

TE UREWERA

TE UREWERA

VOLUME VIII

WAI 894

WAITANGI TRIBUNAL REPORT 2017



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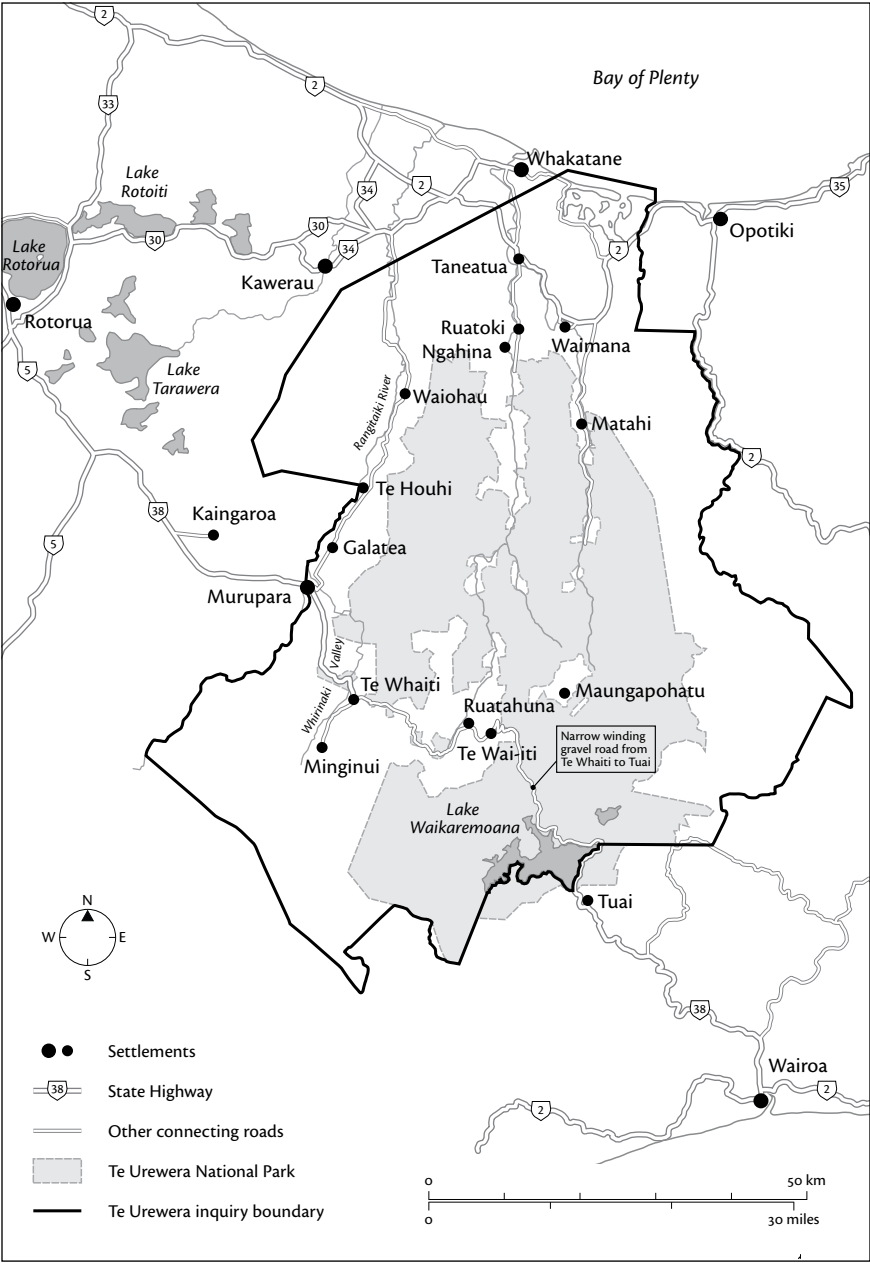
ABBREVIATIONS

AC	<i>Appeal Cases</i> (England)
AJHR	<i>Appendix to the Journals of the House of Representatives</i>
app	appendix
art	article
ATL	Alexander Turnbull Library
BPP	<i>British Parliamentary Papers: Colonies New Zealand</i> , 17 vols (Shannon: Irish University Press, 1968–69)
CA	Court of Appeal
ch	chapter
comp	compiler
DNZB	<i>The Dictionary of New Zealand Biography</i> , 5 vols (Wellington: Department of Internal Affairs, 1990–2000)
doc	document
DOC	Department of Conservation
DOSLI	Department of Survey and Land Information
DSIR	Department of Scientific and Industrial Research
ECEF	East Coast Expeditionary Force
ECLTIA	East Coast Land Titles Investigation Act
ECNZ	Electricity Corporation of New Zealand
ed	edition, editor
encl	enclosure
fn	footnote
fol	folio
GPS	global positioning system
GV	Government valuation
ha	hectare
intro	introduction
LINZ	Land Information New Zealand
ltd	limited
MA	Department of Maori Affairs file, master of arts
no	number
NZED	New Zealand Electricity Department
NZFS	New Zealand Forest Service
NZ ConvC	<i>New Zealand Conveyancing Cases</i>
NZLR	<i>New Zealand Law Reports</i>
NZPD	<i>New Zealand Parliamentary Debates</i>
p, pp	page, pages

ABBREVIATIONS

para	paragraph
PC	Privy Council
PEP	Project Employment Programme
pt	part
RDB	<i>Raupatu Document Bank</i> , 139 vols (Wellington: Waitangi Tribunal, 1990)
ROI	record of inquiry
s, ss	section, sections (of an Act of Parliament)
sec	section (of this report, a book, etc)
sess	session
SGGSC	Sir George Grey Special Collections
TEP	Temporary Employment Programme
trans	translator
UCS	Urewera Consolidation Scheme
UDNR	Urewera District Native Reserve
UDNRA	Urewera District Native Reserve Act 1896
UNESCO	United Nations Educational, Scientific, and Cultural Organisation
v	and
vol	volume
Wai	Waitangi Tribunal claim

Unless otherwise stated, footnote references to briefs, claims, documents, memoranda, papers, submissions, and transcripts are to the Wai 894 (Te Urewera) record of inquiry, a select copy of which is reproduced in appendix II. A full copy is available on request from the Waitangi Tribunal.



Map 23.1: Communities in Te Urewera

CHAPTER 23

KAORE RATOU I TE WHAIWHAKAARO KI A MATOU – SOCIO-ECONOMIC IMPACTS, 1895–2005

23.1 INTRODUCTION

This chapter deals with the often grim reality of everyday life for Maori in Te Urewera, from the 1890s until our hearings in the first decade of the twenty-first century. Earlier chapters in this report have detailed the interactions between the Crown and the hapu and iwi of Te Urewera. We have seen the nature and extent of the Crown's many breaches of the Treaty, in particular confiscation of land, the conduct of war, unfair purchasing practices, broken promises on such crucial issues as self-government, and the imposition of unreasonable restrictions on land use without compensation. The chapter describes the socio-economic effects of those breaches. It also looks at what the Crown has done – and failed to do – to alleviate socio-economic disparity and need. In addressing these issues, it differs from other chapters in that, as well as discussing socio-economic claims in their own right, it also addresses the socio-economic effects of various Crown acts and omissions covered elsewhere in the report.

In the 1890s and the early twentieth century, Maori in Te Urewera experienced terrible living conditions and severe crises including famine, recurrent food shortages, and frequent epidemics. We will describe a district often neglected by the Crown throughout the period we cover in this chapter, in which even the most basic social services could be inaccessible. We will show that economic opportunities were very limited, and that even during the post Second World War years, when the local economy was better than it had been since the Crown first arrived there, living conditions for Te Urewera Maori were substantially worse than those of most Pakeha. It is clear from our reading of other Tribunal reports that conditions for Te Urewera hapu and iwi were worse even than those for Maori in most other areas. We will also show the devastating economic and social impacts of the Crown's withdrawal from the timber industry in the 1980s, and how this reduced the district once again to abject poverty.

Poor socio-economic conditions should come as no surprise, given the extent of Treaty breaches detailed in previous chapters. In particular, numerous Crown actions and omissions resulted in significant land loss for Te Urewera hapu and iwi, and gave them little or nothing in return. These included raupatu, predatory and at times unlawful Crown purchasing, failure to take action over the Waiohau fraud, and the deeply flawed consolidation programme. The Crown also failed to give effect to the mana motuhake of Te Urewera hapu and iwi: it broke its promises

concerning the Urewera District Native Reserve and imposed upon them land titles and systems of land management which they did not want and were not to their benefit. In the twentieth century, successive governments failed to counter the effects of these and other breaches by providing adequate aid for economic development, even when such aid was available to Pakeha settlers.

It is not always easy, however, to tell exactly how Treaty breaches and other Crown actions contributed to poor socio-economic conditions. While it is clear that confiscation of good farmland has a negative effect on economic capability, there is generally no direct link between land loss and ill health, or educational under-achievement. In section 23.5, below, we outline a framework proposed by Professor Brian Murton which helps explain the connections between Crown actions and negative socio-economic statistics. Through the chapter as a whole, we will look at the extent to which socio-economic problems were caused by Crown acts and omissions, and also by other contributing factors, such as the geography and poor land quality of our inquiry district, and immunological vulnerability to new diseases. We will see that there were a number of factors contributing to the poor socio-economic status of Te Urewera hapu and iwi, and that Crown actions were among those factors. We will also see that some Crown actions had positive effects on the health, education, and living standards of Maori in Te Urewera.

The extent to which Crown actions and omissions had a negative effect on the hapu and iwi of Te Urewera was one of the key areas of disagreement between the claimants and the Crown. The claimants submitted that their poor socio-economic standing, both in the past and at the time of our hearings, was the direct result of Crown breaches of the Treaty. As we discuss below, they argued that the Crown has a duty to provide aid and social services to the hapu and iwi of Te Urewera, but has failed to provide the level of services needed to eliminate Maori disadvantage. Some services were not provided at all, some were difficult to access, and some had culturally harmful effects. The Crown submitted that there was insufficient evidence to show the causes of socio-economic disadvantage, that it had no inherent duty to provide aid or social services, and that those services which it did provide were acceptable by the standards of the time.

Because this chapter deals with a multitude of inter-related subjects over a period of more than a century, we have structured it differently from the rest of the report. After setting out the issues for Tribunal determination, we will outline the living conditions experienced by the hapu and iwi of Te Urewera from the 1890s until the time of our hearings in the early twenty-first century. We then turn to the essence of the difference between the parties in this inquiry, before setting out Professor Murton's socio-economic framework mentioned above. After this, the body of the chapter is divided into three chronological sections: 1890 to 1935, 1935 to 1984, and 1984 to 2005. The rationale behind these divisions will be explained below. In each section, we look first at economic issues such as land development and employment opportunities, before examining provision of aid and social services, particularly health care and education, but also pensions and other welfare benefits, housing, and water supplies. Finally, we analyse this information in

Treaty terms, and ask whether the Crown breached the principles of the Treaty in relation to the issues covered in this chapter.

23.2 ISSUES FOR TRIBUNAL DETERMINATION

Our key questions in this chapter relate to successive time periods. They are:

- What was the Crown's response to Maori hardship in Te Urewera prior to the creation of the welfare state?
- What effects did the expansion of the Crown's role in Te Urewera, through welfare and service provisions and the creation of the timber towns, have on the well-being of Maori communities up to the 1980s?
- What effects did the corporatisation of the timber industry and the reduction of social services have on Maori communities from the 1980s?

The first section covers the period roughly from 1890 to 1935, the second from 1935 to 1984, and the third from 1984 until the time of our hearings in the mid-2000s. We focus particularly on three key events, one in each time period: the Te Urewera famine of 1898, the introduction of the welfare state and managed economy from 1935, and the corporatisation of the State Forest Service in the late 1980s. The first of these is an illustration of the precarious socio-economic position of Te Urewera hapu and iwi around the end of the nineteenth century. The second and third show how Crown actions and policy could affect the peoples of Te Urewera for better or worse.

23.3 THE LIVING CONDITIONS OF THE PEOPLES OF TE UREWERA

Before addressing our key questions, we look at everyday life in Te Urewera Maori communities from the late nineteenth century until the early twenty-first century. This will assist us in assessing the adequacy of Crown policy and practice in alleviating distress and inequality. We will see that, since at least the late nineteenth century, Maori in Te Urewera have experienced ongoing and often severe poverty, accompanied by extremely bad living conditions. These have resulted in high rates of disease and early death, especially before the middle of the twentieth century. Significant progress was made in the post Second World War period, but this appears to have stalled or reversed in recent decades.

The experiences of Maori in Te Urewera were not uniform, especially when the timber industry was at its peak; some areas had relatively good employment opportunities, for example, while others had almost none. The varied terrain meant that parts of the district were more suitable for growing crops, while in others people had better access to wild foods. Nevertheless, at most times and in most respects there were more similarities than differences between Te Urewera Maori communities.

We received a great variety of evidence for this inquiry, including claimant oral tradition and personal recollections; letters and reports written by Crown employees from the 1890s onwards; official statistics; and historical research reports. This

evidence collectively created a compelling picture of extreme hardship, which the Crown did not contest. The evidence also told a story of cultural tenacity and revival, and the determination of the peoples of Te Urewera to protect and nurture their culture and language.

