

IN THE WAITANGI TRIBUNAL
KEI MUA I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI

WAI 863
WAI 429

IN THE MATTER OF

The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

The Wairarapa ki Tararua Inquiry

AND

IN THE MATTER OF

An application for resumption of
Crown Forest Licensed Lands by
Ryshell Griggs and Mark
Chamberlain on behalf of Ngāi
Tūmapūhia-ā-Rangi hapū (Wai
429)

BRIEF OF EVIDENCE OF MARK PHILLIP CHAMBERLAIN

Dated the 30th day of July 2018



DIXON & CO LAWYERS

PO Box 10 081

Dominion Road

Auckland 1446

Telephone: (09) 620 6240

Facsimile: (09) 620 6250

Counsel acting: K Dixon/A Castle

Introduction

Ko Te Maipi te maunga tapu
Ko Kaihoata te awa
Ko Tumapuhia te tangata

1. My name is Mark Phillip Chamberlain. I am of Ngāi Tūmapūhia-ā-Rangi ki Wairarapa and Ngāi Tahu descent.
2. I am a co-named claimant with Ryshell Griggs of the Wai 429 claim made on behalf of Ngāi Tūmapūhia-ā-Rangi ki Wairarapa hapū (“**Ngāi Tūmapūhia**”).
3. I currently hold office as a trustee on Te Rūnanga o Ngāi Tūmapūhia-ā-Rangi ki Wairarapa (“**the Rūnanga**”) and was elected on to the Rūnanga in July 2017. The Rūnanga is the representative body for the hapū. In May 2018, a Working Group was established by the Rūnanga for the purpose of preparing and submitting the application for resumption. I am the Chairperson of that Working Group.
4. This evidence relates to the application for resumption of Ngaumu Crown Forest Licensed Land under section 8HB of the Treaty of Waitangi Act 1975 made on behalf of Ngāi Tūmapūhia. This evidence is also provided in support of the application for an urgent remedies hearing.
5. Ngāi Tūmapūhia has already suffered irreparable harm due to the Crown’s breaches of the Treaty and this was confirmed by the Waitangi Tribunal presiding over the Wairarapa ki Tararua district inquiry in 2010. We seek a discrete remedy by way of resumption of the Ngaumu Crown Forest Licensed Land in order to provide for the restitution of our rangatiratanga over our lands, the recovery of our identity and the recognition of our authority as hapū within our rohe. This application is an exercise of Ngāi Tūmapūhia hapū rangatiratanga.

Personal Experience with Ngaumu Forest

6. My relationship with the whenua at Ngaumu forest is through my whakapapa. Those are the lands of my tipuna. Our spiritual connection to the area is evident in the korero about our direct Paku line and the Kaiwhata (Kaihoata River). At the mouth of the river are the remains of an old petrified forest. I have been told that when my Uncle Tommy Paku (aged 21) drowned at the mouth of the river the stumps showed in abundance. When my Uncle Phillip Paku passed in or around 1958, I

and four others of my family witnessed a clear showing of the stumps at the mouth of the river.

