

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

**CIV-2017-485-160; CIV-2017-485-214
CIV-2017-485-229; CIV-2017-485-273
CIV-2017-485-511; CIV-2017-485-261
CIV-2017-485-248; CIV-2017-485-258
CIV-2017-485-260; CIV-2017-485-211**

GROUP N, STAGE 1(a) and STAGE 1(b)

BETWEEN

the Marine and Coastal Area (Takutai Moana Act) 2011.

AND

applications for orders recognising
Customary Marine Title and Protected
Customary rights

Continued...

Hearing: 18 June 2024
Counsel: (Listed below)
Minute: 19 June 2024

MINUTE OF GRICE J (missing transcript H Potini 18 June 2024)

[1] Approximately 20 minutes of the evidence of Mr Potini was not recorded on 18 June 2024. Attached is the transcript of the recording for the periods immediately before and after the missing recording.

[2] Counsel were to consider options for completing the missing transcript, which may include an agreed summary or Mr Potini (who is still giving evidence in chief) covering that part of his evidence again. The unrecorded evidence does not appear to have been covered in the written brief in any detail.

[3] The matter may be dealt with at the lunch time adjournment or otherwise at a time convenient to counsel, bearing in mind it would be appropriate to have the matter dealt with before Mr Potini has finished his evidence.



Grice J

Solicitors/Barristers

A R Irwin and O T H Neas for Ngāti Tamarangi hapū of Muaūpoko iwi
N R Coates, P Walker and T I M Hautapu for Ngāti Raukawa ki te Tonga (Kāhui
Legal, Wellington)

B R Lyall, M R G van Alphen-Fyfe and H L B Swedlund for Te Whānau Tima
(Seymour) and Ngā Ahi Kā o Te Mateawa

C Shenton (self-represented) for Te Rūnanga o Ngā Wairiki Ngāti Apa
T H Bennion and E A Whiley for Muaūpoko Tribal Authority Incorporated (Bennion
Law, Wellington)

T N Ahu, A M Cameron and A J Samuels for Te Ātiawa Ki Whakarongotai (Whāia
Legal, Wellington)

E K Rongo and Z JMPNR Tait for Ngāti Toa Rangatira (Oranganui Legal Limited,
Paraparaumu)

D A Ward, D O Kleinsman and A H Ou for Attorney General (Crown Law,
Wellington)

F R Wedde and C E Bulow for Manawatū-Whanganui Regional Council, Greater
Wellington Regional Council and Kapiti Coast District Council (Bundle Findlay,
Wellington)

L L Black for Te Patutokotoko (Black Law, Nelson)

C F Finlayson KC for Rangitāne o Manawatū Settlement Trust

B A Scott for Seafood Industry

C M Hockly for Horowhenua 11 Part Reservation Trust (Hockly Legal, Auckland)

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EXCERPT OF TUESDAY 18 JUNE 2024 TO IDENTIFY MISSING AUDIO IN TRANSCRIPT (yellow highlights proofing suggested amendments):

Audio begins at 12:55:00 and ends at 14:50:00

WITNESS:

When they turned up to Maungtautari, Marangi-Paroa had only brought himself and his four sons, and their immediate warriors, you know, numbering around 140 warriors, or for those four sons they might have had 40 warriors in each. And a remark was made by Koroua-puta: “E kore e horo te hauhu.” “You won’t even be able to shake the dew from the tree with your small war party.” The reason being that Ngāti Raukawa had already been over two times to seek revenge over there with Ngāti Maru and allies, and both times they got a severe hiding and had to come back home without obtaining a satisfactory revenge, to the death of Te Auturoro. So, at the last thing they came to Kāwhia and solicited Marangi-Paroa.