23.3.1 Living conditions in the 1890s and the early twentieth century

Government Ministers and officials visiting Te Urewera in the late nineteenth century often described the living conditions in Maori communities there. For example, Premier Richard Seddon, during his tour of Te Urewera in 1894, described Tuhoe as ‘living in absolute poverty, not having sufficient food’.¹ Joseph Wylie, the native school teacher at Galatea, wrote in the same year that:

The Galatea Natives are very poor at present. They cannot raise a little money by selling produce like some of their friends on the coast or those who live near a European population. If the good people in Wellington who kindly sent us some clothing for the school children before would allow their compassion to extend to these little ragged ones again I would be greatly obliged to them.²

The same year, it was reported that Maori at Ruatoki and Ruatahuna were also short of food.³

Food shortages were often followed by disease outbreaks, as malnutrition weakened people’s immune systems.⁴ Professor Murton refers to this process as the ‘malnutrition-infection cycle,’ and notes that disease outbreaks were more devastating when they struck during periods of food shortages, such as during the 1898 famine across Te Urewera, and at Maungapohatu in 1927.⁵ Researchers John Hutton and Klaus Neumann explain:

Sickness would have also reduced the labour the adult population could perform, and it would have siphoned off a large amount of otherwise productive labour from those who had to look after the sick. In this manner sickness and poverty existed in a bitter circle – the sicker a community the less work it could perform, and thus the

1. ‘Pakeha and Maori: A Narrative of the Premier’s Trip Through the Native Districts of the North Island,’ AJHR, 1895, G-1, p 49

2. Wylie to Habens, 10 September 1894, BAAA 1001 [44/4, pt 2], 243c, Archives New Zealand, Auckland (Peter McBurney, ‘Ngati Manawa and the Crown, 1840–1927’ (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004) (doc C12), pp 397–398)

3. Richard Seddon, ‘Pakeha and Maori,’ AJHR, 1895, G-1, pp 48–49 (Brad Coombes, ‘Making “Scenes of Nature and Sport” – Resource and Wildlife Management in Te Urewera, 1895–1954’ (commissioned research report, Wellington: Crown Forestry Rental Trust, 2003 (doc A121), p 42); Te Tuhi, ‘Report Sent in by Te Tuhi, an Urewera Native who Accompanied Mr Wilson, Government Road Engineer, in Laying Off Line of Road from Galatea to Ruatahuna,’ 30 June 1895 (Coombes, ‘Making “Scenes of Nature and Sport”’ (doc A121), p 40)

4. Brian Murton, ‘The Crown and the Peoples of Te Urewera: The Economic and Social Experience of Te Urewera Maori, 1860–2000’ (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004 (doc H12), p 300

5. Ibid, pp 1632, 1656

Tutakangahau on the Impact of Epidemics

According to Elsdon Best, the Tuhoe chief Tutakangahau lamented after the death of his young granddaughter from influenza at Maungapohatu in 1897:

This rapid dying of our people is a new thing. In former times our people did not die so – they knew no disease; they died on the battlefield or of old age . . . These diseases which slay our people are all from the Pakeha – it was the white men who brought them among us . . . I see before me O friends, the end of the Maori people. They will not survive. We can see plainly that our people are fast going from the earth. We have discarded our laws of tapu and trampled upon our mana Maori . . . The Maori is passing away and the Pakeha steps into his place.¹

1. Peter Webster, *Rua and the Maori Millennium* (Wellington: Victoria University Press, 1979) (doc K1), p 146; EWG Craig, *Man of the Mist: A Biography of Elsdon Best* (Wellington: AH & AW Reed, 1964), p 78

less food it could grow, which only increases the susceptibility of the community to illness.⁶

We were presented with considerable evidence on the many devastating diseases that affected the peoples of Te Urewera in the late nineteenth and early twentieth centuries. Native school teachers and others recorded regular outbreaks of influenza, whooping cough, mumps, typhoid, measles, and tuberculosis throughout Te Urewera, and some instances of smallpox, scarlet fever, and chickenpox.⁷ Disease was widespread even in relatively prosperous areas, such as the dairy-farming region of Ruatoki–Tawera, which experienced at least 18 serious outbreaks of disease in the 30 years between 1897 and 1927.⁸

The most devastating epidemics in terms of known deaths were outbreaks of measles across Te Urewera in 1897 and 1898, influenza and other diseases at Te

6. John Hutton and Klaus Neumann, 'Ngati Whare and the Crown, 1880–1999' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2001) (doc A28), p 159

7. Most of the evidence comes from the records of native school teachers, who provide us with some insight into the health of Maori children. The Health Department only reported on severe outbreaks, such as the influenza pandemic of 1918–19, and death registers for Maori were not kept until 1935. Teachers' records are somewhat limited in that they only usually noted outbreaks when they were severe enough to close schools, which happened on a regular basis: Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1645–1646.

8. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1644–1649, Peter Webster, *Rua and the Maori Millennium* (Wellington: Victoria University Press, 1979) (doc K1), p 146; Steven Oliver, 'Ruatoki Block Report' (commissioned research report, Wellington: Waitangi Tribunal, 2001) (doc A6), p 192



Malcolm Ross (ATL PA1-Q-634-46-1)

Whanau at Ruatoki, 1904. Poverty and outbreaks of disease continued to take a heavy toll everywhere in Te Urewera in the first two decades of the twentieth century. Living conditions improved in Ruatoki as dairying was established, which brought some regular income.

Kopani in the same year, typhoid and measles in Waimana and Maungapohatu in 1907, and the influenza pandemic of 1918–19. Official recording of Maori deaths and population was not particularly reliable in this period, but the information we do have indicates substantial death tolls. In his book *Rua and the Maori Millennium*, Webster states that ‘about eighty’ people died in the 1890s measles epidemic, representing around 5 per cent of the ‘Urewera tribe’ counted in the 1896 census.⁹ The death toll from the outbreaks at Te Kopani the same year was recorded at 28.¹⁰ We do not know the total population of the area, but the 1896 census recorded only 131 Urewera Maori in the whole of Wairoa County, most of whom were presumably living around Waikaremoana.¹¹ We received conflicting evidence on the death toll of the 1907 outbreaks. A contemporary press report stated that 30 children had died, and Binney gives a total death toll of 50 at Maungapohatu and another six

9. Webster, *Rua and the Maori Millennium* (doc K1), p146; Raeburn Lange, ‘The Revival of a Dying Race: A Study of Maori Health Reform, 1900–1918, and its Nineteenth Century Background’ (MA thesis, University of Auckland, 1972), p 39 (Hutton and Neumann, ‘Ngati Whare and the Crown’ (doc A28), p 147); Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), pp 1644–1645. The census figure is from Judith Binney, ‘Encircled Lands, Part 2: A History of the Urewera, 1878–1912’ (commissioned overview report, Wellington: Crown Forestry Rental Trust, 2002) (doc A15), p 493

10. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1644

11. Census figure from Binney, ‘Encircled Lands, Part 2’ (doc A15), p 493

at Waimana, where the epidemic began. Numia Kereru wrote at the time that 100 people had died, but he was antagonistic to Rua and may have wanted to discredit him and his new community at Maungapohatu.¹² It has been estimated that 500 to 600 people lived at Rua's settlement, so even Binney's relatively low figure represents at least 10 per cent of the population, and it is possible that 20 per cent died.¹³

A major famine occurred in 1898, after severe frosts in January and February destroyed crops in Waiohau, Te Houhi, Galatea, Whirinaki, Te Whaiti, Ruatahuna, Maungapohatu, and possibly other areas. This resulted in the loss not only of that year's harvest of potatoes, gourds, maize, and pumpkins, but also of seed for the next season.¹⁴ Tukuaterangi Tutakangahau, the son of the Tuhoe rangatira Tutakangahau, wrote from Maungapohatu to the Under-Secretary for Justice, requesting flour: 'Friend, do not imagine that there is food. There is absolute starvation, there is nothing to look at but the bare sky.'¹⁵ Joseph Wylie at Galatea wrote, 'Their [local Maori] crops have been completely destroyed by the frost. Nothing in the shape of food is left. They are in a very bad way and unless relief is afforded immediately, their case will be desperate.'¹⁶ Joseph's brother Thomas, the teacher at Te Houhi on the Rangitaiki River, confirmed that 'the Natives are quite destitute, all their food being destroyed' by the frosts.¹⁷ That this was a famine rather than a mere food shortage is confirmed by statements of contemporary Crown employees. In July 1898, Inspector of Native Schools James Pope wrote that in Te Houhi, Galatea, and Te Whaiti, 'the famine is in full force.'¹⁸ Thomas Wylie also referred to a famine.¹⁹

12. *New Zealand Times*, 14 August 1907 (Brian Murton, comp, supporting papers to 'The Crown and the Peoples of Te Urewera: The Economic and Social Experience of Te Urewera Maori, 1860–2000' (doc H12(a)(EE)), p 90), Binney, 'Encircled Lands, Part 2' (doc A15), p 495, Numia Kereru, Ahukata Te Kaha and Te Pouwhare Te Raou to James Carroll, 13 December 1907 (Anita Miles, *Te Urewera*, Waitangi Tribunal Rangahau Whanui Series (Wellington: Waitangi Tribunal, 1999) (doc A11), p 325). On 24 May 1907, the native school teacher at Waimana, Hugh Hamilton, reported two deaths from typhoid at Waimana: Jeffrey Sissons, *Te Waimana – The Spring of Mana, Tuhoe History and the Colonial Encounter* (Dunedin: University of Otago Press, 1991) (doc B23), pp 195–196.

13. Sissons estimates 500 to 600 lived there in 1907: see Sissons *Te Waimana* (doc B23), p 201; Binney estimates 600 people lived there in 1907: see Judith Binney, 'Maungapohatu Revisited: Or, How the Government Underdeveloped a Maori Community', *Journal of the Polynesian Society*, vol 92, no 3 (1983) (doc A128), p 387 n. The 10 per cent figure assumes that in addition to the 30 children mentioned in the press, there were a number of adult victims.

14. Binney, 'Encircled Lands, Part 2' (doc A15), p 287

15. Tutakangahau to F Waldegrave, Under-Secretary for Justice, 26 November 1898 (Brenda Tahiri on behalf of the Tuawhenua Research Team, 'Ruatahuna, Te Manawa o te Ika, Part Two: A History of the Mana of Ruatahuna from the Urewera District Native Reserve Act 1896 to the 1980s' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004) (doc D2), p 83

16. Joseph Wylie, to F Waldegrave, circa February 1898 (Cecilia Edwards, comp, supporting papers to 'Te Urewera District Native Reserve Act 1896, Part Two: Title Determination under the Act, 1896–1913', various dates (doc D7(i)), vol 1, p 477)

17. Thomas Wylie to Secretary for Education, 31 March 1898 (Edwards, supporting papers to 'The Urewera District Native Reserve Act 1896, Part Two' (doc D7(i)), vol 1, p 449)

18. Pope, inspection report, 6 July 1898 (Binney, 'Encircled Lands, Part 2' (doc A15), p 272)

19. McBurney, 'Ngati Manawa and the Crown' (doc C12), p 413

Without doubt, disease, food shortages, and famine had a substantial demographic impact on the Maori population of Te Urewera, although the exact extent at this time is difficult to determine. Censuses were conducted, but until 1926 Maori were counted by census enumerators, usually from the Native Department, rather than being given forms to fill out themselves. The enumerators sometimes failed to visit or locate isolated or migratory groups, and in some areas Maori distrusted the Government and were therefore reluctant to be counted. Some official figures are difficult to believe; for example the 1901 census recorded that there were no 'Urewera' Maori in Wairoa County.²⁰ This seems unlikely, since Ngati Ruapani, Tuhoe, and Ngati Kahungunu were still living near Lake Waikaremoana, in Wairoa County, at this time. The fact that 'Urewera' was given as an iwi name also indicates the inaccuracy of official statistics on iwi. Collection of iwi information stopped after 1901 and was not resumed for another 90 years.

Despite these problems, analysis of census returns, in combination with native school rolls and accounts of disease and famine, suggest that there was a drop in the Maori population of Te Urewera around the turn of the century. Maori recorded as belonging to the 'Urewera tribe' fell from 1,421 in 1896 to 1,094 in 1901.²¹ In the same period, native schools across the district showed falling rolls; for example at Kokako, at Waikaremoana, the roll of 76 in 1897 had dropped to just 32 in 1900.²² After 1901, the Maori population of Whakatane County provides some guide to population numbers, since the county contained most of the inquiry district area and most of the 1896 and 1901 'Urewera' population. However, Whakatane County also included significant areas and large Maori populations which did not belong to Te Urewera; in 1896 only 32 per cent of the Whakatane County Maori population was recorded as 'Urewera'.²³ The county also excluded some parts of the inquiry district, including Waikaremoana. With these caveats in mind, we note that the Maori population of Whakatane County fluctuated between 1906 and 1926, but overall trended upwards. The national Maori population meanwhile increased steadily in those years, despite conscription-related resistance to the census in 1916 and the impact of the influenza epidemic of 1918.²⁴

Census figures on stock numbers and crop acreages are probably no more reliable than population figures from the same period, but do provide some indication

20. New Zealand Census 1901, available at http://www3.stats.govt.nz/historic_publications/1901-census/1901-results-census/1901-results-census.html, accessed 28 January 2015

21. *Population Census, 1896, Population Census, 1901*

22. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p1285; Kathryn Rose, 'A People Dispossessed: Ngati Haka Patuheuheu and the Crown, 1864-1960' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2003) (doc A119), pp144-146

23. *Population Census, 1896*

24. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p70; Ian Pool, *The Maori Population of New Zealand, 1769-1971* (Auckland: Auckland University Press, 1977), p237; Census and Statistics Office, *Population Census, 1926*, 17 vols (Wellington: Government Printer, 1927), vol 14,

of change over time. They show that, in Whakatane County in 1901, numbers of Maori-owned pigs and cattle, and the acreage of maize on Maori land, were about a third of their 1896 levels. There were significant drops in numbers of other stock animals and the acreage of other crops, and in most cases these had not recovered to 1896 levels even by 1911.²⁵ This probably overstates the level of change, since the creation of Opotiki County in 1900 meant that some large areas of good Maori land were no longer included in Whakatane County statistics. However, there were stock and acreage declines in Opotiki as well.