7. Again, when my grandfather Tihi Ote Rangi Paku passed in or around 1971, the farmer John Tatham whose farm is adjacent to the river mouth telephoned my Uncle Mark (who lived in Masterton at the time) to ask if everything was okay in the family. When Uncle Mark replied no, John Tatham replied that he thought something wasn't right as the stumps were showing way out at sea.
8. I have been told stories of how my great-great grandmother Te Hiwa Paku would traverse by foot or by horseback from the areas of the Ngaumu forest back and forward to the coast gathering kai such as fish, birds, pigs and tuna. I have been told she would tend her garden and share those resources with whanau.
9. My mother Muriel Te Ohamauri Chamberlain (nee Paku) was born on a wooden wheelbarrow in the scrub/bush on the fringe of the Ngaumu forest area and in the shadow of our maunga Te Maipi. Two hundred metres from where that scrub/bush once was, is where my grandparents home stood. That is the exact spot where the Ngai Tūmapūhiaarangi Marae now stands on the coast adjacent to the forest. My brothers and I were the last generation of my direct line to be born at Ōkautete.
10. I attended the local native school and from the age of four I along with my two brothers were taken up into the Ngaumu forest lands by my father to learn to hunt for wild pigs, deer and beef and to shoot and snare rabbits in order to feed ours and other whanau. My dad would hang the game that he hunted high up in the pine trees next to our whare (where we lived at Ōkautete) to preserve it and keep it safe from flies and stray dogs. When we were old enough to have our own rifles, we would camp out by the Kaiwhata (Kaihoata) river, especially around the Easter weekend (The time known as the "Roar" the mating time of the deer). From our camp we would head up the Kaiwhata (Kaihoata) river past Te Maipi and over what was known then as the "sky-line", and then on to Ngaumu forest lands to hunt for deer.
11. Although we were very poor when we were growing up at Ōkautete, we always had meat on the table. We lived off the land just as our tipuna had done. Just like our tipuna, we did not require permits or permission to traverse our whenua or to gather kai to feed and sustain ourselves. These acts were carried out with sustainability, conservation, and preservation of our whenua at the forefront. That was our obligation as kaitiaki.

12. I recall back in the 1940's my mother telling my siblings and I, Leonard Aperahama, Neil Rei and myself, of the large block of land (I think 200 odd acres) being taken and put into Ngaumu forest. The Crown's alienation of our lands has meant that subsequent generations of our hapū have not had the opportunity to grow up on our ancestral lands.
13. Although our hapū were displaced from these lands by the Crown, my whanau and I have fortunately been able to spend a lot of time on the land only by virtue of the nature of our past work.
14. In the 1960's, my father, brothers and I worked with labour gangs in Ngaumu forest including scrub cutting, native tree clearing, planting and pruning Radiata Pine. That work of my father and brothers continued until the passing of my brother Neil in 1986. Many of the trees that are in Ngaumu forest I believe were planted by my family.
15. My father had worked as part of the Homewood Development Scheme which had provided employment in the area not only for Maori men but as well the manager Bill Taggart who was of European descent along with my father Len Chamberlain (their bulldozer operator). The disbandment of the scheme I believe left my parents with no choice but to leave Ōkautete and seek work elsewhere.
16. In January 1951, my parents and us three boys left Ōkautete and moved to Taueru and set up home on the eastern side of the Taueru River. I remember the send off present from the whanau when we left Ōkautete was an electric jug, not only were we now able to boil water by the flick of a switch, but also we did not need candles or the Tilley lamp anymore.
17. From the 1970's my work in the earth moving and agricultural industry allowed me the opportunity to work on most blocks in the Ngaumu forest and this enabled me to become very familiar with that land. I feel privileged to have been able to spend time like this on the land, as most of our hapū have not had that opportunity. I also feel privileged that I have been able to have my two sons work with me so that they could share in that experience.
18. In saying that, during my work in that area myself and others were responsible for the demise of many acres of our native flora and fauna, I bulldozed, and I watched hundreds of acres of native flora and fauna be destroyed. It hurt me to do this but it was my work. I recall the smells of the ferns and ponga trees as I cleared the land. I also recall when working in the new pine forest smelling the dry pine gum and needles and during tea breaks while working there in the height of summer, all around you, you could hear the pine forest crackling, it gave you the scary feeling that it was almost ready to explode into flames.

19. I was lucky purely through the nature of my work, which allowed me to spend time on Ngaumu forest land. I did not realise at that time that it was our birthright as Ngāi Tūmapūhia and it was taken away from us by the Crown. I have seen many of my whanau be isolated from that whenua, as they do not work in an industry such as forestry that has allowed them into the forest. In order to enter the forest to hunt, forage, walk the tracks, or to visit our wahi tapu sites, we as mana whenua have to apply for permits or permission from Juken New Zealand Limited (the licensee) or from the Department of Conservation.
20. The right to exercise kaitiakitanga and to uphold the traditions of our tipuna has been removed by the Crown and that alone impacts not only on our rangatiratanga but it is an attack on our wairua (spiritual wellbeing), hinengaro (mental wellbeing), tinana (physical wellbeing) and on our whanau (whakapapa wellbeing).