Not only that, is they collected all the delicacies of the ocean, and the awa, and the ngāhere for the expected arrival of this war party, and when they turned up, when he seen it was such a small war party that they withheld on their kai. They withheld on their kai and tried to send them back to Kāwhia, said, “Oh no, that’s not enough,” but from there Marangai-Paroa made the statement, and it goes many various ways. Our uncles say it one way, the only way I know how to say it was, “He aha kōiti te whētū i runga Moeatoa, nui pōkēkē ao, ūhia kia ngaro e kore.” “Although the stars hanging above Moeatoa may seem ever so small, and those dark clouds ever so large, could that little star ever be obliterated, never.” Koina te whakautu, and so oh well, he said: “Never but tēnā ka kite, you will see,” and so they marched over there. Because Koroua-puta he remarked in these rules, still proverbial sayings, well used amongst our people today.

He says: “Ko ngā iwi o Tauranga moana ōrite ki ngā pāpaka o Rangataua.” “They’re as numerous as the crabs over in Rangataua.” Well, if you know Rangataua, that’s the whole foreshore over at Tauranga moana. And so now, even today, they call themselves, that’s their proverbial saying is “Ngā pāpaka ō Rangataua,” as it was called in those days. And so, when our warriors arrived over there and they said: “Oh heck they are such a numerous people,” and so the Te Maunu, he says to them, his younger **mother** says, you know, “Be careful, kia kite mātou i tō whaea,” you know so you can go home, Mum still wants to see you come home.

They arranged themselves on their four leaders with 40 warriors each and then the younger brother of all of them, oh you know, like many of our Ngāti Toa young people, they’ve got no blimmin ears, and they went running, dashing into blimmin battle. So, when these other brothers saw, oh look here’s his 40 warriors charging in there, they all had to go with it, and those spectators sitting there watching Ngāti Raukawa and Ngāti Maru, what they say about it was: ‘Whakamomori atu ki te pakanga.’ They were like suicidal, they didn’t need to words of their brother saying you don’t take it easy, you’ve got to come home, and that’s what – whakamomori, and today it’s like suicide but in that case that was a sort of – what they said about them, “Whakamomori atu ki te pakanga.”

The Tauranga Moana people, when they come out, they seen such a small party charge, 140 charging them with their 1500, they came charging up there and before you know it, they were turning and running, and they were getting mowed down from behind, from these warriors from Kāwhia moana. Such was the case that Ngāti Raukawa and Ngāti Maru, when they looked at those warriors they felt a bit – nothing but had filled with admiration for them. A lot of marriages came out of that pakanga, let me say that.

For the hero himself, was the younger brother, Te Haunga, he did two very famous unions, very famous marriages, Rangikaiwhiria and Kahuirangi, which many of us descend from the name.

EXAMINATION CONTINUES: MS RONGO

Q. Ka pai. Moving forward, Te Rauparahā, he was a descendant of Kimihia, can you tell us about –

A. Oh sorry, yes.

Q. Taihoa. We have just hit one o'clock.

THE COURT ADDRESSES MS RONGO – APPROPRIATE TIME TO BREAK

(13:00:07)

WITNESS:

Can I just finish by saying, I just missed out the part of the question was, about this marriage that Te Rauparaha [delete macron on last a throughout] gave.

Te Rauparaha father, Werawera, was at this battle and his uncle, Te Haunga, and that got all these wives, a few months after all of that, Te Rauparaha's father Werawera went and made a request to Koroua-puta for one of his daughter's hand in marriage. That's all I'd like to say. Koroua-puta, he was eager to give him one of the older sisters, but Werawera asked for the younger sister, and the statement was made, you know, "Kaua ko taku kōtiro heri wai." She's my water bearer, you know. In his old age the youngest daughter was, you know, the one that looked after the old chief in his old age.

The statement was made, now there's two versions, there's the Ngāti Toa through our Uncle Pātariki who said it was Werawera who made the statement, but our Ngāti Huia they say no, it was Koroua-puta, I won't worry about which one, but the statement was that yes, but from the belly of your water carrier may come a great taniwha. Ka pai. And that was Te Rauparahā at the end of the day.

MS RONGO:

Nice way to leave them hanging. We will come back and continue our discussion.

COURT ADJOURNS: 1.01 PM

COURT RESUMES: 2.15 PM

WITNESS:

(Audio begins at 14:42:52) ...there where Te Rauparahā and them dropped off and carried on back to Pewhairangi and to Tai Tokerau, and so, what was the question again?

