

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

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

CIV 2017 485 799

I TE TAKE O of the Marine and Coastal Area (Takutai Moana) Act
2011 (the Act)

Ā I TE TAKE O an application by Korokota Marae and Finnisha
Tuhiwai-Birchall on behalf of Te Parawhau Hapū for
orders recognising Customary Marine Title and
Protected Customary Rights

Korokota Marae and Finnisha Tuhiwai-Birchall on
behalf of Te Parawhau Hapū

Applicant

**AFFIDAVIT OF HONA PIO EDWARDS
ON BEHALF OF TE PARAWHAU HAPŪ**

CIV 2017 485 799

Dated this 24 August 2023

Judicial Officer: Harvey J

Solicitors acting
Richard Allen Law Associates Ltd
Unit 1, 26 Putiki Street
Auckland 1245
[REDACTED]

Counsel instructed
Rob Enright / Marti Enright
www.magdalenechambers.nz
Tāmaki Makaurau & Wānaka
[REDACTED]

**AFFIDAVIT OF HONA PIO EDWARDS
ON BEHALF OF TE PARAWHAU HAPŪ**

I, Hona Pio Edwards, of Whangārei, representative of Te Parawhau Hapū, swear/affirm:

[Mihi]

Introduction –

- 1 My full name is Jonathon Pierce Edwards which is a translation from my birth name of Hona Pio Eruera. This is the name of my great grandfather. I am known as Hona Pio Edwards.
- 2 I will provide my mihi when I give evidence. I will acknowledge those who have contributed to this kaupapa.
- 3 I was born here in Whangārei Hospital. I grew up at Poroti near Whangārei, on our Te Uri Roroī Kaianga. I am the fourth oldest of 17 children.
- 4 I am a direct descendant, firstly, of my Te Uri Roroī Chiefly Tūpuna Rangatira, and, secondly, of my Te Parawhau Chiefly Tūpuna Rangatira.
- 5 The evidence I give here today reflects the strength of both my Hapū. Firstly, Te Uri Roroī, and then my Te Parawhau whakapapa. I am honoured to whakapapa to both.
- 6 As the Court may also be aware, the fact is that we whakapapa across many hapū, and I definitely support my allegiances to those hapū, but as I say primarily to Te Uri Roroī and then Te Parawhau.
- 7 My father is George Edwards, whose father was also named George Edwards. His grandfather, Hona Pio Edwards, his grandmother Hariata Edwards (nee Rewi), his great grandfather Akarana Rewi, his great grandmother Maraea Akarana Rewi (nee Kake), and many others, are buried at Mangakura, Porotiti.

1/13

JPE

24-08-2023



- 8 My mother Miriana Edwards (nee Irimana Edmonds), her mother, my grandmother, Maata Kare Irimana (nee Parangi), and many others are buried in Te Tii, Ngati Rehia. My mother's father, my grandfather, Ahi Terenga Irimana (England), is buried in Rangimarie, Kotahitanga Kaikohekohe. My grandmother, Maata Kare, had lived on her land, at Mahinepua.
- 9 We are connected to the Whangārei Harbour through my whakapapa to both Te Uri Roroī and Te Parawhau.
- 10 We have never not been near the moana. My father was born – literally – on the beach at Toetoe, Otaika. This was one of many places that we would return to, as our tūpuna did, to gather kaimoana.

Background –

- 11 My first occupation was milking cows. It was a big job for me as I was still at school. Everything we earned went back to the house. My dad had been in the Army as had elders in my mother's family. After I finished school I joined the New Zealand Army in October 1976. I spent much of my Army career in South East Asian theatres, such as Singapore, Malaya, Thailand and Hong Kong. As well as Australia, Fiji, and Samoa. I was involved in peace keeping deployments and was decorated with a New Zealand Defence Force Medal.
- 12 It was a powerful experience. It gave me opportunities that I wouldn't otherwise have had. But there was no Māori content in the Army at that time. I left the Army and moved back home because my dad's health was failing.
- 13 I knew nothing about whakapapa and hapūtanga and matauranga māori when I returned. I then embarked on a spiritual journey, that encompassed me fully, to live on my marae and receive knowledge from my father. Within a year I was able to speak Te Reo fluently and I continued to develop in understanding from there, taught by my father and our kaumatua.