Ngāi Tūmapūhia-ā-Rangi

21. Ngāi Tūmapūhia trace their descent to Tūmapūhia, the son of Takaitekura and Te Ikaraeroa. Ngāi Tūmapūhia claim ancestry from Takitimu and Kurahaupo waka. Today the primary sub-hapū of Ngāi Tūmapūhia are Ngati Kaitahi, Ngati Maru, Ngai Te Ao, Ngati Koura, Ngati Kaumoana, Ngati Rongomaiaia, Ngati Kawekairangi and Ngati Hinepare.
22. The traditional rohe of Ngāi Tūmapūhia is located on the eastern shores of the Wairarapa district and extends inland to the Maungaraki Range and south to the Awhea River. The traditional rohe of Ngāi Tūmapūhia is defined by the following boundary markers:

“Mai i Whareama ki Taueru, whiti atu ki te Taumata o te Hangatu, ahu atu ki te Karaka o Waimatua ki Wainuioru, ahu atu ki te Karaka o Waimatua ki Te Awhea rere atu ki Hawerawera ki te ngutu awa o Te Awhea, rere atu ma te takutai ki Whareama”¹.
23. The Brief of Evidence of Takirirangi Smith discusses the whakapapa of Ngāi Tūmapūhia, our korero tuku iho, mana whenua and sites of significance.
24. The representative entity for Ngāi Tūmapūhia is the Rūnanga. The Rūnanga was incorporated on 17 August 2006 and has approximately 750 of the estimated 4,000 members of Ngāi Tūmapūhia registered to it. As is set out above, I am currently a trustee on the Rūnanga and have been since July 2017.

¹ Wai 863, #1.7 at [2].

The Wai 429 claim

Land Loss

25. The Wai 429 claim relates to the alienation of the majority of our hapū lands by way of the Crown's adoption of a variety of policies, practices and tactics. Our tipuna were pressured by McLean through a number of strategies, including by destroying our successful economic system, into transacting land with the Crown (**“the McLean Purchases”**).
26. The rohe of Wairarapa originally consisted of 2,571,638 acres². The rohe of Ngāi Tūmapūhia originally comprised approximately 503,234 acres³. Ngāi Tūmapūhia had interests in the following blocks prior to the McLean Purchases⁴:
- a. Pahaoa;
 - b. Whareama No.2 (South);
 - c. Whareama (Coastal);
 - d. Whareama (Inland);
 - e. Kaiwhata⁵;
 - f. Te Awaiti and Pahaua;
 - g. Tupurupuru;
 - h. Waikaraka;
 - i. Tupapakurua (Whareama, Te Aruhe o Pohatu);
 - j. Ngapuketurua; and
 - k. Te Maipi.
27. By 1865, the Crown had purchased the majority of the lands of Ngāi Tūmapūhia. The blocks purchased, their acreages and the dates of purchase are:
- a. Part Pahaua and Wilson's – 250,000 acres – 29 October 1853⁶;
 - b. Whareama No.2 (South) – 38,000 acres – 1 November 1853⁷;
 - c. Whareama part of (Central) – 25,000 acres – 9 December 1853⁸;
 - d. Whareama part of (inland) – 25,000 acres – 12 December 1853⁹;
 - e. Kaiwhata¹⁰ – 10,000 acres – 27 December 1853¹¹;

² Wai 863, #A70 at 21-22.

³ Wai 863, #A43 and Wai 429, #1.1(b) at [15.1].

⁴ Wai 863, #A43.

⁵ “Kaihoata” is the traditional name given by our tipuna and is enshrined in my/Tūmapūhia pepeha.

⁶ Above, n 4 at 12-58.

⁷ Above, at 59-63.

⁸ Above, at 63-68.

⁹ Above, at 68.

