

**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
Claimant

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

**IN CONNECTION WITH
STAGE 1B WHANGĀREI COASTAL HEARING**

CIV 2017 485 799

Dated this ^{1st February} ~~January~~ 2024

Judicial Officer: Harvey J

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Pw AR

AFFIDAVIT OF PARI WALKER ON BEHALF OF TE PARAWHAU HAPŪ

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

- 1 I am of Te Parawhau and Ngāti Ruamahue Hapū. I am one of many who descend from the uri of Kukupa, whose son Tirarau signed He Whakaputanga o Ngā Rangatira in 1835 and Te Tiriti o Waitangi in 1840 and who succeeded his father as the paramount chief of Te Parawhau hapu, during the period of 1840.
- 2 I live in Whangārei at Otaika surrounded by the many pā sites of our illustrious ancestors including Tiakariri, also a son of Kukupa. I was born in Whangārei hospital, once a pā site of Ruangaio, tūpuna Pona Harakeke called Pukauakaua. The whenua I live on was handed down through the generations and is situated near the tuku whenua gifted by our tūpuna for Otaika school.
- 3 I will provide acknowledgements when I give evidence.
- 4 I adopt and apply the evidence I have already given in respect of the Whangārei Harbour Area (as delineated for "Stage 1A" of the MACA Hearing) pursuant to my affidavits dated 18th August 2023 and given in December 2023 (undated as it is yet to be finally sworn).
- 5 In respect of the Whangārei Coastal Area (as delineated for "Stage 1B" of the MACA Hearing), From Te Whara upto Te Pae o Tu along PaePae Atua and covering the Islands as known as Taranga I wish to give the following additional evidence.
- 6 All along the Whangārei coastline and in the moana offshore extending out to the Taranga and associated islands and even beyond (including the "Stage 1B" coastal and marine area) were places we shared in terms of Kaitiakitanga obligations and was exercised with many other Hapu as of a collective right. Te Parawhau exercised various

customary activities, as exemplified in the original application for recognition orders by the Claimant dated 3 April 2017.

- 7 Te Parawhau had a significant presence on the Whangārei coastline and to this day still exercise customary obligations with other tribes as the need arises. The significant sites are still in place even though the whenua suffered losses due to land acquisition by the Crown and by various statutory authorities and other interests into the twentieth century. Te Parawhau's customary authority and control over this area remains in accordance with its tikanga.
- 8 My whanau continued exercising our customary fishing all along PaePae atua and the collecting of other kaimoana. We camped every Christmas at Langs Beach along with many other Whanau under the huge Pohutukawa. We are now blocked by Statutory Authorities changing the layout restricting access
- 9 There are many within our Hapu and indeed in other Hapu whom have more knowledge than I on surrounding moana.
- 10 I can however confirm that the southern boundary for Te Parawhau on the coastline is Mangawhai we were told there is a kohatu signifying this matter. Somewhere near where the golf course is I believe.
- 11 I can also confirm that the rivers and estuaries of the "Stage 1B" coastal and marine area such as the Waipu awa and the Ruakaka awa are important areas in accordance with our tikanga and gathering of kaimoana. However, the importance is not only the river junction with the sea but where water changes from salt to fresh water. Accordingly, the MACA's limited and arbitrary definition of river boundaries for the purposes of the marine and coastal area has put this definition in question surrounding our tikanga.
- 12 A envelope exists where fresh and salt water meet of course this becomes in a sense the transfer from the realm of one atua to another.

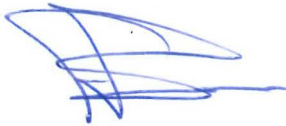
- 13 I repeat from my earlier affidavits that the introduction of the MACA, created by a system not of Māori, is not likely to achieve the outcomes that are required to satisfy Te Parawhau for the management and preservation of the Whangārei coastal area. It is seen to smother tikanga obligations that Te Parawhau and other Hapu have and restricts and limits our customary rights to inappropriately defined areas.
- 14 Therefore, I re-iterate that the MACA Act is unjust, unfair and too harsh and should be removed. All of the seabed should be returned to the hapū under customary title with allodial recognition. Concurrently tikanga, as the original common law of this country, should be given the same status or better than the ture as regards customary title to our marine and coastal areas, including the "Stage 1B" coastal and marine area.

Sworn/ affirmed at Whangārei)
 This 1st day of February 2024)
 Before me)

PW



Pari Walker



Pauline Judith Rose, JP
 #21276
 WHANGAREI
 Justice of the Peace for New Zealand

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