IN THE MATTER OF the Proposed East Coast Beach Vehicle Bylaw

EVIDENCE OF COREY LEE HEBBERD
ON BEHALF OF TE RŪNANGA A RANGITĀNE O WAIRAU

111361-1

I, **COREY LEE HEBBERD**, of Blenheim, state:

Introduction

Ko Tapuae-o-Uenuku tōku māunga
Ko Wairau tōku awa
Ko Kurahaupō tōku waka
Ko Rangitāne o Wairau, rātou ko Ngāti Kuia, ko Ngāti Apa ki te Rā Tō, ko Ngāi Tahu, ko Te Atiawa o Te Waka a Māui ōku iwi
Ko Omaka tōku marae
Ko Corey Hebberd tōku ingoa
Ko au te Kaiwhakahaere Matua o Te Rūnanga a Rangitāne o Wairau
No reira, tēnā koutou, tēnā koutou, tēnā koutou katoa

1. I am the General Manager the iwi known as *Rangitāne o Wairau* (referred to herein as *Rangitāne*). Rangitāne signed a Deed of Settlement with the Crown in December 2010, to settle its historical Treaty of Waitangi grievances. Currently there are approximately 4,000 registered members of Rangitāne.

2. As General Manager of Rangitāne, I am authorised to submit in this process on behalf of Rangitāne. The procedural and substantive failings made by Council throughout the Proposed Bylaw process have unfairly disadvantaged Rangitāne and made this submission necessary.

3. Rangitāne have occupied areas within the Northern South Island for hundreds of years. Among us, we say we have been in the Wairau area for 800 years on account of our being able to trace our lineage back to remains which have been found in the Wairau Bar and which are over 700 years old. There was a significant migration event involving Rangitāne in the sixteenth century when many of us moved from the Wairarapa to the Wairau under the Chiefs Te Huataki, Te Whakamana, Te Rerewa, Te Heiwi and Tukauae. The extent of occupation of the Northern South Island by our people was and remains extensive, stretching from the Waiau-toa (Clarence River) in the South, to the Wairau, through to the Marlborough Sounds and the Nelson Lakes areas and as far west as Kahurangi. As is recorded in our Deed of Settlement with the Crown (at 2.3):

> Rangitāne customary rights often overlapped and intersected with Kurahaupō and other iwi, especially in the Waiau-toa, Nelson Lakes, Marlborough Sounds and Whakatu Districts. Non-exclusive and shared occupation and use rights in these areas were governed by whakapapa connections and customary protocols between the iwi.

4. In the WAI 785 processes, Rangitāne's evidence as to the extent of the area in which its people have exercised customary rights was adduced by Moira Jackson (among others) who produced a map, which also recorded that::

> Rangitāne occupied and established rights under Māori custom that extended over an area from the mouth of the Wai-Au-Toa (Clarence River) northwards to Karaka (Cape Campbell) through to the outer limits of Tōtaranui (Queen Charlotte Sounds) to Rangitoto (D'Urville Island) across to Whakatu

5. One of the central issues for the Waitangi Tribunal processes was the determination of the extent to which the Te Tauihu iwi were able to advance claims of customary rights within the statutory boundary which defines the Ngāi Tahu takiwā (as defined in the Te Rūnanga o Ngāi Tahu Act 1996). As I understand it, the Tribunal found that the statutory boundary did not preclude its assessment of the customary rights of other iwi within the Ngāi Tahu takiwā . It also found that Rangitāne has a non-exclusive *historical claim to customary rights as far as Waiau-toa* (Clarence River).[1]

6. This finding and others were subject to judicial review by Ngāi Tahu and, as I understand it, the Courts did not disturb the Waitangi Tribunal's findings on this point.

7. Rangitāne has protected customary rights in the area in respect of which it advanced its claims to the Waitangi Tribunal. The Proposed Bylaw significantly impedes our ability to exercise customary rights afforded to us in law.

8. My tupuna, the Chief Te Huataki established pā at Matariki (on the north side of the Waiau-toa River) and at the mouth of the Waiharakeke (Flaxbourne) River. Rangitāne had rights from the time of Te Huataki, which were developed by subsequent occupation and use of resources as far as Waiau-toa and Waipapa.

9. Rangitāne claims to land as far south as the Waiau-toa are disclosed in a September 1868 letter from a number of chiefs representing 'the people of Rangitane' to the Native Land Court. The chiefs described their land claims, which included the East Coast starting at the Waiau-toa River, moving north to include Cape Campbell, extending inland to the Richmond Ranges (Paepaetangata) and on to Port Underwood (Rahotia) and northwards.