- f. Te Awaiti and Part Pahaua – 100,000 acres – 3 January 1854¹²;
- g. Tupurupuru – 400 acres in eastern region – 28 January 1859¹³;
- h. Waikaraka – 2 November 1859¹⁴; and
- i. Tupapakuraa – 30 January 1960¹⁵.

28. By 1865, the Crown was responsible for the purchase of 1,526,445 acres amounting to 59% of the lands of Wairarapa Maori. Land in Maori ownership at 1865 therefore amounted to 1,045,193 acres¹⁶.

Filing of the Wai 429 Claim

29. On 17 March 1994, the original Wai 429 claim was made by Takirirangi Smith for and on behalf of himself and all members of Ngāi Tūmapūhia¹⁷. The claim asserts that we have been prejudiced by the policies and actions of the Crown regarding its acquisition of our traditional lands and associated taonga.

30. The claim makes particular reference to the Crown's conduct and policy in respect of the acquisition of our lands, in particular the McLean purchases. Those purchases include the land blocks on which the Ngaumu Crown Forest Licensed Land sits.

31. The original Wai 429 claim expressly states that the relief sought is the return of our lands and/or compensation, and such other relief as the Tribunal deems appropriate.

32. On 29 May 1995 Takirirangi Smith filed an amendment to the Statement of Claim which confirmed that *"on the issue of being grouped with another claim, Ngai Tumapuhia consider that the whakapapa and korero of Tumapuhia to be unique, and therefore (without prejudice), do not wish to be heard as part of another claim."*¹⁸

33. In 1995, at the request of my Uncle Mark Paku and Aunty Tangi, I travelled to Masterton from my home in Pokeno to find out what was happening with our Wai 429 Treaty claim, which was at that time being progressed by the Ngāi Tūmapūhia Māori Marae Committee. I became heavily involved, travelling frequently to Masterton from our Auckland home and other towns around the north island Gisborne, Napier,

¹⁰ Above, n 5.

¹¹ Above, n 4 at 69-78.

¹² Above, at 78-84.

¹³ Above, at 87-88.

¹⁴ Above, at 89.

¹⁵ Above, at 89-97.

¹⁶ Above, n 2.

¹⁷ Wai 429, #1.1.

¹⁸ Wai 429, #1.1(a).

Hasting, and Wanganui for some, all with the purpose of ensuring that our hapū members were involved and represented appropriately.

34. On 1 September 2000, a further claim was made by Ryshell Griggs on behalf of herself and all members of Ngāi Tūmapūhia. This claim was registered as Wai 886¹⁹.
35. There was dispute between our whanau due to the competing claims so in December 2002 I wrote a letter to Her Honour Judge Wainwright who was presiding over the Wairarapa ki Tararua district inquiry. Attached and marked as Appendix 'A' is a copy of that correspondence. Judge Wainwright subsequently initiated a mediation process between the Ngāi Tūmapūhia Wai 429 and Wai 886 claimants.
36. The mediation was held on 7 and 8 February 2003 and the result was the consolidation of the Wai 886 claim with Wai 429. The named claimant of Wai 429 was changed from Takirangi Smith to Ryshell Griggs. My involvement decreased at this stage. Our hapū was now in a position to have a united front as a hapū in prosecuting our grievances against the Crown.
37. The Rūnanga was subsequently established. Clause 3(e) of the Rūnanga's Trust Deed provides that one of its purposes is to encourage, facilitate and coordinate the Wai 429 claim before the Waitangi Tribunal.
38. Further amendments to the Wai 429 Statement of Claim were made on 14 March 2003 (Wai 429, #1.1(b)), 14 April 2003 (Wai 429, #1.1(c)), and 12 September 2003 (Wai 429, #1.1(d)). These amendments have included the additions of grievances relating to environmental degradation, the foreshore and seabed and fisheries and the socio-economic impact on the hapū.
39. In February 2016, my wife and I moved back to Masterton to retire and in June 2016, I became more heavily involved again in Ngāi Tūmapūhia hui and the progress of our Wai 429 claim. On 10 November 2017, I was added as a named claimant (Wai 429, #1.1(e)).