23.3.2 Poverty and disease in the early twentieth century

Early twentieth-century officials continued to report on Maori living conditions in Te Urewera. In 1904, Inspector of Native Schools William Bird visited Ruatahuna and wrote:

Their living conditions were wretched, their food from our point of view very uninviting to say the best of it, and their housing conditions wretched . . . They were suspicious of the Pakeha and did not want to be disturbed. In these circumstances their children had a very hard life and the death rate must have been very high. The road from Rotorua ended at Ruatahuna about 72 miles from that centre [Rotorua] and all supplies had to be carted that distance to be sold at very high prices in the local store.²⁶

The following year, Bird described the peoples of Te Urewera as ‘for the most part poor and the food and the clothing of the children are of the scantiest’.²⁷ In his capacity as Native Sanitary Inspector, Elsdon Best found varying standards at different kainga. He thought that Te Kautawhero, at Ruatahuna, and Te Murumurunga at Te Whaiti were the most ‘deplorable and backward’ in the district, while Ruatoki (including Tauarau and Waikirikiri), Waimana, and Te Houhi were all described as ‘credible’. Ruatahuna and Maungapohatu were as ‘as good as can be expected when one remembers their isolation and the poverty of the people’.²⁸ It is not clear on what basis Best made these judgements. The following year he noted that Tauarau had experienced a major outbreak of typhoid and described conditions there as ‘by no means of a healthful nature’.²⁹ He also reported that latrines were rarely built in Te Urewera, leading to contamination of drinking

25. *Population Census, 1896; Population Census, 1901; Population Census, 1911*

26. Tuawhenua Research Team, ‘Te Manawa o te Ika, Part Two’ (doc D2), p 222

27. Inspector of Native Schools to Inspector-General of Schools, 31 January 1905, AJHR, 1905, E-2, p 5 (Webster, *Rua and the Maori Millennium* (doc K1), p 140). Webster does not name the inspector, but Bird was inspector from 1903 to 1916: William Renwick, ‘William Watson Bird’, in *The Dictionary of New Zealand Biography*, Ministry for Culture and Heritage, <http://www.teara.govt.nz/en/biographies/3b33/bird-william-watson>, last modified 5 June 2013.

28. Best to Pomare, 20 February 1906, AJHR, 1906, H-31, p 75

29. Best to Pomare, 30 March 1907, AJHR, 1907, H-31, p 58

water.³⁰ Around 1903, Maui Pomare noted that Maori in ‘Tuhoeland’ were building Pakeha-style houses, but these were ‘very often made of palings, have no floors or chimneys; they are draughty and very cold in winter.’³¹ Families would often move into them before they were floored and lined and had chimneys built.³²

Conditions improved in the northern part of the inquiry district once dairy factories began opening there in the 1900s. Tuhoe from Ruatoki and Waimana began running dairy cows and supplying milk to the factories, which were also a source of employment.³³ Best wrote in 1908:

A marked change has taken place in the status of the Natives of the Ruatoki district—ie, among those who have during the past year turned their attention to milking for the new cheese-factory now operating at Te Rewarewa. These Natives have now the advantage accruing from a steady income, which, albeit small, is yet sufficient to keep them in comparative comfort. They are able to purchase food at the local stores, which enables them to treat lightly any failure of their crops. They also acquire a better standing among storekeepers and Europeans generally.³⁴

In 1916, Judge Browne thought that Maori at Ruatoki had been living in what he considered to be very ‘backward’ conditions, but due to the dairy industry they were now improving ‘themselves and their mode of living.’³⁵ In the Waimana Valley, the establishment of dairying in the early 1920s ‘meant that there was a brief period of social prosperity, remembered long afterwards as a time of happiness.’³⁶ By the mid-1930s, however, many of the farms were in financial difficulty for reasons that included inadequate land blocks, lack of roads, and existing roads falling into disrepair and becoming unusable.³⁷ Horopapera Tatu told Jeffrey Sissons:

When I was at Tawhana I cleaned that place up. I cleaned it up and then I started a farm there. I went to Te Teko and got some cows from there and brought them up to Tawhana. Black and white ones, they were good for the cold. I got a pedigree bull and crossed them myself. I had them milking well . . . But the road got worse between

30. Best, ‘Memorandum for Health Officer to the Maoris, Auckland’, 24 April 1908, AJHR, 1908, H-31, p 134 (Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1843); Binney, ‘Encircled Lands, Part 2’ (doc A15), pp 495–496

31. Hutton and Neumann, ‘Ngati Whare and the Crown’ (doc A28), p 154

32. Maui Pomare, ‘Report of Dr Pomare, Health Officer to the Maoris’, AJHR, 1904, H-31, p 61

33. Best to Pomare, AJHR, 1906, H-31, p 76; Judith Simon and Linda Smith, ed, *A Civilising Mission? Perceptions and Representations of the Native School System* (Auckland: Auckland University Press, 2001), p 291; Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), pp 489–490

34. Best, ‘Memorandum for Health Officer of the Maoris’, 24 April 1908, AJHR, 1908, H-31, p 134

35. Census and Statistics Office, *Results of a Census of the Dominion of New Zealand Taken for the Night of the 15th October 1916* (Wellington: Government Printer, 1920), app A, p xi

36. Jeffrey Sissons, ‘Waimana Kaaku: A History of the Waimana Block’ (commissioned research report, Wellington: Crown Forestry Rental Trust, 2002) (doc A24), p 128

37. Ibid, pp 128–133

Tauwharemanuka and Tawhana so they closed it. We couldn't get the milk out. We took it down on pack-horses for a while but it was no good. So I shifted all my cows to Te Teko, I had some land there. I took all my gear and my horses there. It was very hard to packsaddle the milk out. We couldn't go on like that.³⁸

By 1949, there was only one economic dairy farm in the Matahi area.³⁹

Outside the dairying region and to some extent within it, food shortages, disease, and severe poverty continued to afflict Maori in Te Urewera through the 1910s and 1920s. Ngati Manawa were reportedly unable to afford food and clothing, and a dental researcher sent into Te Urewera by the Government in 1914 said that the 'partition between the Natives and starvation in some places seemed very thin indeed'.⁴⁰ In 1916, Maori in Te Urewera were said to be short of both food and money.⁴¹ The same year, Judge Browne wrote that he had noticed no real improvement in Maori health in the Bay of Plenty (including Te Urewera) since 1911. Despite noting considerably better economic and housing conditions at Ruatoki, he concluded that there 'have been the usual outbreaks of enteric, typhoid and measles, and the usual number of deaths from those diseases. There are always cases of consumption [tuberculosis] amongst them as well'.⁴² In 1919, a Department of Education official attributed a number of deaths of female pupils at Kokako Native School to 'insufficient nourishment' or malnutrition.⁴³ There were still severe food shortages in 1927, when a nurse visited Maungapohatu and reported that infant mortality was high there as a result of a 'hard winter for food'.⁴⁴

Te Urewera was also affected by the influenza pandemic of 1918. In his book on the pandemic, historian Geoffrey Rice concluded that, nationwide, Maori were seven times more likely than Pakeha to die from influenza. In the Bay of Plenty region, he estimated the Maori death rate to be 48.7 deaths per 1,000 people, higher than the national Maori average of 42.3 per 1,000.⁴⁵ This was supported by the evidence we received. Dr CS Murray of the New Zealand Medical Corps, who the Government sent to Te Urewera to deal with the pandemic, estimated that there was a total of about 108 Maori deaths in Murupara, Waiohau,

38. Ibid, p133

39. Ibid, p131

40. McBurney, 'Ngati Manawa and the Crown' (doc c12), pp418-421; HP Pickerill and ST Champstaloup, 'An Investigation into the Causes of Immunity to Dental Disease in the Maori of the Urewera', *New Zealand Dental Journal*, vol 9, March 1914, no 23, p 171 (Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 223)

41. Brian Murton, 'Summary of evidence of Brian Murton: Stage Three: Socio-Economic Impact Issues', 10 January 2005 (doc J10), p 14

42. Census and Statistics Office, *Results of a Census of the Dominion of New Zealand Taken for the Night of the 15th October 1916*, app A, p xii

43. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p1309

44. MacPherson to Medical Officer of Health, Auckland, 4 November 1927 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(EE)), p 65)

45. Geoffrey Rice, *Black November: The 1918 Influenza Pandemic In New Zealand* (Christchurch: Canterbury University Press, 2005), pp159-160

Waimana–Matahi, and Ruatoki.⁴⁶ Of these, Waimana and Ruatoki were worst affected. It was estimated there were 36 to 48 deaths at Waimana, and 51 or 52 deaths at Ruatoki, where around 500 Maori fell sick.⁴⁷ Surprisingly, while the disease reached Ruatahuna and Maungapohatu, few deaths occurred there. The pandemic caused only two deaths at Maungapohatu and none at Ruatahuna, although two outbreaks of influenza occurred in Ruatahuna in 1920, killing several people.⁴⁸

The general pattern of disease resumed after the pandemic ended. There was a typhoid epidemic at Maungapohatu in 1925, leading to a major reorganisation of the village and its sanitary arrangements.⁴⁹ At Ruatoki, eight children and infants died from whooping cough, influenza, and bronchial pneumonia in 1927, and the same year nine children at Maungapohatu died from the same ailments, as well as croup.⁵⁰ Influenza struck Ruatoki in 1931, causing the head teacher there to write:

We have had a very bad time with the influenza in Ruatoki – it came like a wave and caught all the Maoris, practically at once. There were *three deaths* caused, I think, indirectly by the epidemic . . . the nurse and I reckoned out that at least five hundred of the people have been affected, and there are still some belated cases being notified. [Emphasis in original.]⁵¹

At Waikaremoana, there were outbreaks of influenza, whooping cough, measles and polio in the 1930s, but these caused fewer deaths than in prior decades.⁵² Even at this time, however, outbreaks of disease in Te Urewera tended to be more serious than in other parts of New Zealand, probably because they occurred when people were malnourished, and because people sometimes had more than one disease at a time, or in succession.⁵³

46. CS Murray to Dr Hughes, 'Report – Influenza Epidemic 1918', 30 December 1918 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(EE)), p 132)

47. Estimate of 36 Maori deaths at Waimana and 'Mataki' (presumably Matahi): Sergeant J Ferguson to Inspector of Police, Hamilton, 4 December 1918 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(EE)), p 133). Estimate of 48 deaths at Waimana: Dr CS Murray to Dr Frengley, 11 December 1918 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(EE)), p 137). Estimate of 51–52 deaths at Ruatoki: C Mahoney to Secretary of Education, 31 December 1918, BAAA 1001 541a, Archives New Zealand, Auckland (Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1660). Mahoney was the head teacher at Ruatoki Native School. Estimate of 500 sick at Ruatoki: Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 161 n.

48. Maungapohatu: Judith Binney, Gillian Chaplin and Craig Wallace, *Mihaia: The Prophet Rua Kenana and His Community at Maungapohatu* (Auckland: Auckland University Press and Bridget Williams Books, 1996) (doc A112), p 149. Webster, *Rua and the Maori Millennium* (doc K1), p 214 mentions one death from influenza. Ruatahuna: Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 227; *PWMU Harvest Field*, 8 March 1919, p xx (McBurney, supporting papers to 'Ngati Manawa and the Crown 1840–1927' (doc C12(a)), p 192)

49. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1929

50. *Ibid*, pp 1650–1651

51. RH Hausler to Director of Education, 5 October 1931 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(EE)), pp 116–117)

52. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1647–1652

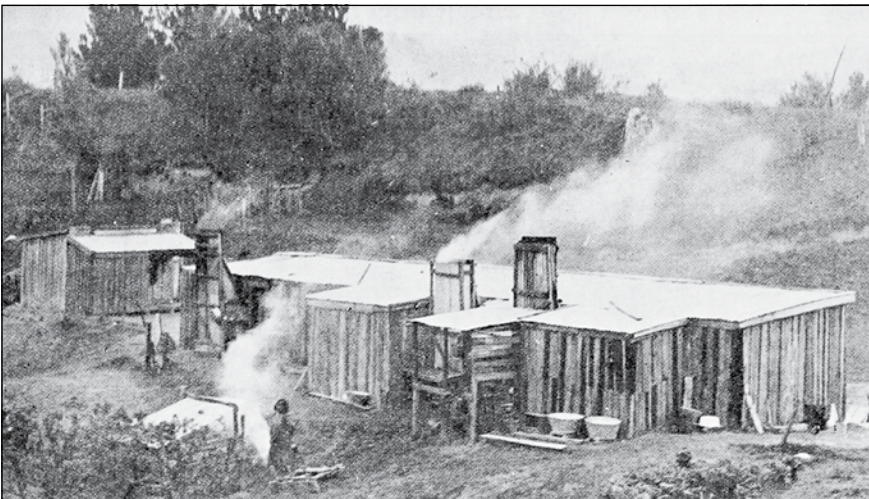
53. *Ibid*, p 1671

Unknown (ATL, 1/2-030916-F)



Family at Maungapohatu typhoid camp, 1925. The camp was set up after an epidemic hit the community in 1925. Judith Binney identified Annie Miki (Matekoraha), her husband, Hemi Tawa (with accordian), and her brother, Paetawa (centre). After the camp was established, there were no further deaths, and nearly everyone was inoculated. Charles Hercus, Professor of Public Health and Bacteriology at Otago University, who was at Maungapohatu in the early stages of the epidemic, set up a very effective committee under Rua's presidency. Rua also redesigned the settlement to improve housing and sanitation.