- 14 I have always been in management supervisory roles including at Kensington Carpets, Monier Roof Tiles, Holeproof, McKay Electrical and Zespri. I then went into healthcare after my mother fell ill with dementia. I worked at Selwyn Park Hill Rest Home and gained health diplomas and worked supporting mental health services.
- 15 In 2012 I participated in starting up Ngā Kaitiaki o Ngā Wai Māori (NKONWM), or Guardians of the Waterways. I am the Kaitiaki Coordinator for NKONWM.
- 16 We monitor all the freshwater waterways that come in and out of the Hikurangi swamplands that flow into the Kaipara Harbour. We also sweep around and monitor the waterways that flow into the Whangārei Harbour. I monitor the quality of these habitats. After 11 years I have come to know well the water flows, and the life they sustain.

The Harbour as tribal estate –

- 17 When we talk about our ties to the Whangārei Harbour and moana there are many examples of how we connect. We didn't fly here from Hawaiaiki, we came via Tangaroa. Second, the Harbour and moana, as with the awa, have sustained us with kai for hundreds of years. Third, our tikanga is deeply connected with the Harbour and moana. Fourth, our tūpuna would always say this when we were young fellers, that our tuna Pepi come home from the moana, where they are born, and end up in the puku of our maunga Whatitiri, which is the largest freshwater aquifer in the Southern Hemisphere. We are connected to them as we are to other marine life that uses the Harbour.
- 18 Just one mother tuna can have 20 million elvers. But when we are transferring the elvers back up into the tributaries we are doing about 20 million elvers in a whole season. That's only one mother's offspring. What about all the other hundreds of thousands of tuna that have gone into the moana and had their babies? The survival

rate is next to nothing. Which is why our tuna stocks are on the big dive.

- 19 What I do is what my Te Uri Roroï and Te Parawhau tūpuna did back in their time. They were the ecologists and environmentalists of their day. They relied on the own science, their mātauranga māori and maramataka. And it worked for them. They didn't cause the degradation I have witnessed in our Harbour and awa.
- 20 Fortunately their knowledge, and the obligations that entails, have been handed down to us. We all understand that our environment, and the Harbour as part of it, is also our tūpuna. We are their mokopuna. We must take care of our elders. This is another example of how we connect.
- 21 The Harbour, Terenga Paraoa, is within the tribal estate of Te Uri Roroï and Te Parawhau. All the way down to Mangawhai. From Kaipara to Whangārei. Coast to coast. This is known by our whakapapa and occupation.
- 22 So where we sit geographically doesn't diminish our mana or our tribal responsibilities to this area. We don't need the MACA to tell us this. We as Te Uri Roroï and Te Parawhau hold this area and the Whangārei Harbour in accordance with our tikanga and have done this since well before 1840. It is shared tribal estate.

Exclusivity -

- 23 Exclusivity is a nonsense to us. All the hapū around Whangārei whakapapa to each other. We all come from the same place.
- 24 All different hapū have different tribal estates. Invariably those estates are going to overlap.
- 25 So back in our tūpuna days they had a process by which they would pay respects to their whanaunga and resolve differences of opinion. Each hapū had their mana and respect was paid according to rules.

4/13

ORE

24-08-2023



- 26 We don't need the MACA to create a process that already exists and has done since before 1840. Especially if that MACA process places limits on us and takes away from what we already have. This just creates confusion and conflict and threatens whanaungatanga.
- 27 Tangata whenua never excluded others. Our manaakitanga and kaitiakitanga is in the DNA parcel of all Māori and was handed down through the generations. It is as important today as it was hundreds of years ago. Exclusivity is not a part of this tikanga. The British could not understand this. The MACA shows a lack of understanding still.