The Wai 863 Wairarapa ki Tararua Report

40. The Wai 429 claim was progressed and heard by the Tribunal in the Wairarapa ki Tararua district inquiry (Wai 863) and Ngāi Tūmapūhia hosted the hearings at Okautete School on 23 July 2004. That was 14 years ago almost to the day.

¹⁹ Wai 863, #1.17.

41. A significant amount of evidence was filed by members of our hapū, including Ryshell Griggs, Takirirangi Smith, Wirihana Morris, Denis Paku, Owen Akuira and Patricia Bolstad, in support of the Wai 429 claim.
42. There is also a significant amount of research on the record for the Wai 863 inquiry relating to Ngāi Tūmapūhia and land purchasing and alienation within Wairarapa including reports by Takirirangi Smith²⁰ and Tony Walzl²¹, Peter McBurney²² and Helen McCracken²³.
43. In its 2010 report, the Waitangi Tribunal presiding over the Wairarapa ki Tararua district inquiry confirmed that the claim of Ngāi Tūmapūhia was well-founded, and that the Crown's purchasing practices which alienated our lands from us were in fact in breach of the Treaty. The report states that:

Article 2 of the Treaty guarantees te tino rangatiratanga of te iwi Māori. The guarantee states that Māori could keep their land until they wished to sell. This puts on the Crown a significant onus of proof: only those sales where Māori willingly, freely, and knowingly consented were made in accordance with the Treaty. Where there is no informed consent, transactions breach the Treaty, both in its terms and its principles²⁴.

In the 1850s, the Crown and its officers knew and understood the tenets of good purchasing. Getting agreement before purchase on area, boundaries, interest holders, shares, and price is the sensible, reasonable, and fair way of making sure that there is informed consent. The Crown did not conduct its purchasing activities in this inquiry district in accordance with these tenets. In the Wairarapa, standards were lowered to facilitate speed, so that the district could be opened for settlement. In Treaty terms, the desire for speed does not justify dispensing with the procedural safeguards that ensure that consent is informed²⁵.

We find that the Crown's abandonment of good purchasing practice in the Wairarapa purchases we have described undermined the capacity of Māori to make informed community decisions. This was a diminution of te tino rangatiratanga, and breached the Treaty²⁶.

²⁰ Wai 863, #A45, #A54.

²¹ Wai 863, #A43, #A44.

²² Wai 863, #A47.

²³ Wai 863, #A46.

²⁴ *The Wairarapa ki Tararua Report* (Wai 863, 2010) vol 3 at 1046.

²⁵ Above.

²⁶ Above, at 1047.

The practices described, which were adopted by McLean and continued by his successors, were the antithesis of what was required – that is, a process that provided for free, willing, and informed consent, a fundamental requirement of article 2 of the Treaty. They therefore breached article 2, the Crown’s duty to act in good faith, and the principle of active protection²⁷.

Application for Resumption

44. We seek the return of Ngaumu Crown Forest Licensed Land as set out in the application for resumption. There is a clear connection between breaches that we alleged in Wai 429 and that were confirmed by the Tribunal, and the remedy that we are seeking.
45. We as Ngāi Tūmapūhia have suffered significant prejudice. However, we are in a better position than others as there is a Crown owned forest on that land and thereby we have the ability to seek that the Tribunal recommend that it be returned to us. The application is not only an exercise of our statutory right as a hapū but also the exercise of our rangatiratanga.
46. This is not about commercial value for our hapū. The Ngaumu Crown Forest Licensed Land is our customary land that was dispossessed from us through prejudicial Crown actions and omissions. Te Maipi, which forms part of the land, was the burial place of our chiefs. This land is of considerable cultural significance to us. A price cannot be placed on that.

