46. The first battle was staged at the Bay of Islands—in relation to our rights to the foreshore and seabed. The second battle was staged at Lake Omapere—in relation to our rights over freshwater. The third battle was at Ohaewai—in relation to our rights over geothermal resources. The fourth battle was at Ruapekapeka, a place from where all Maunga of Nga Puhi can be seen—in relation to our rights over the land. The Northern War was not just about land. It was about water and other resources as well.
50. I realise now why we fought so hard at Ngawha to oppose the prison being built there. The young people were in conflict, and when it came to an arrest, the elders put themselves on the front line. From that event, some Maori elders were arrested.
51. Prior to the coming of the settlers, the streams and awa were always in pristine condition. In any manga or awa—*“Inu ki te wai o te awa, hei oranga mou”*, or, *“Go to the river and drink, for it will give you life”*. Nowadays they are a mess. It is with regret that there is no doubt about that. The damage was begun not long after the settlers arrived.
52. In their quest to turn New Zealand into a big, green paddock, the settlers thought that they would take all of the Ngahere. The podocarp forests of Whangaroa were decimated. Along Te Awaroa River, the settlers constructed dams out of Kauri and Totara. The trees along the river were targeted first. As they were felled, they were rolled into the river and then caught by the man-made dam. After a few months of this and when the time was right, the dam was tripped. A hundred foot high wall of water that was full of Kauri and Totara logs would crash down the river on their way to Whangaroa Harbour, wiping out anything in the way. Once they had been

let go, the remnants of the dams were just left there. The kaumatua told stories of how they would go and collect the left over wood from the dams. Today, you can still see some of the logs from the dams that didn't make it to the sea.

53. Historically, clear felling of plantation forests in Whangaroa was not done in accordance with best practice. There was meant to be a silt barrier put in place between the forestry and the rivers, yet none were built. When it rained, half the silt ended up in our awa, which in-turn, pollutes the Whangaroa harbour. This siltation directly impacts on our Kaimoana.
54. Today, our hapu is hampered from properly managing the awa, because we no longer live on the land adjacent to the awa. This does not mean that we have lost our customary rights to the streams and rivers. It's just that because we don't have access to them, we cannot properly take care of them.



Whangaroa Harbour

Source: NZ Topo Map: [www.topomap.co.nz](http://www.topomap.co.nz)

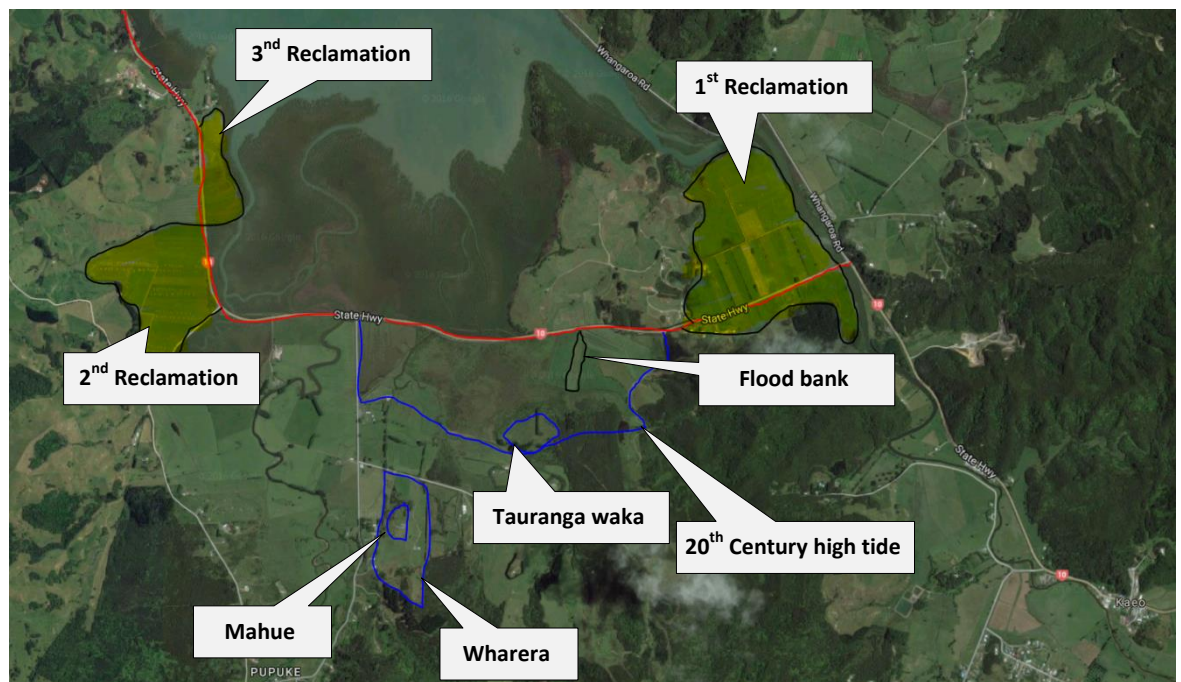
55. If water is life, you have to ask why the settlers have been so keen to drain swamps and marshes of their water? They've done it all around the motu. Here in Whangaroa and at Lake Omapere. They have drained and lowered the water levels to get more areable land but the effect of this on the water