Inland Te Parawhau and connection with the Harbour –

- 28 Te Tirarau Kukupa, our paramount Te Parawhau chief, established three marae at Tangiteroria, Poroti and Korokota. They were located in those inland places for strategic reasons.
- 29 Tangiteroria was there to keep an eye out to the Kaipara Harbour for anything coming. Korokota was to watch over the Hokianga and the Whangaroa Harbours and the awa that flowed across the motu from them which were highways. Poroti was put here to watch over the Whangārei Harbour.
- 30 There were specific reasons why Te Parawhau maintained a broad spread of marae across the motu. But all Te Parawhau marae were connected to the harbours of Te Tai Tokorau and none were relinquished.
- 31 It was in the nature of being a border people. We had to watch in all directions. And we never gave up our connection with Terenga Paraoa.
- 32 Just because places like Te Tirarau Marae, Korokota Marae and Maungarongo Marae sit inland doesn't diminish our mana to the Harbour and those places that our people gathered kai and lived and fought and performed their rituals.

5/13

JRE

24-08-2023



The Harbour as a place both of sanctuary and battle preparation -

- 33 The Whangārei Harbour was a place of sanctuary for us. When Te Uri Roroī and Te Parawhau were in battle the tūpuna would put the old people and the women and kids out on Matakohe Island to keep them safe.
- 34 The Harbour was also a place to prepare for battle. The island beside Matakohe, Onemana, was where the great Rangatira including Ngapuhi chiefs such as Hone Heke would assemble to prepare themselves for battle and put themselves in the spiritual realm so that they could also be ready for death.
- 35 Matakohe is prominent in the Harbour. It looks down to the Whangārei Heads. It is Te Parawhau whenua, although other hapū can whakapapa into there. It was the motu on which Te Tirarau's elder brother and Kukupa's eldest son, Te Ihi, established a pa site. It was only after he was killed that the Yorkshireman Henry Walton married Te Tirarau's nieces and was allowed to lease Matakohe to start lime quarrying. This history is written and commemorated on the information signs put up by Council for all tourists who visit Matakohe today.
- 36 The Harbour is definitely Te Parawhau rohe. I have no doubt based on what I have been told and what history says.

My tūpuna lived beside Tikorangi -

- 37 I think of my tūpuna who lived beside Tikorangi, commonly known as Portland, and the whare there built by my great grandfather with his own hands who I'm named after. One of his daughters still lives in that whare today.
- 38 They used to come by waka from Takahiwai around to Tikorangi and around to Te Rewarewa which is where the rubbish dump is now. And on to Onemana and do their training for battle and then return home.

6/13

[Handwritten signature]

24-08-2023



Kai gathering –

- 39 Kai gathering on the Harbour was done together. Whanau and hapū whanau and Te Parawhau hapū with other hapū. The same with Tutaewhero along the Wairua awa, which was gazetted as an eeling reserve. The tangata supported each other to gather plenty of food.
- 40 My tūpuna would come and camp at different locations around the Harbour depending on where the kai moana were located and what season it was. They followed the kai and it was cyclical. From there, they would go up into the Pukenui Ranges. Their storage pits up there were massive, beautiful evidence of their occupation in those days. They would camp up there and then trade down here in town and with our whanau and relations who lived on the coast.
- 41 The kai was not just different species of fish. They were pipis, oysters, scallops and cockles and other species like seals and seabirds. All off the moana.
- 42 Trade routes to and from the Harbour were well travelled and well known. Which is another reason for the strategic placing of marae like Poroti and Korokota. Sometimes there were hapū squabbles. If you could take a peek at their world by travelling back a couple of hundred years, how amazing that would be.
- 43 My great grandmother was from Poroti. She married Hona, my great grandfather, out here on the coast. My tūpuna said I want to go somewhere there is fresh air and not just the smell of the fish. So my great grandmother took up this opportunity and they moved back to Poroti. But they did not relinquish their rights to gather kai from the Harbour and practise their rituals just because they moved. Not at all.
- 44 Their uri live there today. We will always come down to Portland to look for flounder and pupu and things that were in abundance.
- 45 About edible plant gathering, the big thing they used to grow on the coast and Harbour was peanuts. Aunty Tapa was well-renowned for what she made. This was Opania George's mum. They would grow it

7/13

J.P.

24-08-2023



purposefully to give to people who needed a feed. It was given away. Manaakitanga mattered. It happened around the Harbour. What a way to sustain yourself. Not about how much money you got.

