

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

AND IN THE MATTER of the Crown's Treaty settlement policy regarding overlapping claims and the proposed redress in relation to the Hauraki Collective, Marutūāhu Collective and individual Hauraki iwi settlements.

AND IN THE MATTER of a claim filed by **HAYDN THOMAS EDMONDS** on behalf of Ngātiwai Trust Board and the iwi of Ngātiwai for an urgent inquiry into the Crown's settlement policy regarding overlapping claims and the proposed redress in the Hauraki Collective, Marutūāhu Collective and individual Hauraki iwi settlements.

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**AFFIDAVIT OF VERONICA BOUCHIER**

Sworn <sup>19</sup> February 2019

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LEGAL

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**WELLINGTON**

ATH-102021-1-771-V2

*J. RB 19/2/2019*

I, **VERONICA BOUCHIER**, mother and wife of 456 Speargrass Flat Road, RD1 Queenstown, swear:

1. My name is Veronica Bouchier. I am the Marine and Coast Area Takutai Moana applications representative (**Takutai Moana Representative**) and project manager for the Taumata B whānau in relation to the Taumata B Block 28902, which lies in the area between Leigh to Te Arai Point (the **Land Block**).
2. I am authorised by Annette Baines, trustee on the Ngātiwai Trust Board for Omaha Marae, to provide this affidavit in support of the claim filed by Haydn Thomas Edmonds on behalf of the Ngātiwai Trust Board (the **Claim**).
3. Ko Tamahunga te Maunga  
Ko te Pakirikiri te Awa  
Ko nga waka Moekakara me Mahuhu ki te Rangi  
Ko Ngātiwai te Iwi  
Ko Ngāti Manuhiri te Hapū  
Ko Omaha te Marae  
Ko Rahui Te Kiri raua ko Tenetahi Te Huru ōku tūpuna  
Ko Rona Marie Stowers raua ko Raureti Tamaho Peri ōku mātua  
Ko Veronica Bouchier ahau
4. In this affidavit, I will address the following:
  - (a) my personal experience and background;
  - (b) my appointment as Takutai Moana Representative;
  - (c) existing relationships in consenting and decision-making processes; and
  - (d) concerns regarding the proposed redress in relation to the Hauraki Collective, Marutūāhu Collective and Individual Hauraki Iwi Settlement (**Hauraki Settlements**), in particular the proposed Coastal Statutory Acknowledgement and Protocol Redress.

**My Personal Experience and Background**

5. I was born and raised in Auckland and spent many whānau holidays throughout my childhood in Pakiri with our Grandmother, Iris Cecilia

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Paraone Brown and extended whānau who lived there and continue to do so today.

6. I moved to Sydney and was employed as an IT professional in the finance industry with Bankers Trust Australia Ltd and Westpac Banking Corporation in a career spanning over 25 years. I held a number of Senior Management roles within both companies overseeing some of their major IT projects and operations in the Asia Pacific region.
7. I returned to New Zealand in 2013. At the request of my mother, Rona Marie Peri, I attended to matters on her behalf regarding Māori land whereby my mother is specifically named as an owner on the title and receives entitlements as a registered beneficiary. My whānau and I are registered beneficiaries of Ngāti Manuhiri Settlement Trust and Omaha Marae. I have attended trustee and beneficiary hui at Omaha Marae in Leigh with my mother and have acted as proxy on her behalf. I have attended Annual General Meetings and beneficiary hui for Ngāti Manuhiri. I continue to be involved with Omaha Marae and Ngāti Manuhiri through emails, notices and minutes.
8. In 2016, I was approached by our kuia and kaumatua with their concerns on the lack of progress with our rohe's application under the Marine and Coastal Area (Takutai Moana) Act 2011 (the **MACA Act**). I worked with whānau and the Office of Treaty Settlements marine and coastal area team (**OTS**) for several months establishing a strong working relationship with senior members in OTS and a signed mandate supporting my position as Takutai Moana Representative. The application on behalf of the Land Block under the MACA Act (the MACA Application) was acknowledged by OTS on 22 March 2016. A recent hui was held on the Land Block on 22 September 2018 and was attended by Taumata B whānau and senior members of OTS.

#### **Application Under the Act and Mandate**

9. I have been appointed by the owners of the Land Block as Takutai Moana Representative and represent them in the MACA Application, both in the High Court and direct engagement with the Crown, under the Act.
10. The Land Block, is located in the area between Leigh and Te Arai Point on the mainland. It is known as Taumata B block 28902.