Auckland Weekly News (sgcsc, Auckland Libraries, AWNS-19270602-41-1)



New house, Maungapohatu. Following Rua's decision to rebuild the settlement and, at the same time, to improve sanitary conditions to protect people's health after the typhoid epidemic of 1925, new houses were constructed with at least two rooms and outside toilets. A detached kitchen can also be seen at the rear of this house.

The Impact of the Influenza Pandemic in Te Urewera

Te Paea Rua described the effect of the flu at Matahi in the upper Waimana valley:

Then they started dying, ooh, one after another, every day. Only two people didn't have the flu, they were going around and around and around burying the dead ones every day . . . [T]he wharenuī then, Parinui-te-ra . . . was full of sick people. Some were dying. Two, three, four at the same time. . . they used to take all the dead straight down to the cemetery . . . There was no time for a tangi or anything. Everybody was sick and dying, you might as well say every hour of the day.¹

Desmond Renata told us about the effect of the flu epidemic at Waikaremoana:

My Mother used to tell us about my great grandfather who would go from house to house to pick up the dead on a horse and sledge. He would go past at night. People were frightened to leave their homes. People were afraid to go and help him with handling the dead.²

1. Te Paea interviewed in Sissons, *Te Waimana* (doc B23), p 258

2. Desmond Renata, brief of evidence, 22 November 2004 (doc I24), p 12

Judith Binney examined death registers kept by the Presbyterian Mission at Maungapohatu from 1924 to 1936, and found that there was a very high mortality rate, especially for young children. Between 1924 and 1930, she found that there were 64 births, and 18 deaths of children aged under four years. Of 28 adult deaths between 1924 and 1936, a quarter were attributed to tuberculosis.⁵⁴

Despite this, mortality rates were decreasing, and the decrease combined with a high birth rate seems to have led to a substantial increase in the Maori population of Te Urewera from the mid-1920s.⁵⁵ Census figures were now more reliable than in earlier decades, and showed that the Maori population of Whakatane County increased by about 60 per cent between 1926 and 1945.⁵⁶ Figures for smaller areas are less reliable, however, so it is difficult to know the extent to which the Maori population of Te Urewera increased during this time. The picture is further complicated by migration out of and within Whakatane County, which reduced the

54. Binney, 'Maungapohatu Revisited' (doc A128), pp 376, 384

55. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1050–1051, 1673

56. Census and Statistics Office *Population Census, 1926*, vol 14, p 15; Census and Statistics Department, *Dominion of New Zealand Population Census, 1936*, 13 vols (Wellington: Government Printer, 1937), vol 1, p 50; Census and Statistics Department *New Zealand Population Census, 1945*, 11 vols (Wellington: Census and Statistics Department, 1947), vol 1, p 5

populations of some areas and increased those of others, regardless of mortality and birth rates.

The population increase occurred despite continued poor living conditions. Rano (Bert) Messent told us that when he was a child in 1930s Murupara, ‘most children had no foot wear and our clothing was rather shabby and thin.’⁵⁷ After potato blight struck in the summer of 1932–33, the *Rotorua Morning Post* reported that, with their ‘main source of food supply ruined by blight’, Maori at Ruatahuna were faced with

actual starvation this coming winter, unless some means are found to enable them to earn sufficient money to tide them over . . . It is an absolute fact that last winter season children arrived at school without having had anything to eat since the previous evening. And this when the ground was a foot deep in snow, and the bitter winter wind was whistling through the ragged clothing, which was all that they had to cover them. They have streams to wade through too before they can get to school, insufficiently clad and chilled with the icy water dragging their numbed feet through the snow to sit shivering through hours of school . . . With their ruined crops, and a bitter winter before them, the future of the Ruatahuna Maori looks black. Surely some loosening of the Unemployment Board’s purse strings can be made to permit of these families being allowed to live.⁵⁸

Perhaps the worst affected area was that near Waikaremoana, where Maori experienced food shortages, a lack of clothing, limited or non-existent income, extremely poor housing conditions, and outbreaks of influenza.⁵⁹ Nina Buxton described how her family lived temporarily in a basic shelter next to the Kokako school from 1938. They erected a lean-to, which became the kitchen, and slept in a tent, on a bed of bracken ferns that they covered with canvas. She described an unexpected visit from her ‘Nanny Puhina’, from Ruatoki: ‘When she saw the conditions we were living in she took the baby and we never saw him again until he was ten years old.’⁶⁰ This area was the first in the district to be connected to the electrical grid, after the hydro works were built nearby. However, the poverty of the community there meant that few could afford to pay the bills, and some ended up in serious debt.⁶¹

Employment prospects at Te Kuha, near Waikaremoana, were considered so bad that in 1940 the registrar of the Gisborne Native Land Court proposed that

57. Rano (Bert) Messent, brief of evidence, 9 August 2004 (doc F12), p 2

58. *Rotorua Morning Post*, 25 February 1933 (Tuawhenua Research Team, ‘Te Manawa o te Ika, Part Two’ (doc D2), pp 273–274)

59. Vincent O’Malley, ‘The Crown’s Acquisition of the Waikaremoana Block, 1921–25’ (commissioned research report, Tuai: Panekire Tribal Trust Board, 1996) (doc A50), pp 136–143; Tony Walzl, ‘Waikaremoana: Tourism, Conservation and Hydro-Electricity (1870–1970)’ (commissioned research report, Wellington: Waitangi Tribunal, 2002) (doc A73), pp 228–232; Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), pp 1647–1649

60. Nina Buxton, brief of evidence, 11 October 2004 (doc H54), p 4

61. Walzl, ‘Waikaremoana’ (doc A73), p 228

the residents be relocated, citing a lack of arable land at the settlements and of other work nearby.⁶² Unemployment had long been widespread throughout the district. Missionaries at Waiohau in the 1920s reported that nearly all the Ngati Haka Patuheuheu men there were looking for work outside the district, presumably because none was available nearby.⁶³ Although this was probably common around the district at this time, most of the evidence we heard on unemployment related to the Depression of the 1930s, or more recently. For example, in 1931 very high rates of unemployment were reported in Ruatahuna and in Rangitahi, near Murupara.⁶⁴ In 1936, Government officials MJ Galvin and TP Shepherd recommended that 'some more permanent livelihood' must be found for those living in Maungapohatu 'if they are to survive'.⁶⁵ The best employment prospects were at Te Whaiti, where private and State-owned timber mills operated from 1928.⁶⁶ Maori and Pakeha alike moved to the town, which experienced a four-fold increase in population between 1926 and 1936.⁶⁷ However, work there was still sometimes short during the Depression, and in 1931 and 1932 Te Whaiti residents were among those asking for unemployment relief work.⁶⁸

The national economy began to improve from the mid-1930s, but many Te Urewera communities saw little change. Ngati Ruapani near Waikaremoana were still in 'distressingly poor circumstances' in 1935, according to Judge Carr.⁶⁹ There was flooding the next year, causing the potato crops which made up their core food supply to rot. Maria Waiwai told us that 'We still needed to eat, so we would harvest the rotten potatoes. We'd put them in the Lake to rot them further, then hang them from the trees to drain. Later we made them into fritters fried in pork fat'.⁷⁰ Throughout the district, water supplies were unreliable and unsafe. In 1935, it was reported: 'The settlements of Mataatua, Tatahoata and Umuaroa [*sic*] are

62. Thompson, Registrar, Native Land Court, Gisborne to Under-Secretary, Native Department, 21 September 1940 (Vincent O'Malley, comp, supporting papers to 'The Crown's Acquisition of the Waikaremoana Block, 1921-25' (doc A50(c)), p755)

63. Rose, 'A People Dispossessed' (doc A119), pp188-192

64. Kori Katene to Apirana Ngata, Minister of Native Affairs, 16 January 1931 (Heather Bassett and Richard Kay, comps, supporting papers to 'Ngati Manawa and the Crown, c1927-2003' (doc C13(a)), p865)

65. MJ Galvin and TP Shepherd, report, MA 13/92, Archives New Zealand, Wellington (Evelyn Stokes, J Wharehuia Milroy, and Hirini Melbourne, *Te Urewera Nga Iwi Te Whenua Te Ngahere People, Land and Forests of Te Urewera* (Hamilton: University of Waikato, 1986) (doc A111), p162; Shepherd and Galvin to Under-Secretary for Lands, 'Urewera District Lands (Interim Report)', [May-June 1936], p6 (SKL Campbell, 'Urewera Overview Project Four: Te Urewera National Park 1952-75' (commissioned research report, Wellington: Crown Forestry Rental Trust, 1999) (doc A60(a)), p52)

66. Best, Native Sanitary Inspector, to Pomare, 20 February 1906, AJHR, 1906, H-31, 1906, p75

67. Between 1926 and 1936, the population of Te Whaiti rose from 86 Maori and four non-Maori to 226 Maori and 180 non-Maori: Census and Statistics Office, *Population Census, 1926*, vol 1, p56 and vol 12, p32; Census and Statistics Department, *Population Census, 1936*, vol 1, p50.

68. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp339-340

69. Carr to Registrar, Gisborne, 21 August 1935 (O'Malley, 'Waikaremoana' (doc A50), p145). W Pitt from the Native Department also said they were 'in very poor circumstances' in 1935: Pitt to Registrar, Gisborne, 22 October 1935 (O'Malley, 'Waikaremoana' (doc A50), p148).

70. Maria Whakatiki Tahu Waiwai, brief of evidence, no date (doc H18), p11

very badly off for fresh clean water, the Health Department having condemned the supply in two instances. Good supplies can only be got by going up to springs in the hillsides.⁷¹

Serious illness was still common: for example, an outbreak of measles which affected children throughout Te Urewera in 1938 and 1939.⁷² The Medical Officer of Health estimated that 50 per cent of children in the East Cape health district, which included Te Urewera, had been affected. Complications were numerous and severe, including 100 cases of pneumonia leading to 24 deaths, four cases of encephalitis with one death, and many cases of conjunctivitis, as well as pleurisy, jaundice, strabismus (an eye disorder), and nephritis.⁷³ A 1939 study also found syphilis to be widespread.⁷⁴

23.3.3 Housing and health in the 1930s and 1940s

The amount of information about housing in Te Urewera increases substantially from the late 1930s. This was not because of any change in conditions, but rather because this was when many of our older claimant witnesses were children, and also when the Crown became more interested in Maori housing. One of the few groups for whom we have earlier information, Ngati Ruapani, continued to live in very poor conditions into the early 1940s.⁷⁵ Things were little better at Ruatahuna, where the housing was also described as very poor quality.⁷⁶ At Ruatoki, a land development scheme had included provision of housing for unit occupiers, but this had not eliminated substandard accommodation. In 1945, the development scheme houses were described as 'hovels', and in 1952 a medical student noted that the majority of the houses at Ruatoki were of a low standard, with many having mud floors, only one or two rooms, no bathrooms or kitchens, and no piped water.⁷⁷

71. John Dickin to Registrar, Waiariki District Maori Land Board, 30 December 1935 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(HH)), p 127)

72. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1647. Maungapohatu was the only area for which no evidence of an epidemic was found in the reports from teachers and principals.

73. Medical Officer of Health LS Davis, 'East Cape Health District: Annual Report 1938', type-script, 3 April 1939, H 1 172/21/68 12208, Archives New Zealand (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(EE)), pp 66–71); Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1652

74. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1666–1667

75. O'Malley, 'Waikaremoana' (doc A50), pp 145–153; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1941–1942; Waiwai, brief of evidence (doc H18), p 12

76. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 307; Temuera Morrison to Registrar, [1945] (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(KK)), p 42); see also William Te Rangiaua Temara, brief of evidence, 21 June 2004 (doc E10), p 12

77. Sub-provincial secretary, Bay of Plenty Sub-Province, New Zealand Farmers' Union, to Minister of Native Affairs, 30 August 1945 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(KK)), pp 25–26); Mason, to sub-provincial secretary, 7 September 1945 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(KK)), pp 28–29); Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1952

Kaa Kathleen Williams and her family lived in a cave at Painoaiho in Murupara during the early 1940s. She gave the following account of their home there:

It had a roof and the floor was hard black earth. My mother swept it clean with a Manuka broom then she laid flax mats over it and covered parts of the walls. At night flax mats were hung at the entrance to keep out the wind. Our beds were made by piling up fern fronds covering them with flax mats and sacking and blankets were laid on top of that. They were warm and comfortable. The eating table was a covered box with no chairs. The fire for cooking was lit outside. Old cleaned out kerosene tins held water and luckily a spring well was close by with fresh pure water. My mother's foster parents had put an eel in it to keep the well clean. They said that if we killed the eel the well will dry up. The well is still there today but I don't know about the eel.