EXAMINATION CONTINUES: MS RONGO

Q. That is awesome. All right, so you had spoken with Te Rangihaeata, and was it Te Pikinga?

A. No, Tamairangi.

Q. Okay, can you tell us –

WITNESS:

There would have been another patu there and it's called Tawhito-whenua. When we had our settlement, our kaumātua came up with the idea of leaving that patu in Te Whare Mīere. I think it's in the Beehive, and that was – he tohu tērā o te mana o Te Ūpoko o te Ika, Te Whanganui a Tara. Tamairangi was the high chiefess of te Kurahaupō people, and so they lived as man and wife with Te Rangihaeata for some time.

What happened is while some of our warriors were away, there was an accusation that Tamairangi's son, Kēkerengū had an affair with one of Te Rangihaeata's wives, and so that sort of changed events for that, and they ended up fleeing over to Te Waipounamu. There's a place there north of Kaikoura called Kekerengu, to this day, and pretty close to where Kēkerengū was found and killed, not by Ngāti Toa but by his own people.

Why he was killed by his own people because they blamed him for bringing the wrath of Ngāti Toa down upon them.

EXAMINATION CONTINUES: MS RONGO

Q. So, Ngāti Toa return home to Kāwhia, what was life like at Kāwhia, at that time?

A. Embroiled in warfare amongst our other Tainui tribes.

WITNESS:

What I know about, on the return back is, well one version, it's not in the other versions is, Te Rauparahā overheard some of the Ngā Puhi chiefs saying: "Me tere tō mātou hoki mai ki Te Ūpoko o te Ika hei tango te whenua mō tātou." He heard them saying, "Oh, we better hurry up and come back here and take this land for ourselves." Te Rauparahā, he mentioned to his other younger relatives, we better hurry up and get back here and take this land for us.

So, when they got back to Kāwhia, I'd say less than two years before they returned, but Te Rauparahā he was never idle. He got back and he made excursions all around the place, over to Rotorua, over to Tauranga, backwards and forwards to Maungatautari. You've got to realise he's only walking or running, and he always travelled light. He didn't take a whole lot of people, you know, he only took a half a dozen or so people.

You know, he went over to Te Waru over in Tauranga Moana, "E hoa, me heke mātou, māua ki ngā tai tuatua o Kāpiti." "Come with me down to the tides of Kāpiti," but he mentioned the tuatua are like the pipi, you know, the giant pipi to which the Tauranga Moana chief responded: "Titiro ki aua moutere rā, arohaina au ki ērā moutere." So, if you're at Maunganui up in Tauranga, yeah, up there, you look – he would say, "Look out at those islands," his love was for his islands. He goes: "You go, ērā haere koe," you go down there, he didn't want to go down there. And he went around, and he asked other chiefs, and he went to Rotorua and asked.

Because – well this is what I think, because when Hape ki Tūārangi passed and he ended up with Te Akau and Kiriwera as wife, well he went over and he asked the inlaws of the hungawai to migrate down to Kāpiti to which they refused, which is pretty much the same as Maungatautari, they all refused to come down with him. So, he started making plans with his own rangatira for the migration which took part in stages, it didn't all happen at once, it took part in stages.

EXAMINATION CONTINUES: MS RONGO

Q. Tell us about those migrations.

WITNESS:

Well, all the able-bodied men and warriors, they were first to go. Now north of Taranaki is a small part of the Maniapoto people, at Maniaroa there, and you know it goes back to Toa Rangatira himself. Toa Rangatira had Marangi-Paroa, had Kimihia, had Werawera, had Te Rauparahā.

When you look at Toa Rangatira, from Kāwhia to Taranaki, the comings and going were frequent, and Korokino, his father, so they well knew each and they well related, and whenever we got in trouble in Toa Rangatira's time he would go down to Ngāti Mutunga down there and they would come up. He would send messages for them to come and help them in certain battles, and the same for Toa Rangatira, to go down to fight for his Ngāti Mutunga. But the whakapapa itself is – if you take the

eponymous ancestor Mutunga, his daughter Tuwhareiti married Korokino, and their child is Toa Rangatira.

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