

**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

**REPLY AFFIDAVIT OF PARI WALKER ON BEHALF OF TE PARAWHAU
HAPŪ**

CIV 2017 485 799

Dated this December 2023

Judicial Officer: Harvey J

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**REPLY AFFIDAVIT OF PARI WALKER ON BEHALF OF TE
PARAWHAU HAPŪ**

**I, Pari Walker, of Te Parawhau and Ngāti Ruamahue Hapū,
affirm:**

- 1 My name is Pari Walker. I am of Te Parawhau and Ngāti Ruamahue Hapū.
- 2 This is the second affidavit I have given in this MACA Whangārei Harbour Stage 1a High Court proceeding. My first affidavit was dated 18 August 2023. The matters I have dealt within that affidavit continue to stand and I will expand on these matters when I present my evidence.
- 3 As I also said in that affidavit I have strong misgivings about the MACA process and I believe it is a very divisive piece of legislation and runs the risk of destroying our whanaungatanga with other Whanau Hapu groups, through usurping our Maori Customary Law of Kaitiakitanga exercised by us over our Taonga, Whangārei Terenga Paraoa.
- 4 At the request and invitation of Te Parawhau Hapu, I have been asked to respond to several matters raised in the evidence of other claimants in the Stage1a proceeding. I do so with some caution as I do not wish to challenge their perspectives but rather highlight our thoughts on those matters.
- 5 In addition, I wish to other raise several important points for the Court's consideration to Te Parawhau Wāhi Tapu in and around the Whangārei Terenga Parao, and to indicate to the Court our Intention of conducting a powhiri for the High Court Judge and entourage, on the afternoon of Sunday 11 Feb 2024, the venue is yet to be decided however the intention by our kaumatua is that

the participants would include all applicants to this hearing and those giving evidence. Discussions are on going and details will be forwarded by Pānui as soon as available

- 6 Patuharakeke Te Iwi Trust Board (consolidated under CIV-2017-485-281 pursuant to Justice Harvey's minute no. 9 dated 8 December 2023) makes certain claims in its affidavits, specifically in the document entitled "Ngā Kōrero Tuku Iho o Patuharakeke, the Traditional Research Report of Patuharakeke" submitted by Juliane Chetham and Harry Maki-Midwood as Appendix A to their joint affidavit dated 21 August 2023 (**the Report**).
- 7 In paragraph [25] of the Report it is stated that: "No other hapū or whakapapa line other than Patuharakeke and its constituent whānau upholds mana whenua and mana moana through Rangiora Marae in Takahiwai and the tūpuna Te Pirihi". Furthermore, in paragraph [24] it is stated that: "the mana Rangatira [is] being vested in the Te Pirihi of Patuharakeke line".
- 8 We as Te Parawhau do not know Patuharakeke to have exclusive rights under our tikanga to hold mana whenua or mana moana in respect of Whangārei Terenga Paraoa. We do not believe these statements on behalf of Patuharakeke Te Iwi Trust Board to be correct under our tikanga, which is widely known. The implications of alleging exclusive rights to this rohe are unfortunate as they are neither reflected in the history that we know or our customary practices today.
- 9 In addition, in paragraphs [38] to [60] of the Report a number of tūpuna are named. Many of these tūpuna are in fact my direct forebears. We are troubled that Te Parawhau tūpuna may be claimed as those exclusively by Patuharakeke for the purposes of the MACA proceeding.

- 10 As Te Parawhau, we recognise and respect our shared whanaungatanga and the right of each hapū to their own korero about their whakapapa. However, we don't believe that whakapapa should be recited by the Patuharakeke Te Iwi Trust Board without appropriate acknowledgement of the connection to Te Parawhau.
- 11 Similarly, we take issue with the statement made by Keir Volkerling on behalf of Kare Rata of Ngā Hapu o Ngatiwai (CIV-2017-404-554) in his Evidence Brief dated 31 August 2023 at paragraph [8], being: "The documents indicate over that period Ngātiwai along with Patuharakeke were predominantly the only tribal groups responding to significant matters affecting Te Rerenga Paraoa."
- 12 It is simply incorrect to convey an implication that Ngātiwai along with Patuharakeke were the only predominant tribal groups "responding to significant matters affecting Te Rerenga Paraoa". Te Parawhau continue to have a significant role as kaitiaki over Te Rerenga Paraoa, over the period 1840 to the present day.
- 13 I wish to record my concern that the MACA proceeding may require Te Parawhau to reveal specific details of its wāhi tapu areas at an early stage, and in a public arena, before any customary marine title has been awarded.
- 14 We regard our wāhi tapu areas as sacred. It is our tikanga and cultural values that we will not reveal them and mark them on maps for public use. This is our tikanga and our obligation as guardians of the taonga secrets that have been passed down to us, and we intend to hand on to our mokopuna.
- 15 At this stage of the MACA proceedings, and without appropriate safeguards, we will not reveal our wāhi tapu.

- 16 We can say that we have on many occasions prepared cultural values assessments for various persons including Whangārei District Council, Waka Kotahi, corporates and others that include generalised reference to wāhi tapu in the areas subject to those assessments. We have previously and continue now to assert our mana and rangatiratanga in relation to our wāhi tapu across our rohe.
- 17 Te Parawhau hapū representatives including the Claimant in these proceedings (Finnisha Tuhiwai-Birchall and Korokota Marae) have entered into an MOU with Te Rūnanga o Ngāti Whātua, reflecting our whanaungatanga. I have annexed a copy of the MOU to this Affidavit, marked **Attachment A**.

Affirmed at Whangārei)
this day of December 2023) _____
Before me) Pari Walker

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