has been devastating. Only recently have the settlers come to accept the importance of the swamps and marshes to purify water.

56. The swamps filter the water, the salt marshes work as a second filtration system, then the mangrove forests filter the water for a third time before it makes its way out into the Whangaroa harbour. This is the beauty of nature. But now that the swamps and marshes have been removed, the water just goes straight out. To make matters worse, now is the time when the water really needs filtering because of all the chemicals and other crap that is carried in it. Due to the thoughtlessness and greed of the settlers, we are looking at an ecological disaster in Whangaroa. The contaminants are destroying natural habitats all along the coast.
57. The mangroves are the only natural filtration system left. Even though they are now growing everywhere along the coast, I don't think that they can do the job on their own. Lots of people complain about all the mangroves now but they should be left alone to cleanse the water. The mauri needs to be restored and the wai needs to be cleaned to restore the tuna, ika, pipi, kaeo, tio and other food resources.
58. I know that our elders complained about the draining of the wetlands. The farmers should not have done it. They were taking away an important food source and taking away the mauri of the waterways. However, when they spoke to the local council about it, they were rudely asked "What would you know?" With this kind of response to the advice they were giving, my tupuna didn't bother with the local council anymore. There was no point. The settlers didn't want to listen.
59. We have been insisting that plants such as raupo, harakeke, wiwi, and others be allowed to grow along the awa to help filter the farm run-off. We have let these plants grow on our farm land but this has partially blocked some of the waterways and as a result of that, the neighbouring farm has been flooded. They have complained to us about this, so trying to save the wai gets very complicated. Other farmers spray herbicide to kill off the plants along the rivers. Not only do we lose the natural filtration system, but the herbicides poison the ecology of the streams, rivers and harbour.

## Komutu and Rataroa



Whangaroa Harbour. Source: NZ Topo Map: [www.topomap.co.nz](http://www.topomap.co.nz)

60. The settlers have reclaimed a lot of land around Whangaroa Harbour. One such reclamation occurred right on our front doorstep at Rataroa. Before the reclamation, the sea came right up to where our farm is on Pupuke M. In Whangaroa, our whanau lands are situated near Wharera, the Pa of Tuhikura (mother of Hongi Hika). Our tupuna used to land their waka at a “tauranga waka” nearby, but because of the reclamation and wetlands drainage, the “tauranga waka” is now high and dry.