Tuna migration –

- 46 Te Parawhau are like the tuna. We both use corridors from the Harbour and moana to the whenua by following the awa. Like the tuna we had rotational migration to gather food stocks. Also to give each of the places a wātea so those places can rest and regenerate. Tuna did the same by travelling to the moana and back again.
- 47 I've always said, it doesn't matter whether you live by the moana or inland, your whakapapa is still there. It is always there. Because we never flew here on a 747. We came here on the moana from Te Moananui o Kiwa. The reminder of all this is that our tuna has to go back to Te Moananui o Kiwa and the elvers come back. It is an intrinsic whakapapa for all tangata to the moana.
- 48 Our mahi that we do at Ngā Kaitiaki o Ngā Wai Māori to assist the tuna migration is adding mana to the whakapapa of Te Uri Roroī and Te Parawhau to the moana and back to Papatuanuki. Everything whakapapas to everything else.

The MACA –

- 49 We as tangata whenua are telling our story, how our story needs to be told. That's not to fit around the ture and what the ture is trying to find. The ture is not in our story.
- 50 Why should we stand in front of the thief and be required to show our evidence of connection to what has been stolen from us?
- 51 For me, in making this statement, it's really about the mana of our tūpuna. We're here to uphold their mana. It might be about the tuna and the moana and other things but primarily it is the mana of our tūpuna and their battles they sustained. I think about what respect they must have held for their world and mana for those things that

8/13

[Handwritten signature]

24-08-2023



shared their space like the fish and trees and insects and things.
What commitment to all life they must have had.

- 52 Te Uri Roroi lost 50,000 acres from the stroke of a pen. Our tūpuna didn't understand that. How did they feel about that happening? The pain for us today is that when we travel across the motu we can see that somebody else is living on our place. This is true for the Harbour as it is inland across the four pillars of Te Parawhau rohe and for our whanaunga too. Our mokopuna will bear this injustice too. The MACA won't address it.
- 53 The Crown knows more than we know about our occupation of the Harbour and the whenua surrounding it. They kept records and have the resource and all the evidence accumulating from the start in 1840. But a lot of our history, and proofs the ture may seek, has been lost through the loss of our kaumatua and kuia.
- 54 I'm wondering why the Courts are pursuing the MACA. Apart from what I have said, what about climate change? And sea level rise? This will change the landscape of shorelines for all countries on the moana not just Aotearoa if the impacts are as bad as the scientists are saying.
- 55 The MACA will not deal with this. It is awarding customary title to foreshore and coastal villages and areas that may be swallowed by the sea. This will also diminish our ability to gather kai and gather as hapū whanau at sacred places around the Harbour and coastlines.
- 56 What then? Will the MACA replace this loss or compensate us for more loss? I cannot see it.
- 57 Ture has already pushed us back from the coast because the coastal areas have become valuable for development. The MACA confers nothing we don't already have. But it doesn't protect us from losing more.

9/13

J.P.

24-08-2023



- 58 Unfortunately, the MACA is conducive to unsettling hapū with each other. It pits us against ourselves. It makes us compete. We can sort this out under tikanga. Why do so in a courtroom.
- 59 What does marine mean? What does coastal mean? You can't separate those two words from the kai in the water. You can't separate us from the life in the water. They are our tūpuna. We whakapapa to them too and to everything in the taio. And to the moana itself.
- 60 The ture cannot sever this whakapapa but it does squash and impede it and we risk our connections being blunted over time. We never had lines on the maps of our tūpuna. The MACA forces lines on us, just like the gazetting of customary food gathering that I talk about below. This ture diminishes the mana of Māori. Tikanga should have precedence because it is Māori law. The MACA is not our ture.
- 61 I say we're lucky enough to be kaitiaki and caretakers of special places like the Harbour. When we're asked to prove our relationship with it, we try our best. We try and do this with mana.
- 62 Let us embark on a shared future. Te Tiriti foresaw this and laid out principles our tūpuna agreed with the Crown. The MACA doesn't do this. Our whanaunga should not be shut out. The process is wrong.