We all went to Rangitahi School from that cave by walking through the paddocks barefooted. The teachers and the other children did not believe we lived in a cave. To us it was a wonderful home, warm and cosy. It wasn't until we looked back at it and thought 'Wow that was living in poverty.' [Emphasis in original.]⁷⁸

While Ms Williams' situation was extreme and unusual, most Maori families in the Murupara-Rangitahi area were still living in substandard accommodation in 1950.⁷⁹ At Te Waiiti near Ruatahuna, the housing was described in 1937 as 'not fit for a human to live in.'⁸⁰ In 1945, William Te Rangiua (Pou) Temara of Tuhoe was living in a 'comfortable' but 'very small' house with an earthen floor, bark roof and bracken bedding.⁸¹

Even in Te Whaiti, where the timber industry provided relatively high employment, there were still many socio-economic problems. Timber companies supplied houses for their workers, but they were described as 'damp, draughty, and unsanitary slum dwellings'.⁸² A Department of Labour report of 1944 investigated the private housing provided by Wilson Timber Mills in Te Whaiti, and described in detail the conditions of some houses. For example:

No 32: Mr P Taylor (Maori). Two-roomed shack, no washhouse or bathing facilities. Roof is not weather-proof, walls lined with T&G [tongue and groove]. No drainage and storm and waste water is left to disappear in its own time. Closet [toilet] 12 yds distant. This place should be condemned. Two of the children are to go to hospital on account of pneumonia and continued colds.⁸³

78. Kaa Kathleen Williams, brief of evidence, 14 March 2004 (doc C16), p 37

79. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1951

80. Rewi Petera to Michael Savage, Native Minister, 2 January 1937 (Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 306)

81. Temara, brief of evidence (doc E10), p 12

82. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 456

83. J A Suiter, 'Investigation as to Conditions at Wilson's Sawmill, Te Whaiti, on Wednesday, 26th January, 1944' (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 458-459)

The overwhelming majority of the houses designated as being unfit for human habitation had Maori occupants.⁸⁴

Sanitary provisions were generally also substandard. In his report on housing in the Whakatane district during the 1945 to 1955 period, Sanitary and Building Inspector RD Stirling noted that 'a large number of the Maori people in this district are living under deplorable conditions'. He identified overcrowding, a lack of drainage and sanitary connections, dubious water supplies, open pit privies, and homes in disrepair, as the main problems.⁸⁵ Rubbish disposal was also a problem throughout the 1930s and 1940s; Murton notes that most people dug pits and covered the rubbish with soil, or left the rubbish uncovered.⁸⁶ Some improvements were made; from the late 1930s, communities were able to apply for funds to improve sewage disposal and water supplies, and many did so. For example, a large water reticulation system was built at Ruatoki in 1937.⁸⁷ From 1946, houses built by the Department of Native Affairs adhered to the national building code, meaning that they had to be fitted with flush toilets or septic tanks, drinking water supplies, bathrooms, and wash houses.⁸⁸

There were still epidemics in the 1940s: of syphilis in 1943, and poliomyelitis across Te Urewera in 1947–48.⁸⁹ According to information supplied by school teachers and the Department of Health about local epidemics, Te Whaiti experienced the worst health conditions of all Te Urewera communities from 1930 to 1948, with its residents suffering 10 outbreaks of influenza, two each of measles, chickenpox, mumps, whooping cough, and polio, and one of typhoid in that period.⁹⁰ From about the 1950s onwards, however, infectious disease became less common and less serious throughout Te Urewera and New Zealand generally, although Maori continued to contract and die of infectious disease at higher rates than Pakeha.⁹¹ As infectious disease declined, degenerative diseases such as coronary heart disease, strokes, and cancer became the main causes of death among Maori.⁹²

Poor dental health was also a problem in some communities. A high incidence of gingivitis among children was observed by the principal dental officer at Te

84. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 458

85. RD Stirling, 'Report on Sub-Standard Maori Dwellings, Whakatane County', 22 June 1955 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(11)), p 41). Areas within the inquiry district that were covered by the survey are Ruatoki, Matahi, Waimana, Tanatana, Waiohau, and Murupara.

86. Brian Murton, summary of 'The Crown and the Peoples of Te Urewera, 1860–c2000: The Economic and Social Experience of a People', no date (doc J1), p 42

87. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1877–1881; Murton, summary of 'The Crown and the Peoples of Te Urewera' (doc J1), p 41

88. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1872–1873

89. Ibid, pp 1649, 1668

90. Ibid, pp 1647–1649

91. EW Pomare, *Maori Standards of Health, 1995–1977* (Auckland: Medical Research Council of New Zealand, 1980) (Murton, The Crown and the Peoples of Te Urewera (doc H12), pp 1674–1675)

92. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1673. Children under five years were excluded from the study.

Whaiti in 1948.⁹³ In Ruatahuna the local medical practitioner, Dr North, issued several warnings about the teeth of the children at Huiarau School in the mid- to late 1940s, and in 1949 the district health nurse commented that the state of the children's teeth 'must be unique in New Zealand for the percentage of gingivitis and dental caries [cavities]'.⁹⁴

Ill health, poverty, and bad housing made life hard for Te Urewera communities in the early and mid-twentieth century. However, there were also positive aspects. In particular, claimant witnesses from all over Te Urewera told us of the benefits of growing up in an area where their ancestral culture and language were still strong, as were whanau and hapu ties. Kahui Ana Doherty, who was a child in the 1940s, said the most important thing from those times was 'he mahi whakakotahi i nga whamere katoa o Te Whaiti', or how all the families of Te Whaiti worked together.⁹⁵ Te Tuhi Hune also described growing up in Te Whaiti in the late 1930s: 'Our first language was Te Reo Tuhoe . . . We were always at the marae, whatever was on, whatever needed doing, you would always find us there.'⁹⁶ Timoti Karetu, who grew up at Waimako, said 'The original language spoken here was Maori, which extended out towards Ruatahuna, Waiohau, Ruatoki and Te Waimana Kaaku. The vitality of Maori customs and the Maori spirit . . . was very much alive.'⁹⁷ Charles Manahi Cotter of Rangiahua described how the traditional system of having tohunga, or experts in particular fields, meant that community members relied on one another for help. He said, 'our people were all links in the chain . . . Each ensured the general well being of the community as a whole.'⁹⁸

23.3.4 The timber industry and migration

An important development came in the 1940s, when the Te Urewera timber industry began to expand substantially; a pulp and paper mill opened at Kawerau, and the development of the logging, pulp and paper industry there and at Murupara and Kaingaroa created many new jobs.⁹⁹ The expansion of Minginui and Murupara, with new housing and services for forestry workers, and projects associated with hydro-electricity development at Waikaremoana, brought employment and better living conditions to Maori in the southern and western margins of Te Urewera during the 1950s and 1960s.¹⁰⁰ In other parts of Te Urewera, however, economic prospects stagnated or declined, resulting in continued poor living conditions and migration out of rural communities to the towns fringing Te Urewera, and further afield.¹⁰¹

93. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1711

94. MD Ambercombe, district health nurse, to medical officer of health, Gisborne, 4 March 1949 (Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 382)

95. Kahui Ana Doherty, brief of evidence, 6 September 2004 (doc G17), p 6

96. Hune, brief of evidence, 6 September 2004 (doc G15), p 4

97. Timoti Karetu, brief of evidence, 18 October 2004 (doc H50), p 3

98. Charles Manahi Cotter, brief of evidence, no date (doc I25), p 24

99. Murton, 'Summary of evidence of Brian Murton: Stage Three' (doc J10), p 64. Note that Kawerau and Kaingaroa are just outside of the inquiry district.

100. Murton, summary of 'The Crown and the Peoples of Te Urewera' (doc J1), p 31

101. Murton, 'Summary of evidence of Brian Murton: Stage Three' (doc J10), p 63

Few places underwent greater change than Murupara and Minginui. Between 1936 and 1951, the Murupara population rose from 453 to 643, although the proportion who were Maori stayed steady at around half. The increase was partly because of general population growth, but also because of the opportunities provided by the Kaingaroa forest and Galatea dairy farming industry, both nearby. In the 1950s, the Government and private business both substantially expanded their forestry operations in the area. Murupara became a major base for both private and State logging operations, and the railhead for Kaingaroa Forest. As a result, by 1961 the population of Murupara and its vicinity (including Rangitahi Pa) had tripled to 1,929, and by 1971 it had increased to 3,068, with Maori making up 60 per cent of the population.¹⁰² Douglas Rewi described how Murupara became a town 'overnight'.¹⁰³ Nearby Minginui was also transformed after it was turned into a 'model village' forestry town in 1948, and its total population rose from 41 in 1945 to a peak of 448 in 1961.¹⁰⁴

We have seen that Te Whaiti had already experienced significant timber industry-driven growth from the late 1920s. This peaked in 1945, with Te Whaiti and its vicinity, combined with nearby Ngaputahi, having a total population of 463, of whom two-thirds were Maori.¹⁰⁵ In the following decade, three mills closed in Te Whaiti and many residents appear to have left for nearby Minginui.¹⁰⁶ By 1981, the last year for which Te Whaiti census data is available, the total population had fallen to 85. We do not know what percentage of this total was Maori, but Pakeha residents had started leaving early; their population peaked in 1936, compared to 1945 for Maori.¹⁰⁷

Other Te Urewera communities lost population from the middle of the century. The lower Whakatane–Ohinemataroa River valley area is the site of Hanamahihi, one of the original Te Urewera settlements founded hundreds of years ago by Tawhaki. Both it and neighbouring kainga were slowly abandoned as their inhabitants moved down the valley to Ruatoki.¹⁰⁸ Menu Ripia, whose family farmed at

102. Census and Statistics Department, *Census of Population, 1936*, vol 1, p1 50; Census and Statistics Department, *New Zealand Census of Population, 1951*, 8 vols (Wellington: Government Printer, 1951), vol 1, p90; Department of Statistics, *Population Census, 1961*, 10 vols (Wellington: Government Printer, 1991), vol 1, pp35, 55; Department of Statistics, *New Zealand Census of Population and Dwellings, 1971*, 12 vols (Wellington: Department of Statistics, 1972), vol 1, pp39, 64

103. Douglas Te Rangi Kotuku Rewi, brief of evidence, 9 August 2004 (doc F18), p4

104. Census and Statistics Department, *Census of Population, 1945*, vol 1, p49; Department of Statistics, *Population Census, 1961*, vol 1, p55

105. Census and Statistics Department, *Census of Population, 1945*, vol 1, p49

106. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p1984

107. Census and Statistics Department, *Census of Population, 1951*, vol 1, p90; Department of Statistics, *New Zealand Population Census, 1956*, 10 vols (Wellington: Government Printer, 1956), vol 1, p104; Department of Statistics, *Population Census, 1961*, vol 1, p55; Department of Statistics, *New Zealand Census of Population and Dwellings, 1966*, 10 vols (Wellington: Department of Statistics, 1967), vol 1, p44; Department of Statistics, *Census of Population and Dwellings, 1971*, vol 1, p64; Department of Statistics, *New Zealand Census of Population and Dwellings, 1981*, 12 vols (Wellington: Department of Statistics, 1982), vol 1, pt B, p28. Te Whaiti's decline roughly correlates with the increase in the population of nearby Minginui in the 1950s and 1960s, particularly for Maori.

108. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111) p149



Whites Aviation Ltd (ATL, Whites Aviation Collection, WA-38659-F)

A newly developed housing subdivision, Murupara, 1955. As in Minginui, Murupara's population swelled as forestry operations in the area expanded significantly in the 1950s, and the town transformed into a hub of forestry operations on the western fringes of Te Urewera.

Hanamahihi, and Pou Temara, whose family farmed at Waikarewhenua, told us that their farms were abandoned by the 1950s.¹⁰⁹ The communities at Tawhana and Tauwharemanuka, between Waimana and Maungapohatu, declined from an estimated combined population of 52 in 1936 to 11 in 1981.¹¹⁰ Ruatahuna saw some

109. Menu Ripia, brief of evidence, 10 May 2004 (doc D16), pp 3–4; Temara, brief of evidence (doc E10), pp 15–16

110. 1936 figure: 'List of Inhabitants from Tauwharemanuka to Tawhana', Waiariki District Maori Land Board and Native Land Court, Rotorua, 1 June 1936 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(B)), p 37). Of these, Sissons calculates that 30 lived at Tawhana, and 22 at Tauwharemanuka and Otane (just north of Tawhana): Sissons, *Te Waimana* (doc B23) p 275. 1981 figure: Stokes et al calculate that the combined total population of Matahi, Whakarae (Matahi–Tawhana), and Tawhana–Tauwharemanuka was 166 in 1981. We can deduce that, because Matahi had a census population (total) of 88 and because Whakarae's population was 67, Tawhana–Tauwharemanuka had a total population of 11 in 1981: Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111) p 120.