61. As I have said, our whanau stream is Komutu. Another important awa is Rataroa. Both are features of our hapu rohe because of the access they once provided to the hinterland, the kai we once gathered from them and the recreation they provided. Since the reclamation, both awa have been merged and re-diverted. They now flow through a narrow floodgate into the Whangaroa harbour, but if there is 70 mm of rain or more in one go, the area gets flooded. The flooding has become a major issue. What is disappointing and frustrating is the decision by local council and various government agencies that a narrow floodgate, about 5 feet by 5 feet, could cope with the catchment of Komutu and Rataroa. It's an engineering disaster. Furthermore, they made that decision without consulting with the tangata whenua. If tangata whenua were consulted, things may have been different.
62. We care for Komutu and Rataroa almost as if they are whanau. Honestly, I worry about how they are and what is happening to them. I can see that they are nowhere near the state of health and well-being that they used to be in and this is a concern. They are mere shadows of their former selves, with the lack of water depth and water quality increasing issues for us. It is also disheartening that they no longer flow along their natural courses out into the sea.
63. Komutu and Rataroa once ran across the mudflats out into the Whangaroa harbour. They had numerous little tributaries running off them and we used to fish along them. We didn't just go anywhere though. My elders used to direct us as to where we went, when we went there and the kind of fish we were to catch. A highly organised system that furnished a lot of easily accessible fish but now all of that has gone. Our Pataka kai is bare. Well, it doesn't exist anymore.
64. To address the constant flooding, they are now thinking about putting an outlet under State Highway 10 to re-join Komutu and Rataroa with their sea outlets. This is a nice idea but they have some major engineering problems to deal with. For one, the river courses through the mangroves are full of mud and silt now. The local council would have to get a digger out into the mangroves to dig the mud and silt out of Komutu and Rataroa river beds. Also, it's a long way now from State Highway 10 to the Whangaroa harbour and so such a task, should they ever try to do it, will be even more difficult

and costly to complete. Tangata Whenua will object to any costs incurred to re-establish the natural causeway of the river to the sea. In the real world, whoever caused the damage, is responsible for the clean-up. For this kind of River Management, heads would have rolled. Instead, they are allowed to continue to “manage” the awa to the detriment of us and the awa. The whole thing is a farce.

## **RMA INADEQUACIES**

65. Under the RMA, the local and regional councils are directed to deal with the iwi authorities and not with hapu, whanau or other traditional groupings. This is a major stumbling block for us. The iwi authorities are not responsive to our needs. Approximately twenty years ago, Whangaroa assumed the responsibility of their own administration. We became known as Nga Puhi ki Whangaroa.- Ngati Kahu ki Whangaroa. This needed to be done because the managing of resources by the iwi was not functioning. We had to take the management of our resources into our own hands.
66. Approximately 10 years ago, a discussion with the Manager of an oyster factory and their application to extract water from te Awaroa, for use in the factory, took place. The Hapu whom objected to the extraction on the points that the water extracted from Te Awaroa, should be returned in the same, if not, better state, once the Factory had utilised the resource for their Commercial needs. This is in keeping with Tikanga Maori
67. There was an instance, where a farmer across the road from my land wanted to drain the water from his land. A contractor was brought in to dig a drain across State highway 10 for the laying of some pipes. I went up to the contractor and asked him who it was who gave him permission to start digging. Things got a little out of hand and the contractor said he'd call the police if I gave him any trouble. I handed him my cellphone and said, "*Go ahead. Ring.*" In frustration, I mentioned what had occurred, to my son. In taking matters into his own hands, he prepared a document citing He Wakaputanga 1835 and Te Tiriti o Waitangi 1840, delivered it to the Contractor, at which point, works ceased immediately. We are constantly having to protect our land and water.

## **LAKE OMAPERE**

68. Although written history gives credit to Judge Acheson for protecting Lake Omapere, we must also acknowledge the initiative of our tupuna who took those steps to protect the lake under Crown law. They had to go to the Native Land Court because they knew that the settler farmers would not have listened to Maori law. So all credit to them for taking the initiative. But that having been said, although the Native Land Court had to come in, that should not be taken to mean that there was no tikanga Maori that could have achieved the same outcome as Judge Acheson.
69. In the 1970s, the Kaikohe Borough Council put a pipe into the lake to extract water for Kaikohe. The Borough Council should have asked the lake trustees for permission but they never did. They just took the water. It is time now that they compensated for it. The other thing that happened was that the Borough Council stopped using the lake for its water supply when the lake got polluted. But as opposed to helping to resolve the pollution issue, the Borough Council pulled its pipes out and went elsewhere for its water.
70. The issue of ownership of the lakebed and the waters within it was raised again in 1984 and in response the Minister of Lands stated that the water is owned in the same manner that the lake bed is owned, as confirmed by the Maori Land Court in 1955.<sup>2</sup>
71. Water quality at the lake took a real dive for many, many years. There were numerous causes but most of them were man-made. There is pollution from the discharge of effluent from the dairy farms. Farm run-off has been a constant and significant problem, causing algal bloom and weeds to grow in the water. The weeds use up all the oxygen in the water so now there is less oxygen for the tuna and other fish. In one form or another, the Crown sponsored all of the agricultural development around the lake.
72. Siltation build-up is another significant problem for the lake. The lake is nowhere near as deep as it used to be as a result of the silt. Because the lake is much more shallow, there is much less water for the tuna and other fish species to live in. The shallow lake waters are warmer and this