Changes to the Harbour and tikanga –

- 63 The Harbour is not what it was. For example, we used to have seagrass from one side to the other. This allowed fish stocks to grow and provided shelter for a community of sea life. Remnants of the seagrass are still over in Urquharts Bay. But the development of Marsden Point and the big ships with their propellers created disturbances that had widespread impact.
- 64 Terenga paraoa was the gathering of the whales and in tūpuna days whales were often seen in the Harbour. Very rare now.

10/13

JE

23-08-2023



- 65 We monitor water quality in the awa that flow into the Harbour. Many now have no oxygen content because of pollution. Nothing can live in that. Our tuna heke always happened in March when the tuna ran. It was a profound thing to experience and was a great source of kai for our manaakitanga. But the last tuna heke happened 25 years ago.
- 66 Our pipi beds and scallops and things are not what they were. The abundance has been lost. And the ture is there to stop you. But they did it too late. Like the commercial fishermen who were taking our tuna. Then all of a sudden we have a problem with the long fin becoming extinct. There was no consideration given to the sustainable fishing practices of the local hapū of these places.
- 67 The MACA is coming too late. And it seems to me that it won't address the unbalance that other ture has allowed. Things like the new marina that has resulted in cutting down of more mangroves.
- 68 I'm sure others will talk about what little we have left because of changes we have seen in the Harbour. Pollution and human sewerage and hospital waste and dredging and islands of plastic waste in Tangaroa from other countries change what we can do.
- 69 Of course all these changes change how we practise our tikanga. We talk about tapū ora and tapū kino, which are good places and bad places. Those bad places of tapū kino have increased in the Harbour. But physical changes don't mean we lose our spiritual connection. That remains and can't be challenged.
- 70 Our environment and moana bounced back during the covid lockdowns. It shows you how resilient the natural world is. That gives me hope. So we stay grounded and rooted in our tikanga and values and await the environment to bounce back. Everything has a mana and a wairua and these need to be respected for the future.

11/13



24-08-2023



Gazetted Customary Food Gathering in Rohe Moana –

- 71 I want to mention the Gazette Notice from 2021¹ that named four hapū as the tangata whenua of the rohe/moana that included the Whangārei Harbour. The hapū named were Ngāti Kahu, Parawhau, Ngāti Tu and Patuharakeke.
- 72 Under this Notice, three people only were described and appointed as tāngata kaitiaki/tiaki for the rohe moana. These appointees were Riki Solomon, Hori Te Whare Kingi and Opania George.²
- 73 I disagree with this. It was not done under tikanga. It excludes other hapū. It is a takahi on the Harbour. If I want to go and get a kai I have to go and get a paper from these three people. This is not tika. It destroys our whanaungatanga.
- 74 Every hapū and their hapū whanau has the mana, a God-given mana as tangata whenua, to come to anywhere to gather their kai.
- 75 These appointments were not done by hui a hapū. We were not given a chance to consider them together as hapū.
- 76 When those three appointments were made they didn't karanga to the rest of their whanunanga. It should've been a feller from each marae. We found out after the fact. We didn't ask for such few gatekeepers to our own rohe.
- 77 The unfortunate thing is that we have people in town representing our korero when they didn't come and get our korero from us. I worry this will happen with the MACA.
- 78 As part of this MACA kōrero I want to say that if the MACA delivers the same result, and shuts out whaunanga from gathering kaimoana,

¹ Being the Fisheries Notification of Tāngata Kaitiaki/Tiaki for Area/Rohe Moana of Ngāti Kahu, Parawhau, Ngāti Tu and Patuharakeke Notice 2021 (Notice No. MPI 1353) dated 2 July 2021 at: <https://gazette.govt.nz/notice/id/2021-go2731>

² See New Appointments paragraph 5(1) of the above Fisheries Notification.

12/13

[Handwritten signature]

24 - 08 - 2023



when our tūpuna have been doing this for generations before us then
the ture is wrong.

Sworn/ affirmed at ^{Auckland} Whangārei)
This ²⁴ day of August 2023)
Before me)



Hona Pio Edwards





Catherine Anne Longmuir, JP
#9113
MANUKAU
Justice of the Peace for New Zealand

Justice of the Peace / ~~Solicitor of the High Court of New Zealand~~