Growing up Outside the Rohe

Alana Burney, a Nga Rauru o Nga Potiki claimant, described the sense of dislocation she and others felt growing up away from their rohe. Her family moved from Ruatoki in 1975 to live in a 'nuclear-based one bedroom whanau home on the North Shore'.¹ Growing up, she said, she had struggled to feel accepted, 'as a Maori in a Pakeha world', and similarly, had felt that she was missing out on Maori, and Tuhoe, culture.² Ms Burney recounted, as an example of her cultural discomfort, a story about her mother showing her class how to cook huhu grubs. She remembered feeling a confusing mix of pride at her mother's knowledge and shame at the 'ooh-ing and yucking and laughing and smirking' that came from the students.³

1. Alana Burney, brief of evidence, 10 January 2005 (doc J14), paras 1, 9

2. Ibid, paras 8, 12

3. Ibid, para 12

increase in population in the post war years, peaking at 467 in 1961, of whom 423 were Maori. After that, the numbers declined to 210 in 1981.¹¹¹ A 1958 study showed that many migrants from Ruatahuna left to find work in the timber towns in and near the inquiry district, although others went further afield.¹¹²

Migration impacted on those who left and on the places they left behind. In 1970, a district welfare officer wrote that 'It is sad to see places which were previously full of people becoming desolated with the attendant problems of desolation on buildings and families.'¹¹³

Alana Burney described the connections she and her family members maintained with their whanau in Ruatoki: 'My mother's heart was here . . . shown in her tears when we'd visit her tipuna at the urupa or driving from the homestead'.¹¹⁴ She told us of 'childhood memories of waking up at Toikairakau, whakairo all around, made me feel stronger as a Tuhoe living in the city, as did the knowledge that we had a home here too, an old homestead that mum made sure to make known to us kids'.¹¹⁵ In the early 1970s Tuhoe in Auckland founded Te Tira Hou Marae in Panmure; Ms Burney's mother was the secretary. There, Ms Burney could play with other Tuhoe children who, like her, could not speak Maori. She said that this

111. Census and Statistics Department, *Population Census, 1936*, vol 1, p 50; Census and Statistics Department, *Population Census, 1945*, vol 1, p 49; Department of Statistics, *Population Census, 1961*, vol 1, p 55; Department of Statistics, *Census of Population and Dwellings, 1981*, vol 1, pt B, p 28; Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 118, 120

112. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 198

113. Murton, 'Summary of evidence of Brian Murton: Stage Three' (doc J10), p 67

114. Alana Burney, brief of evidence, 10 January 2005 (doc J14), para 19

115. Ibid, para 20



Robert Pouwhare

Reina Webster, Tuhoe film and television writer and director. Ms Webster spoke poignantly at Ruatoki in January 2005 with a group of claimants who highlighted the impact of urbanisation; about her 'Eurocentric' urban upbringing and education, and lack of cultural security – too Pakeha to be Maori and too Maori to be Pakeha – and the dislocation of her generation that 'has fallen through the gap'.

'made us feel part and parcel of our iwi – us kids at this Marae were not ostracised for not knowing the reo – it was more that the elders felt sorry for us. I am thankful for Te Tira Hou but it is not enough.'¹¹⁶ Awhina Rangiaho, who affiliates to several Tuhoe hapu, described moving from Maromahue Pa in Waiotaha Valley with her family in the early 1960s, after the Department of Maori Affairs condemned their home: 'Moving to Hastings was like moving to a new country, the language was different, no one spoke Maori, not even Maori and everyone lived like Pakeha.' She told us she and her family felt like 'immigrants in another land.'¹¹⁷ Nor did the migration lead to improved living standards: the whanau often had to choose between paying the power bill and buying food, and Ms Rangiaho's brothers were frequently subject to racist insults from teachers and police. They became 'violent angry adults' who joined gangs, committed violent crime, spent time in prison and, in one case, committed suicide.¹¹⁸

In the communities left behind, standards of living were still low. In 1955, RD Stirling, the Sanitary and Building Inspector for Whakatane, reported that a 'large

116. Burney, brief of evidence (doc J14), para 8

117. Awhina Rangiaho, brief of evidence, 10 January 2005 (doc J15), p 4

118. Ibid, pp 5–6

Standards of Housing in the 1950s and 1960s

Numerous claimant witnesses told us about the housing conditions of the post-war decades. Lenny Mahururangi Te Kaawa grew up at Uwhiarae, near Ruatahuna, in the 1960s. He described living with a family of 13 in a small, old mill house, which would become even busier during the weekends and holidays, when about the same number again of relatives would come and stay:

Although we never complained about our living conditions at the time, we look back now and wonder how our parents ever managed to keep us all.

Mum applied for assistance for a new house because of the condition of the old one, but never received any help from the Government. She never did get her new home. She moved to the old cookhouse at the village in her later years.¹

Korotau Tamiana provided evidence about farming at Ohaua from the 1950s. He described how he and his family lived in a small house made from totara slabs, with one window, a dirt floor, and a fireplace:

Each time we arrived there, we would cut down ferns to lay down under the tarp or bags on half of the house for bedding. The rest of the area was used for cooking and eating. . . .

We did not have plates. We would open tins of condensed milk and then keep them and use them for cups. The old man and old lady had a cup and plate. We used mussel shells for spoons. We would all eat from the same dish; we lacked plates so we shared our kai.²

Menu Ripia described growing up at Hanamahihi, near Ruatoki:

Our house was an open plan – one room – with kitchen and dining at one end, sleeping quarters at the other end. It had a dirt floor.

It was quite a small house, made out of totara slabs, adzed. The slabs were placed in a way to close the gaps between them. The house had an iron roof, had two windows and [an] open fire for cooking, and heating.

Washing was done outside at the spring nearby.

There was always a big whanau staying with us. People staying with us from Ruatoki and Ruatahuna would sleep in tents outside. They would often come to visit and to help with some of the work.³

1. Lenny Mahururangi Te Kaawa, brief of evidence (English), 21 June 2004 (doc E9(a)), p 2

2. Korotau Tamiana, brief of evidence, 10 May 2004 (doc D20), p 5

3. Menu Ripia, brief of evidence, 10 May 2004 (doc D16), p 3

number' of Maori in the northern and western areas of Te Urewera 'are living under deplorable conditions'.¹¹⁹ He noted many houses were small, overcrowded, unlined, unsanitary, without weatherproofing, and in need of repairs.¹²⁰ Surveys of housing conditions undertaken by Maori welfare officers in 1956 found that a large majority of houses at Uwhiarae (near Ruatahuna), Te Whaiti, Waiohau, Rewarewa (near Ruatoki), and Matahi were unsatisfactory, as were all the houses at Ngahina.¹²¹

Given the poor housing conditions prevailing in most parts of Te Urewera, one of the attractions of the Minginui and Murupara forestry towns was the relatively high standard of housing.¹²² Hutton and Neumann note that with the establishment of Minginui in about 1948 'the living standards of those living and working in the valley . . . improved dramatically'.¹²³

23.3.5 Living conditions in the mid-twentieth century

Poor housing is a major contributing factor to ill health, as the Department of Health recognised at the time.¹²⁴ Studies carried out in Ruatahuna in the late 1950s and early 1960s showed that Maori housing there tended to be overcrowded and of poor quality.¹²⁵ Dr Ian Prior, who authored one of the studies, told us that the standard of housing was 'for the most part quite bad' and overcrowded, contributing to the spread of respiratory infections. 'Houses were often in need of repair and repainting and sanitation was often defective.' He noted that impetigo skin lesions were common and smoke from indoor fires was contributing to bronchitis.¹²⁶ Inadequate sanitary facilities and unsafe drinking water also contributed to the spread of bacillary dysentery in the 1950s and early 1960s.¹²⁷ There were reports of unsafe or unreliable drinking water in Murupara and Ruatoki in 1952, and in 1955 the Sanitary and Building Inspector of Whakatane County, RD Stirling, reported that the 'majority [of Maori households surveyed] obtain household water from

119. RD Stirling to county clerk, Whakatane, 22 June 1955, MS 1, box 4, Whakatane Museum, vol 2, p 41 (Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1954). Stirling inspected Maori houses at Ruatoki, Matahi, Waimana, Waiohau, Murupara, and Tanatana.

120. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1952

121. Ibid, p 1956

122. Wakeley Matukuare, brief of evidence, September 2004 (doc G40), p 5

123. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 481

124. 'Inspector's Report on Infectious and Notifiable Disease: Department of Health', 3 October 1950, 5 August 1950, 19 September 1950, 18 January 1957, 21 August 1964 (Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1677–1678)

125. John R McCreary and John Rangihau, *Parents and Children of Ruatahuna: A Report to the People* (Wellington: School of Social Sciences, Victoria University of Wellington, 1958), p 6; Ian Prior, 'A Health Survey in a Rural Maori Community, with Particular Emphasis on the Cardiovascular, Nutritional and Metabolic Findings', *New Zealand Medical Journal*, vol 61, no 359 (July 1962), p 334 (Ian Ambury Miller Prior, comp, attachments to brief of evidence, various dates (doc E14(a)), p 2); M Neave and IAM Prior, 'The Prevalence of Anaemia in Two Maori Communities', *New Zealand Medical Journal*, vol 62, no 365 (January 1963), p 26 (Ian Ambury Miller Prior, comp, attachments to brief of evidence, various dates (doc E14(b)), p 7)

126. Ian Ambury Miller Prior, brief of evidence, 21 June 2004 (doc E14), p 7

127. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1677

very doubtful and dangerous sources. A number of the water points were some distance from the habitation – up to half-a-mile.¹²⁸ Poor health and bad water were among the reasons why Maori continued to be more prone to infectious disease than non-Maori, although both groups experienced huge declines in disease rates over this period.¹²⁹ In the 1950s and 1960s, there were reported cases of bacillary dysentery, meningitis, and infective hepatitis in Te Urewera.¹³⁰

Maori, in Te Urewera and elsewhere, also had disproportionately high rates of degenerative diseases.¹³¹ In the early 1960s, Dr Ian Prior led studies into Maori health in Ruatahuna, finding high rates of obesity, diabetes, rheumatic heart disease and chronic chest disease, and inadequate iron and protein intakes among young children.¹³² Prior told us that the reasons for these high rates of ill health included poverty and its influence on food choices.¹³³ Meanwhile, infant mortality rates among Maori declined from 57 per 1,000 live births in 1954–58 to 30 per 1,000 births in 1964–68. In comparative terms, Maori infant mortality dropped from nearly three times the non-Maori rate in the 1950s to just over twice the non-Maori rate in the 1960s.¹³⁴ We lacked similar information for other parts of Te Urewera, but the Ruatahuna data combined with national Maori health statistics suggest that health conditions were similar throughout the inquiry district.

During the 1970s and early 1980s Maori life expectancy continued to improve, but psychiatric hospital admissions, and lung and breast cancer, became more common among Maori than non-Maori.¹³⁵ Childhood ear infection, sometimes leading to hearing loss, was an ongoing problem in Te Urewera and elsewhere, affecting Maori at a higher rate than Pakeha.¹³⁶ Housing problems also continued. According to the 1981 census, Matahi–Tawhana's population of 166 was housed in just 20 dwellings; so the average occupancy rate was 8.3 people per household. This compared with an average occupancy of 4.5, 4.4, 4.3 and 4.2 respectively in

128. W B Paton, 'The Ruatoki Maoris' (MBCHB thesis, University of Otago, 1952), p 14 (Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1887); R D Stirling, 'Report on Sub-Standard Maori Dwellings, Whakatane County', 22 June 1955 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(11)), p 40). Stirling inspected dwellings in Ruatoki, Waimana, Matahi, Murupara, and Waiohau, as well as others outside the district, including Matata, Te Teko, and Onepu. Of the 50 dwellings inspected, 27 were in Te Urewera.

129. Murton, summary of 'The Crown and the People of Te Urewera' (doc J1), p 38

130. 'Inspector's Report on Infectious and Notifiable Disease: Department of Health', 3 October 1950, 5 August 1950, 19 September 1950, 18 January 1957, 21 August 1964 (Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1677–1678)

131. Eru W Pomare, *Maori Standards of Health: A Study of the 20 Year Period 1955–75 – A Report Prepared for the Medical Research Council of New Zealand* (Wellington: Medical Research Council of New Zealand, 1980)

132. Prior, 'A Health Survey' (Prior, attachments to brief of evidence (doc E14(a))); Ian Prior, 'The Prevalence of Anaemia in Two Maori Communities', 1962 (Prior, attachments to brief of evidence (doc E14(b))), pp 7–8). The first study had a high level of participation: 99 per cent of the population of 491 people took part.

133. Prior, brief of evidence (doc E14), p 5

134. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1675

135. Ibid, p 1690

136. Ibid, p 1687

The Impact of the Timber Industry on the Murupara Community

Douglas Rewi told us about the changes the timber industry brought to Murupara and the hapu and iwi of Te Urewera:

Prior to 1986 when the Forestry Corporation closed down it was a good time for people. There was never a shortage of work from private Native Timber operations through to the Forestry Service, the Ministry of Works and work in the nearby Kaingaroa Forest. There was always work for the people to rely on. There was work for not only Ngati Whare but also Ngati Manawa, Tuhoe, Ngati Haka Patuheuheu. Everyone worked together no matter what hapu they were from.¹

Mr Rewi went on:

1. Douglas Rewi, brief of evidence, September 2004 (doc G37), p 14

Murupara, Waimana, Ruatoki, and Ruatahuna. All the Te Urewera communities were above the average occupancy rate for the Whakatane district, which was 3.5.¹³⁷ In Murupara, almost 80 per cent of homes were rented, compared with a national average of 27 per cent.¹³⁸ The same year, a rural housing survey identified 'a substantial number of substandard dwellings' lacking essential facilities in Waiohau, Waimana, Ruatoki, Murupara, Ruatahuna, and Galatea.¹³⁹ Henry Pryor, the senior community officer for Maori Affairs in Whakatane, noted around this time that many Maori in the Whakatane district, which included Te Urewera, were living in garages and other unsuitable dwellings. This was especially the case for Maori who were young, unemployed, or married with children.¹⁴⁰

There was significant variation in the quality of life in different parts of Te Urewera. In particular, the forestry industry directly and indirectly provided jobs for many residents of Murupara and Minginui, while the hydro electric power industry did the same for the Waikaremoana area. Consequently, these areas enjoyed much higher rates of employment and lower rates of poverty than other settlements in the district. We note, however, that these figures are for the total population, and it seems probable that Maori in these areas, particularly Waikaremoana, were more likely to be unemployed than their Pakeha neighbours.

137. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 120, 268

138. *Ibid*, p 268

139. W W Downes, Regional Building Supervisor, "Sub Standard Homes: Rural Housing Survey, '21 June 1982 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a) (NN)), pp 7-9); Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 2019

140. 'Need to Change Rules and Make Money Available', *Whakatane Beacon*, [1982] (Murton supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(NN)), p 71)

The forestry industry gave a sense of unity to the community. . . .