---

<sup>2</sup> Wai 1040, A7, D Alexander *Land Based Resources, Waterways and Environmental Impacts* Chapter 11 Lake Omapere, 2006

enhances algal bloom and the weed growth. The fresh-water shellfish used to be in the lake in large numbers but now are sporadic. The silt and other pollutants have severely impacted on their ecology. The mussels and the tuna are known to filter water, but that's not happening now because the population isn't sufficient for that to take place. For this reason, the Lake Omapere Trustees enacted a rahui on the commercial harvesting of tuna (eel). This rahui is still in place to this day. Heavy siltation of the lake bed resulted from the Crown-sponsored clearance of the podocarp forests that once surrounded the entire lake. Once the trees went, soil erosion started and much of that ended up in the lake.

73. The problems caused by siltation have been made worse as a result of the lowering of the lake level. The lake used to be surrounded by wetlands but they have all been drained now. The wetlands used to act as a filter. Just when the lake really needed the wetland filtration system, it's not there. People were digging and draining swampy areas around the lake for ancient kauri. This all created further siltation. Past users of the lake had, for years, brought invasive species from elsewhere which impacted on the health of the Lake. Under the management of the Lake Omapere Trustees, access onto the Lake is now by Permission-Only.
74. Around 2006/2007, following a Court-elected process, I was made Chairperson of the Lake Omapere Trust.
75. We began the job of cleaning the lake up. The process was lengthy and took approximately 5 years to organise ourselves into a cohesive working group. But we persevered and slowly the lake began to get better.
76. One of our first tasks as a working group, was to focus on commercial eeling that was taking place on the Lake and the re-planting of the Riparian margin around the Lake. It was at that time that we placed a rahui on the Lake, with commercial eeling as the target.
77. When removing the commercial fishing interests from Lake Omapere, we were inspired by the age-old practice of using tuna to keep our punawai clean. Since removing the commercial fishers from the lake, the tuna populations are starting to increase, which in-turn, is restoring the mauri of the Lake. You can see this downstream where they are now enjoying

whitebait again. They haven't had any whitebait for years because of the lake contamination.

## NEXT STEPS FOR FRESHWATER

78. When I read the Next Steps for Fresh Water document, what stands out to me is the difference between how Maori and settler view water. In the Next Steps document, the objectives are *“better environmental outcomes, enabling **sustainable economic growth to support new jobs and exports**, and improving Māori involvement in freshwater decision-making.”* The interesting part to me is how “new jobs and exports” immediately precedes “improving Maori involvement in fresh water decision making.” The emphasis for the settlers is on economic growth and this comes before managing freshwater in accordance with tikanga. Although *“better environmental outcomes are sought”*, I note that the objective is not to restore the environment to what it once was. The settlers want to go from “pretty bad” to “bad” or to “not so bad”.
79. The Next Steps document goes on to say that New Zealand has 145 million litres of freshwater per person per year and that we only draw on 2% of that. This seems to say that New Zealand is richly blessed with freshwater and so there is no real reason why we should worry about the state of the freshwater resource.
80. This statement quoted above is revealing for it shows that really the environment is not all that important to many settlers. The failure to care stems from a central problem with the concept of ownership. It means that because it's yours, you can do as you please to whatever you own. You can pollute, you can sell, you can give it away, you can destroy and you can walk away from it when you are done with it. That is the nature of Settler ownership. The item that is owned has no rights or interests of its own.
81. It's different for Maori. We have a deep-seated obligation to care for the water for the sake of the water itself. We also care for the water for the life it gives to the world around it, including to ourselves. When Maori were the primary caretakers of the water, you could *inu ki te wai o te awa, hei oranga mou*. Where we are now, we can't even do that. Even the 2% that

we draw off is contaminated. The Crown legislation has failed to care for the environment. Settlers never will when they care for the dollar more.

A handwritten signature in blue ink that reads "N. Aldridge". The signature is written in a cursive style and is positioned above a solid horizontal line.

**NUKI ALDRIDGE**