Treaty Settlement Negotiations

47. This application is urgent as there are currently negotiations taking place for the settlement of a number of claims, including Wai 429, between the Crown and the Ngati Kahungunu ki Wairarapa Tamaki Nui-a-Rua Settlement Trust (“NKKWTNAR”).
48. An Agreement in Principle was signed on 7 May 2016 and the NKKWTNAR executed its Post-Settlement Governance Entity on 30 March 2017. The Deed of Settlement was initialled on 22 March 2018. I understand that the ratification process is taking place during July/August 2018.
49. The land that we seek return of is currently being offered to NKKWTNAR by the Crown. The Deed of Settlement expressly includes the Licensed Land as part of its commercial redress as it confers the right for

²⁷ Above.

NKKWTNAR to purchase the Licensed Land (comprising 70% of the Ngaumu Crown Forest Licensed Land) on settlement date.

50. I genuinely believe that our whanaunga hapū and iwi that are subject to the NKKWTNAR settlement negotiations are deserving of a remedy for the prejudice that they have suffered due to Crown breaches of Te Tiriti. I do not believe, however, that the Ngaumu Crown Forest Licensed Land should be included as redress in that settlement. It should be for the Crown to reassess its settlement offer and determine in which way it will provide redress for that settlement without the inclusion of those lands.
51. The Crown expects Ngāi Tūmapūhia, as part of the claimant group and through NKKWTNAR, to purchase our land back off them with settlement funds. A price cannot and should not be placed on our relationship with that land. We as Ngāi Tūmapūhia choose to exercise our statutory right for the return of the land and due to the milestones that have been reached in the settlement process and the rate at which it is progressing this application is undeniably urgent. The Crown is attempting to extinguish forever our right to seek a discrete remedy.
52. We have no desire to create conflict, particularly with our whanaunga on and represented by the Settlement Trust. However, the Ngaumu Crown Forest Licensed Land is Ngāi Tūmapūhia ancestral lands and we have suffered significant prejudice as a result of the Crown's breaches in respect of it. We have a discrete claim and we seek a discrete remedy by way of the return of those lands directly to Ngāi Tūmapūhia.

Support for the Application by Ngāi Tūmapūhia

Hapū Support

53. In my view, the application has the requisite support from members of Ngāi Tūmapūhia.
54. The position of Ngāi Tūmapūhia in respect of our desire to have our land returned to us has been the subject of discussion for a number of years now. No matter the context of that discussion, I believe that the objective has been the same - the return of our land.
55. On 14 April 2018 at a publicly advertised hui-a-hapū of Ngāi Tūmapūhia it was resolved that the Rūnanga call a Special General Meeting for the hapū to discuss the return of Ngaumu to Ngāi Tūmapūhia hapū. I was in attendance at this meeting. Attached and marked as Appendix 'B' are the Rūnanga's minutes from the meeting.
56. The Special General Meeting was publicly advertised by the Rūnanga and the panui described it as being a hui to discuss the return of

Ngaumu to Ngāi Tūmapūhia. The hui was held in Masterton on 13 May 2018. I attended the meeting and we discussed the prospects of applying for resumption. There was majority support for the application to be made and it was resolved that the Rūnanga would establish a Working Group to submit and progress an application for resumption for Wai 429 to the Waitangi Tribunal with the objective the application being successful. Attached and marked as Appendix 'C' is a photograph of the whiteboard from the discussions had at the hui and the Rūnanga's minutes of the hui.