The decades following the start of the forestry industry meant a prosperous and happy period for Murupara and Ngati Manawa, but it was all ultimately dependent on the Crown involvement in forestry . . . Forest work was easy to come by, however, like every town that has a quick influx of people in a short period of time, it brings with it its downfalls.

It was common for a number of workers to visit the local hotel and consume a great quantity of alcohol in a very short time. It was also common for alcohol to be brought and taken to homes where parties would continue late into the night. It was a common sight to see young children gathered outside the hotel waiting for their parents to take them home.²

2. Douglas Rewi, brief of evidence, 9 August 2004 (doc F18), pp 6, 9

In the early to mid-1980s, when the national unemployment rate averaged about 4 per cent, the rate in Waimana was 12 per cent, in Ruatahuna 17 per cent, and in Ruatoki 29 per cent. In the Minginui–Te Whaiti and Waikaremoana areas, by contrast, unemployment was at about the national average.¹⁴¹ In Minginui–Te Whaiti and the Waikaremoana area, around 43 per cent of the total population had at least some income, compared to just under a third in Waimana and Ruatahuna, and less than a fifth in Ruatoki.¹⁴² Claimant witnesses fondly recalled the quality of life in Minginui and Murupara during this time. Mereru Mason told us that Minginui was a ‘hustling and bustling town’ and that, from the 1960s to the early 1980s, it was ‘thriving’.¹⁴³ The small village had a general store, a post office, a community hall, a church, a working men’s club, a volunteer fire brigade, and several sports teams. The fire brigade and women’s golf team won national competitions.¹⁴⁴

141. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 124–127. Stokes, Milroy, and Melbourne indicated it was difficult to calculate the exact unemployment rate in Te Urewera, given incomplete data and difficulties of definition. This, together with the fact that those unemployed in places such as Ruatoki found it difficult to register as unemployed (as it required a trip to Whakatane and there was no public transport) means that the levels of unemployment and underemployment were underestimated. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 126–127. The percentages used here are calculated by dividing the number of unemployed by the number of employed plus unemployed.

142. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 131

143. Mereru Mason, brief of evidence, September 2004 (doc G41), p 3

144. Matukuare, brief of evidence (doc G40) p 3; William Eketone, brief of evidence, September 2004 (doc G29), p 3; Mason, brief of evidence (doc G41), p 5; Hutton and Neumann, ‘Ngati Whare and the Crown’ (doc A28), p 746

Ruatoki, meanwhile, was beginning to experience a downturn in employment. For many years it was the largest Maori community in Te Urewera, overtaken by Murupara only in 1961. As we saw earlier, in the early twentieth century it was also one of the more prosperous parts of the district, due mostly to the dairy industry. However, 1964 saw the closure of the dairy factory, which had been Ruatoki's major employer since it opened in 1908.¹⁴⁵ By the early 1980s, many residents had left, and nearly a third of those who remained were dependent on welfare benefits.¹⁴⁶

Although the Maori residents of Murupara, Minginui, and perhaps Waikaremoana were better off than those in other parts of Te Urewera, their well-being was always precarious. When unemployment became more common in the late 1960s, on a national level Maori were disproportionately likely to be without work, with Maori men being four to six times more likely to be unemployed than non-Maori men.¹⁴⁷ The Maori female unemployment rate was 11 times that of non-Maori women, although high rates of non-participation in the paid workforce make comparison difficult.¹⁴⁸ As the national economy deteriorated over the 1970s, unemployment increased. Te Urewera, with its almost total dependence on the timber, farming, and power industries, was particularly vulnerable. By 1977, the timber and paper plants at Kawerau and Whakatane had stopped hiring new staff, and the effect was felt in the retail and service sector. Some new processing and manufacturing jobs became available, but local unemployment rates were increased by the return of people who had been living in the main centres.¹⁴⁹

23.3.6 Economic decline and social problems

From about the early 1980s, and for a variety of reasons discussed below and in chapter 18, the timber industry began to decline.¹⁵⁰ In response, private logging companies began to 'rationalise' their operations, resulting in the loss of at least 255 jobs around Murupara over five years.¹⁵¹ In 1987, the Forestry Corporation was turned into a State-owned enterprise and dramatically reduced its workforce.¹⁵² Douglas Rewi estimated that from the mid- to late 1980s 'approximately 60% of forestry workers – many Maori, many Ngati Manawa – lost their jobs.'¹⁵³ Mr Rewi and Margaret Herbert detailed the effects from this, including widespread stress, worry, depression, alcoholism and crime, the closure of many shops, the loss of services, especially health services such as the small maternity hospital, and the

145. Oliver, 'Ruatoki Block report' (doc A6) p199

146. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp118, 120, 125, 132, 144

147. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp1147, 1151

148. *Ibid*, p1151

149. *Ibid*, pp1155–1156

150. Tony Walzl, 'Maori and Forestry (Taupo–Rotorua–Kaingaroa) (1890–1990)' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004) (Wai 1200 RO1, doc A80), p749

151. *New Zealand Herald*, 11 September 1986 (Heather Bassett and Richard Kay, 'Ngati Manawa and the Crown, c1927–2003' (commissioned overview report, Wellington: Crown Forestry Rental Trust, 2004) (doc C13), pp176–177)

152. Walzl, 'Maori and Forestry' (Wai 1200 RO1, doc A80), pp746, 838; Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp738, 740

153. Rewi, brief of evidence (doc F18), pp10–12

loss of purpose and unity in the community.¹⁵⁴ Many people left the area in search of work.¹⁵⁵

Even before the Forestry Corporation layoffs, it was clear that major changes were taking place. In their 1986 study of Te Urewera, Stokes, Milroy, and Melbourne wrote:

the strong impression is that the trends identified in this report – high unemployment rates, particularly among women and young people, overcrowded, substandard housing, low incomes and difficulties in relating these to rising prices, few job opportunities, poor access to health, education and welfare services which are centred in towns outside Te Urewera – are all increasing in intensity, such that the viability of these communities is under threat.¹⁵⁶

A police report, from the same year, about the greater Murupara area (including Minginui and Ruatahuna) explicitly noted the links between mushrooming unemployment and a host of social and community problems:

There is reason to believe that at the personal level unemployment has brought a host of attendant problems, including ill-health, psychological disturbance, delinquency, criminality and other malfunctions that can be broadly classified as personal, family and social breakdown.¹⁵⁷

Symptoms of this breakdown were the prominence of gangs, alcohol and drug abuse, public drinking, absenteeism from work, vandalism, burglary, theft, and other crimes.¹⁵⁸ '[The] Police sense a feeling of hopelessness from within the community, brought on by falling employment and a feeling it will get worse, poor social attitudes and the diminishing lack of community spirit.'¹⁵⁹ Similarly, a 1987 survey of Murupara indicated that 'morale is low, [and] the outlook is bleak unless there is a major development in the town.'¹⁶⁰

We have seen that the tangata whenua of Te Urewera had been leaving the district for decades. Because recording of iwi affiliation in the census only resumed in 1991, we do not know when the peak period of this migration was, or the extent to which it later slowed or reversed.¹⁶¹ What is clear, however, is that the vast majority of people whose ancestral rohe is Te Urewera were not living there at the time of our hearings. The 2006 census showed that only 15 per cent of Tuhoe lived in

154. Ibid, pp 9–13; Margaret Marino Herbert, brief of evidence, 11 August 2004 (doc F30), pp 4–5

155. Ben Mitai, brief of evidence, 9 August 2004 (doc F13), p 8

156. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 368

157. 'Murupara from a Police Perspective', 30 July 1986, p 2 (Bassett and Kay, supporting papers to 'Ngati Manawa and the Crown' (doc C13(a)), p 522)

158. Ibid, pp 1–5 (pp 521–525)

159. Ibid, p 5 (p 525)

160. Mark Collet, 'Murupara Survey – May 1987' (Bassett and Kay, supporting papers to 'Ngati Manawa and the Crown' (doc C13(a)), p 495)

161. Census authorities had stopped recording iwi affiliation after the 1901 census.

the Whakatane district, and only 6.4 per cent lived in the core Te Urewera census area units of Matahina-Minginui, Waimana, Urewera, and Murupara. For Ngati Manawa, the figures were 27 per cent in Whakatane and 23 per cent in the core census area units, while for Ngati Whare it was 23 per cent and 19 per cent.¹⁶²

One of the factors behind the migration, especially in recent decades, was high unemployment in all parts of Te Urewera. A household survey in Minginui found that 51 per cent of respondents were registered as unemployed in 1987, and in 1988, after further job losses, the village experienced near total unemployment of 94 per cent.¹⁶³ A survey of Murupara in 1987 found that 62 per cent of adults were unemployed.¹⁶⁴ A Ruatahuna study in 1987 and 1988 found that 35 per cent of the working age total population were unemployed. The study also found a high level of underemployment.¹⁶⁵ Since at least 1991, unemployment has been much higher in Te Urewera than for New Zealand as a whole. In 1996, for example, the national unemployment rate was 7.7 per cent, compared to 19.3 per cent in Waimana and 26.9 per cent in once-prosperous Murupara. Ten years later, the national rate had dropped to 5.1 per cent, but was still at 11.4 in Waimana and 17.9 per cent in Murupara (see table 23.1).¹⁶⁶ Since Maori in general were disproportionately likely to be unemployed, the rates of Maori unemployment in these areas would have been even higher. In Whakatane district, for example, the Maori unemployment rate was 26.1 per cent in 1996, 24.8 per cent in 2001, and 16.7 per cent in 2006.¹⁶⁷

One of the most useful tools for determining levels of deprivation in a community is the deprivation index developed by Otago University, and widely used by

162. Statistics New Zealand, 'Iwi (Total Responses) for the Maori Descent Census Usually Resident Population Count, 2006', http://www.stats.govt.nz/tools_and_services/tools/nzdotstat/2006-census-pop-dwellings-tables/culture-and-identity/iwi.aspx, accessed 2 August 2013

163. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 742; M James, for Secretary of Treasury, 'The Future of Minginui', 22 September 1988 (John Hutton and Klaus Neumann, comp, supporting papers for 'Ngati Whare and the Crown, 1880-1999', various dates (doc A28(b)), p 188). The figure of 94 per cent is the percentage of the workforce unemployed; it is not clear whether this was the case for the figure of 51 per cent, or whether it was a percentage of the total adult population.

164. Mark Collet, 'Murupara Survey - May 1987' (Bassett and Kay, supporting papers to 'Ngati Manawa and the Crown' (doc C13(a)), p 492)

165. Bryan Poulin and Brenda Tahi, *A Study on Community Services and Development for Ruatahuna* (Hamilton: Management Development Centre, University of Waikato, 1991) pp 45, 52 (Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 570)

166. Department of Statistics, 1991 *New Zealand Census of Population and Dwellings: Waikato/Bay of Plenty Regional Report* (Wellington: Department of Statistics, 1992), p 154; 'Quick Stats About a Place', Statistics New Zealand, <http://www.stats.govt.nz/Census/2006CensusHomePage/QuickStats/AboutAPlace.aspx>, accessed 18 June 2015; Statistics New Zealand, 'Census96 Hawke's Bay Region Standard Regional Tables', Excel spreadsheet (Wellington: Statistics New Zealand, September 2001), <http://www.stats.govt.nz/census96/standard-regional-tables/hawkes-bay-region/census96-hawkes-bay-region-standard-regional-tables.xls>, tbl 15

167. Statistics New Zealand, *Whakatane District (Census 96) (1996 Census of Population and Dwellings)* (Wellington: Statistics New Zealand, [1996]); 'Whakatane District Census 2001', Statistics New Zealand, <http://www2stats.govt.nz/domino/external/pasfull/pasfull.nsf/web/Brochure+Whakatane+District+Census+2001+Area+data?open>, accessed 18 June 2015; 'Quick Stats About a Place', Statistics New Zealand, <http://www.stats.govt.nz/Census/2006CensusHomePage/QuickStats/AboutAPlace.aspx>, accessed 18 June 2015

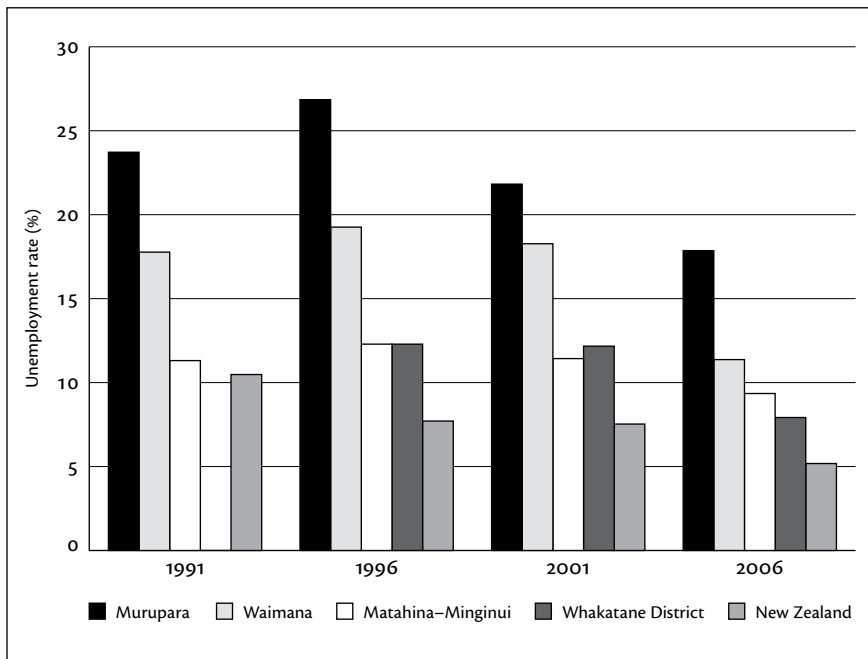


Table 23.1: Unemployment rates in Te Urewera census areas, 1991–2006. Figures for the Whakatane district were not available for 1991.