Rangitāne's Interests in the Subject Area

10. Rangitāne's use and occupation of areas within the East Coast area which is the subject of the proposed by-law **(Subject Area)** for customary purposes has been ongoing for centuries. It has now been established that Rangitāne descend from the earliest of Polynesian settlers in the region. There is a long standing association with the inshore and deepwater fishery, and evidence of those associations has been identified in many various archaeological assessments.

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1 Waitangi Tribunal, *Te Tau Ihu o te Waka a Māui: Report on Northern South Island Claims (WAI 785, 2008)*, Customary Rights in the Ngāi Tahu Statutory Takiwā, 3.7.1.

11. Archaeological studies of pā and kāinga midden sites continue to provide evidence of the consumption by Rangitāne of all manner of birds, shellfish, tuna, flounder, kahawai, moki, hapuka, pātiki, and inanga.

12. We undertake the functions conferred on us by Regulation 27 of the Amateur Fishing Regulations which provide for any Māori Group to nominate Kaitiaki who are responsible for signing permits to conduct harvests of shellfish and wetfish in quantities allowed by the Regulations.

13. As a general matter, I think it is fair to say and is generally accepted that the people of Rangitāne have lived in the coastal areas of Marlborough, including within the Subject Area, for hundreds of years and in that time have relied on the natural resources of the land and sea for sustenance, recreational purposes and cultural purposes, the particulars of which I will set out shortly. In terms of our tikanga there are long-established traditions which have been passed on by our tūpuna and which have been and continue to be overseen by our kaumātua. Our kaumātua have ensured and continue to ensure that our people respect and care for Papatūānuku and act as Kaitiaki over the domain of Tangaroa within the realm of Rangitāne tikanga.

14. It is relevant to note that Rangitāne, as tangata whenua, exercise our role as kaitiaki within the Subject Area.

Customary Practices in the Subject Area

15. There is a long and continuing tradition of the people of Rangitāne supporting ourselves and our hapū from within the Subject Area. Among examples are the following:

- The gathering of karengo from around the East Coast
- The gathering of kina, crayfish and pāua to locations at least as far as Waiau-toa
- The gathering of pipi, cockles and clams from Marfells Beach, among other locations
- The gathering of cat's eyes from rocks throughout all of the Marlborough Sounds and along the East Coast.
- The catching and drying of topai (school shark).
- The gathering of mussels (green lipped, bar mussels and horse mussels) from throughout our takiwā.
- The catching of squid through the Marlborough Sounds and off Cape Campbell.

- The gathering of bull kelp for the preserving of mutton birds.

16. Restricting access to the Subject Area will directly impact the ability of our kaumātua and whānau to exercise kaitiakitanga and our cultural, recreational and customary practices.

Conclusion

17. Our interest in these areas is a matter of record, of law and of tikanga, and it is deeply disturbing, hurtful and upsetting to Rangitāne o Wairau to have these established interests disregarded by the Marlborough District Council in this process.

18. In closing, I want to add some final reflections on this process from me from a personal perspective. Earlier this year, Rangitāne o Wairau progressed further with a project which has seen us capturing our iwi history through video interviews with our kaumātua. Our kaumātua are a taonga and a wealth of information, knowledge and expertise on all things pertaining to Rangitāne mana and tikanga. Through this project, I was able to sit with my grandmother as she recounted stories about her contribution to Rangitāne. Through this, I learnt more about her experiences as somebody who carries not only Rangitāne whakapapa but Ngāi Tahu whakapapa too. It is through her that I too proudly carry Ngāi Tahu whakapapa. She spoke about how difficult it was to attend proceedings of the Crown, and being forced to effectively "choose sides" when it comes to whakapapa. She spoke about how painful it was to attend Settlement proceedings, and to speak against another iwi to whom she had whakapapa connections to. Whilst these proceedings, on the Proposed East Coast Bylaw, are not Settlement or Court proceedings, I too feel that burden of pain and hurt at having to raise issues and matters of well established fact, and law, about issues which have been well traversed, both historically and in more recent times through our Settlement processes – facts and law that this Council should know well, and that we should not have to reiterate. The procedural failings of this process will, and are, causing harm to the whānau of Rangitāne, as we again appear to need to "reopen old wounds" when that simply should not be the case. This process has been flawed. It needs to restart. It needs to reflect our interests and our status as tangata whenua on the East Coast.

C L Hebberd for
Te Rūnanga a Rangitāne o Wairau