57. I was appointed the Chairperson of the Working Group. The other members of the Working Group are Barbara Cameron, Connie Oneroa and Sue Taylor (all registered Rūnanga members) and Brian Emery who is not of Ngāi Tūmapūhia descent but was co-opted for his expertise to support the kaupapa. Attached and marked as Appendix 'D' is a copy of the Working Group Terms of Reference signed by the Chair of the Rūnanga.
58. It is clear from the Terms of Reference that the role of the Working Group was to prepare and submit the application at our discretion. Following the Special General Meeting, it was advertised on the Rūnanga's website that the Rūnanga had established a Working Group to prepare and submit an application for resumption to the Tribunal. Attached and marked as Appendix 'E' is a screenshot of the relevant page on the Rūnanga website.
59. On 1 June 2018 Ryshell Griggs and I, as the named claimants for the Wai 429 claim, engaged lawyers to assist us with preparing the application.
60. As part of our project the Working Group was required to report back to the hapū. A meeting of the Working Group was organised to take place at the Copthorne, Masterton on 21 July 2018. The panui for the meeting was publicly advertised on the Rūnanga's Facebook page and website, an email panui was sent out by the Office Administrator for Kahungunu ki Wairarapa to their database on 10 July 2018, and an email panui was sent out by the Rūnanga Secretary to the hapū members on the Rūnanga's database on 11 July 2018. The hui was also advertised in the 14 July 2018 edition of the New Zealand Herald and the 18 July 2018 edition of the Wairarapa Times Age newspaper. Attached and marked as Appendix 'F' is a copy of the newspaper advertisements.
61. The purpose of the meeting was for the Rūnanga and hapū members of Ngāi Tūmapūhia could meet with the Working Group and legal counsel to discuss the application. This meeting was scheduled separately to the hui-a-hapū as we envisaged that discussions on this kaupapa would be lengthy, and there were other matters on the agenda for the hui-a-hapū

that needed to be discussed. It was also intended that those hapū members travelling back to Masterton for the weekend for the hui-a-hapū, as well as those who live here, would be able to attend this hui.

62. At the meeting on 21 July 2018 our legal counsel gave a presentation on the relevant legal framework, the application process and each of the application documents that had been prepared. The lawyers discussed how this matter is urgent as the settlement negotiations between the Crown and NKKWTNAR had reached the latter part of the negotiations process. There was the opportunity for those hapū members and Rūnanga trustees in attendance to have any questions that they had answered by counsel and the Working Group.
63. On 22 July 2018, the Ngāi Tūmapūhia hui-a-hapū was held at the YMCA, Masterton. This hui-a-hapū was also publicly advertised by the Rūnanga and NKKWTNAR and the resumption application was included in the agenda. I was in attendance at this hui. This hui was a further opportunity for members of the hapū to discuss the application that had been drafted. The Chairperson had invited our legal counsel to attend and they again presented to the hapū in relation to the application and were available to answer any questions.
64. We have taken steps to ensure that our hapū members have had the opportunity to be engaged and informed about this application.

Marae Support

65. Ngāi Tūmapūhia have three marae that are represented by Ngāi Tūmapūhia-ā-Rangī ki Motuwairaka Inc, Ngāi Tūmapūhia-ā-Rangī ki Okautete Inc and the Māori Marae Committee. Attached and marked as Appendix 'G' are letters received from two of the three marae representatives, Ngāi Tūmapūhia-ā-Rangī ki Motuwairaka Inc and Ngāi Tūmapūhia-ā-Rangī ki Okautete Inc, confirming support for the application.
66. I understand that a letter from the Māori Marae Committee wasn't able to be organised in time to be submitted with this evidence.

Conclusion

67. This is a significant step for our hapū to take and I acknowledge the work that has gone on for decades by those wanting to ensure that the wrongs of the Crown towards Ngāi Tūmapūhia are remedied. These steps will also ensure our hapū has an enduring asset/taonga for the generations now and into the future.

68. I also acknowledge the work that was put in by those that achieved the landmark changes to the law in providing a statutory process for us to seek the return of forests that are now subject to Crown Forest Licences. We now have an opportunity, because of the brave steps taken by those back in the late 1980's, to get back what is rightfully ours under a process that envisaged this type of situation. I am aware that some who have had land taken by the Crown will never be in a situation whereby land is then returned and to a large degree Ngāi Tūmapūhia will never see the majority of our land returned where it is now in private hands.
69. While there are not the same numbers of kaumatua and kuia alive today to see the reparations for the wrongs of the Crown, I stand with those that have passed and the large number of kaumatua and kuia still with us today in support of this application for the return of the land under the Ngaumu forest.

Date: 30 July 2018



Mark Phillip Chamberlain