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11. On 29 March 2017, I filed the MACA Application with the High Court on behalf of the owners of the Land Block. These owners, in accordance with tikanga, descent and whakapapa, already exercise customary rights and customary marine title over the takutai moana in our rohe and we applied to have these formally recognised under the Act. Our application submits that we have exercised (and continue to exercise):
- (a) Rangatiratanga over the takutai moana in our rohe;
  - (b) Kaitiakitanga over the takutai moana in our rohe;
  - (c) usage of the takutai moana in our rohe, including Tauranga waka; planting and harvesting of native flora; growth and harvest of kaimoana, including aquaculture; extraction of fossils, rock, sand and minerals; and
  - (d) complementary customary activities, uses and practices in our rohe.
12. **Annexed** hereto and marked **Exhibit A** is the Maori Land Online record of Taumata B Block 28902 that was filed on behalf of these owners for recognition orders under the MACA Act.
13. The proposed redress that concerns me the most is the Coastal Statutory Acknowledgement (which I understand is contained in the Marutūāhu Collective Deed of Settlement) and the Taonga Tuturu and Ministry for Primary Industries Protocols that relate to areas within our rohe (which I understand is contained in the individual deeds of settlement for Ngāti Maru, Ngāti Whanaunga, Ngāti Paoa and Ngāti Tamaterā).

**Existing Relationships Between Tāngata Whenua and Local Authorities and Their Participation in Consenting and Decision-Making Processes**

14. Tāngata whenua in our rohe, including Ngāti Manuhiri and Ngātiwai, have existing relationships with local authorities and iwi including:
- (a) Auckland City Council
  - (b) Omaha Marae Trust Board
  - (c) Pakiri G Trust Board
  - (d) Ngāti Manuhiri Settlement Trust
  - (e) Ngātiwai Trust Board
  - (f) Ngāti Rehua – Ngātiwai ki Aotea Trust

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15. We engage with each other when needed on matters as they arise, in relation to decision-making within our rohe, such as on resource consent applications, Department of Conservation, Department of Fisheries, Seachange Committee, and also other entities.
16. I am extremely concerned that the proposed redress undermines these existing relationships and is inconsistent with tikanga.

### **Concerns Regarding the Proposed Redress Offered to Hauraki**

#### *Coastal Statutory Acknowledgment*

17. I understand that the Crown has agreed to provide the Marutūāhu Collective a Coastal Statutory Acknowledgement (as shown on deed plan OTS-403-01) in relation to the coastal area from Te Arai Point east to Aotea (Great Barrier Island).
18. I understand that this Coastal Statutory Acknowledgement will give the Marutūāhu Collective certain rights to be consulted about activities in our rohe.
19. I am unsure why the Marutūāhu Collective has been offered such redress, an entity which does not have a documented or proven ancestral relationship with our rohe. The provision of this redress is in my view inconsistent with tikanga. I am also not aware of any consultation that took place within our rohe regarding the Coastal Statutory Acknowledgement.
20. As the Takutai Moana Representative, we have registered land titles within the area claimed to be part of the area of interest for the Hauraki Settlements and we do not recognise their claim as being valid. Māori registered land title blocks are currently held in title by those named as direct descendants of our tupuna, Rahui Te Kiri. Acknowledging that Hauraki has interests in our rohe where our Māori land is located undermines what has already been established for generations and what is currently recorded in the Māori land register.

#### *Protocols*

21. I understand that Taonga Tūturu and Ministry for Primary Industries Protocols have been included in the individual deeds of settlement for

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Ngāti Maru, Ngāti Whanaunga, Ngāti Paoa and Ngāti Tamaterā, in areas which overlap with our rohe.

22. Again, my concern is that this redress has no basis in tikanga, and undermines our mana as the holders of mana whenua, ahi kā and kaitiakitanga in our rohe. To my knowledge there has been no consultation with our kaumatua or kuia on this specific matter or any evidence presented that would support Marutūāhu and their claim of tāngata whenua status.
23. I am also not aware of any consultation occurring in relation to this redress with tāngata whenua.

### Conclusion

24. In conclusion, this redress has no basis in tikanga and undermines our mana as tāngata whenua and the holders of mana whenua, ahi kā and kaitiakitanga.
25. Furthermore, Māori registered land title blocks are currently held by those named as direct descendants of our tupuna, Rahui Te Kiri. Therefore recognising Hauraki interests in our rohe undermines what has already been established for generations and the Māori land records.
26. The interests of Hauraki as reflected in the Hauraki Settlements and relevant to our rohe are not recognised by our whānau.. The owners of the Land Block, in accordance with tikanga and whakapapa, already exercise customary rights and customary marine title over the takutai moana in our rohe and we have applied to have these formally recognised under the Act and as outlined in our MACA Application.

SWORN at Arrowtown )  
this day of February 2019 )  
before me: )

Richard Newman

*R. Bouchier*

VERONICA BOUCHIER

*R. Newman*

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

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R.M. Newman, JP  
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Justice of the Peace for New Zealand