Crown agencies. Census data on factors such as income level, receipt of a means-tested benefit, unemployment, qualifications, living space, and car and telephone access are used to calculate deprivation 'scores' for specific areas. Areas are then grouped into 10 deciles, ranked from most to least deprived. Therefore a census area with a decile score of 10 is among the most deprived 10 per cent of places in New Zealand.¹⁶⁸ In every census year from 1991 to 2006, the Murupara, Urewera, and Waimana areas were rated at 10 on the deprivation index, while Matahina-Minginui was rated at nine in 1991 and 2001, and 10 in 1996 and 2006.¹⁶⁹ Figures for meshblocks, the smallest area used in the census, are even more indicative

168. Peter Crampton, Clare Salmond, Russell Kirkpatrick, Robin Scarborough, and Chris Skelly, *Degrees of Deprivation in New Zealand: An Atlas of Socio-Economic Difference* (Auckland: David Bateman, 2000), p16

169. Socioeconomic Deprivation Indexes: NZDep and NZiDep (HIRP), New Zealand Indexes of Deprivation, NZDep 1991 census area unit data, <http://www.otago.ac.nz/wellington/otago020345.txt>; Socioeconomic Deprivation Indexes: NZDep and NZiDep (HIRP), New Zealand Indexes of Deprivation, NZDep 1996 census area unit data, <http://www.otago.ac.nz/wellington/otago020347.txt>; Socioeconomic Deprivation Indexes: NZDep and NZiDep (HIRP), New Zealand Indexes of Deprivation, NZDep 2001 census area unit data, <http://www.otago.ac.nz/wellington/otago020335.txt>; Paul White, Jinny Gunston, Clare Salmond, June Atkinson, and Peter Crampton, *Atlas of Socioeconomic Deprivation in New Zealand NZDep 2006* (Wellington: Ministry of Health, 2008), p 24

of severe and ongoing poverty. In 2006, central Minginui was the fourth most deprived place in New Zealand, out of more than 40,000 meshblock areas, and the most deprived rural area.¹⁷⁰ Waikirikiri and two parts of Ruatahuna were also among the 100 most deprived areas.¹⁷¹

Earlier, we discussed the nationwide reduction in health disparities between Maori and non-Maori in the post-war decades. Since the 1980s, however, this progress has stalled, slowed, and in some cases even reversed. In 1951, the gaps in life expectancy between Maori and non-Maori men and women were 14 and 16 years respectively, and by 1980 these had been reduced to six and five years. By 1997, however, the life expectancy gap had widened again, to an average of more than nine years for both sexes. Despite some minor improvement in the disparities by 2008, the gap remained large.¹⁷² We did not have specific Te Urewera data, but mid-1990s figures for the wider Bay of Plenty region show a life expectancy gap of nine years for women and eight years for men.¹⁷³

Maori in Te Urewera and elsewhere continued to suffer from most diseases and other health problems at higher rates than non-Maori.¹⁷⁴ For example, in the Bay of Plenty in the late 1980s, Maori were admitted to hospital for asthma three times more frequently than non-Maori per head of population. The disparity was similar for pneumonia, chronic obstructive respiratory disease, and middle-ear problems, and much higher for rarer conditions such as tuberculosis and rheumatic fever.¹⁷⁵ From 1985 to 1989, Maori were nearly seven times more likely than non-Maori to die of diabetes, and nearly twice as likely to die of cancer.¹⁷⁶ These trends continued into the 1990s.¹⁷⁷ We were presented with very little specific information on Te Urewera, but what we did see indicated that Te Urewera Maori may be even more prone to ill health. A study conducted by staff from Waikato Hospital, for example, found that in a 10-month period in 1987, 35 per cent of children in the Ruatoki Valley had contracted otitis media (glue ear), and 25 per cent suffered some degree of hearing loss.¹⁷⁸ Tuhoe Hauora found that 50 per cent of Tuhoe men who had health checks in 2003 and 2004 had high blood pressure, high blood-sugar levels,

170. The three most deprived meshblocks were in South Auckland, Napier, and Whanganui City.

171. Clare Salmond, Peter Crampton, and June Atkinson, 'NZDep 2006 Meshblock Data,' Excel spreadsheet (Wellington: Department of Public Health, University of Otago, August 2007), <http://www.otago.ac.nz/wellington/otago020349.xls>. For meshblock locations, see the interactive boundary map at 'StatsMaps: 2006 Census Map – Quick Stats about a Place', StatsNZ, <http://www.stats.govt.nz/StatsMaps/Home/Maps/2006-census-quickstats-about-a-place-map.aspx>, accessed 24 August 2017.

172. Waitangi Tribunal, *Ko Aotearoa Tenei: A Report into Claims concerning New Zealand Law and Policy Affecting Maori Culture and Identity*, Te Taumata Tuarua, 2 vols (Wellington: Legislation Direct, 2011), vol 2, p 642.

173. Julie Warren, *Profile 2001: A Socio-economic Profile of the People of the Bay of Plenty Region – Census 2001* (Whakatane: Environment Bay of Plenty, 2002), p 89.

174. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1680–1683, 1690–1698.

175. Ibid, p 1683.

176. Ibid, p 1694.

177. Warren, *Profile 2001*, pp 93–94.

178. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1687.

or both.¹⁷⁹ When asked to go on a diet to prevent diabetes and heart diseases, clients told Tuhoe Hauora that they could not afford the recommended foods.¹⁸⁰

As in earlier decades, one of the major factors causing and exacerbating ill health was substandard housing. In 1984, the *New Zealand Herald* reported that there was overcrowding and 'dire poverty' in Waimana and Ruatoki, and there were reports of Maori in the Whakatane district living in 'run-down houses with mud floors' and, in one case, a hay barn.¹⁸¹ A Department of Housing staff member described the housing in Ruatahuna in 1987 as 'sub-standard to such a stage they have been considered condemned by the Health Department. The interiors of these houses are cold, damp, leaking water through the roof and very unsanitary'.¹⁸² Overcrowding was also reported, as were people living in caravans and sheds.¹⁸³ Ministry of Works staff investigated Minginui in 1987, reporting that more than half the houses had been built using unsuitable materials.¹⁸⁴ Even the better quality houses have since fallen into disrepair because of the lack of money in the community. Wakeley Matekuare told us in 2004:

While the older Forest Service houses were made of native timber and quite solid, time has taken its toll and they have now fallen into disrepair. Many of the newer houses were not well built and they are also in a very bad way. I have now moved into another house in Minginui, but we are having to fix it up – put in windows and other things. It also needs to have electricity connected and we are presently cooking on a coal range.¹⁸⁵

A study conducted by Housing New Zealand in 2000 showed that a number of homes in the Ruatoki Valley were uninhabitable. In some cases floors had collapsed due to water damage. Some houses were also damp, unhealthy, had faulty or non-existent sewerage systems, or were built with untreated timber.¹⁸⁶ In 2005, Housing New Zealand published a regional profile recognising that there was still significant overcrowding in Te Urewera, especially at Ruatoki and Waimana, and that this was causing a high level of ill health and numerous avoidable

179. Awhina Rangiaho, 'Current Housing, Health and Crime for Tuhoe', printout of Powerpoint presentation, no date, slides [19]–[20] (Awhina Rangiaho, comp, attachments to brief of evidence, various dates (doc J15(c)), p 10)

180. Rangiaho, brief of evidence (doc J15), p 10

181. *New Zealand Herald*, 15 June 1984 and 4 October 1984 (Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 119)

182. J Pene, advisory officer (housing), to director, 15 June 1987 (Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), pp 550–551)

183. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 552; Poulin and Tahi, *A Study on Community Services and Development for Ruatahuna*, pp 31, 33–34

184. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 746

185. Matekuare, brief of evidence (doc G40), p 5

186. Hugh Wakelin, Stephen Hill, Peter Askey, and Gavin Bird, 'Housing Corporation of New Zealand Report into Tuhoe Housing that is in Chronic or Serious Dis-Repair in the Ruatoki Valley', 9 October 2000, p 1 (Rangiaho, attachments to brief of evidence (doc J15(b)), p [3])

hospitalisations.¹⁸⁷ One positive statistic was that Maori in Te Urewera were significantly more likely to own their homes than Maori elsewhere. The 2001 census showed that nearly two-thirds of Maori households in Te Urewera owned their home (similar to non-Maori in the same areas), compared to just under half of Maori households in New Zealand generally.¹⁸⁸ For low-income families, however, home ownership may be as much a curse as a blessing, given the poor condition of many houses and the high costs of repairs and upkeep.

Securing a reliable supply of clean water was also difficult for some communities, even in recent decades. In 1984, the Department of Health found the Ruatoki water supply to be so polluted, mainly from stock waste, that it required boiling or treating before use.¹⁸⁹ As we discussed in chapter 19, a new supply was set up on a 'user pays' basis, and some residents had their water cut off due to unpaid water bills.¹⁹⁰ In 1994, the Galatea supply was found to be contaminated and on the verge of breaking down, and two years later the Murupara supply was losing water due to leaks.¹⁹¹ Like Ruatoki, Ruatahuna has experienced ongoing problems with its multiple water supply systems. The school supply dried up in 1978, and one of the district council operated systems also tended to dry up until a new source was tapped in the late 1980s.¹⁹² In 1998, the supply to Ruatahuna village, including the kohanga reo, was found to be contaminated.¹⁹³ The next year there was no capacity to add new customers to the Ruatahuna village supply.¹⁹⁴ In 2002, the Tatahoata supply dried up, forcing the closure of Huiarau School, and the water supply to Ruatahuna village was found to be 'a significant risk for human consumption'.¹⁹⁵

187. Housing New Zealand Corporation, 'Bay of Plenty Regional Profile, February 2005' (Wellington: Housing New Zealand Corporation, 2005) (Tony Marsden, comp, attachments to 'Answers to Questions Arising from Second Crown Hearing Week', 19 May 2005 (doc M40(b))), p 35

188. Statistics New Zealand, 'Tenure of Household, Ethnic Group in Household (Level 1 Grouped Total Responses) and Total Household Income, for Households in Private Occupied Dwellings, 1991, 1996 and 2001', http://www.stats.govt.nz/tools_and_services/nzdotstat.aspx, accessed 2 August 2013. 'Te Urewera' is the census area units of Matahina-Minginui, Waimana, Urewera, and Murupara. The percentages were: New Zealand, 47 per cent; Matahina-Minginui, 69 per cent; Waimana, 63 per cent; Urewera, 66 per cent; and Murupara, 56 per cent. 'Maori households' are households with at least one resident identifying as Maori.

189. Sir John Robertson, Chief Ombudsman to P Keepa, 7 October 1994 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(11)), pp 40–41)

190. In 1997, 59 consumers were behind with their payments. In 1999, 46 were. It was estimated there were 285 households in the Ruatoki Valley in 2000: Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1908–1909

191. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1891–1892

192. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 475; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1888

193. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 574

194. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1888

195. Webber to chief executive officer, Whakatane District Council, 21 March 2002 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(11)), p 124); Merepeka Tekā to Jacob Te Kurapa, 16 April 2002 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(11)), p 126)

23.3.7 Cultural regeneration

While poverty and poor living conditions are very common in Te Urewera, the district remains culturally strong, with many fluent te reo speakers. Stokes, Melbourne, and Milroy stated in the mid-1980s:

Most Te Urewera residents fall into the lower ranks of existing socio-economic categories, however measured in quantitative terms. What is more difficult to measure is the strength of the intangible qualities of Tuhoe culture, language, identity, social cohesion, life style, self esteem and freedom to maintain traditional patterns of living and being, without too many constraints or advice imposed by the outside world. All these things are also very significant in assessing the social well-being of Te Urewera communities.¹⁹⁶

They also noted that 'despite rural poverty in material things, there is a richness and vitality in cultural and spiritual things' in Te Urewera.¹⁹⁷ We wholeheartedly agree. Te Urewera was at the forefront of the Maori renaissance during the 1970s, precisely because the peoples of Te Urewera had maintained much of the language, traditions, tikanga, and practices of their ancestors, even given very difficult circumstances.

In 1977, Ruatoki Primary School became the first officially bilingual school in New Zealand. In the early years of the bilingual programme, the principal said that his pupils 'don't have to establish themselves, they intuitively know they belong . . . Their special strength is their Maoriness, their Tuhoetanga'.¹⁹⁸ Other aspects of the cultural and linguistic renaissance have included kura kaupapa schools, kohanga reo, community health providers, cultural festivals such as Hui Ahurei a Tuhoe, and the kokiri centre and wananga during the 1980s which taught traditional skills and knowledge.¹⁹⁹ As we noted earlier, the vast majority of Tuhoe live outside Te Urewera, which means events such as Hui Ahurei a Tuhoe play a vital role in maintaining and renewing Tuhoe reo, whanaungatanga, and Tuhoetanga. Kararaina Rangihau told us that she grew up attending the festivals:

The main focus is not about competing in the haka and other customary forms of dance, but it is about building the relationships among those of Tuhoe who live in the cities, and strengthening their bonds back to their home villages, so that the descendants of Tuhoe will continue to return home. Why? To unite Tuhoe. Another reason is to retain the treasures of our old people . . . so they will never be lost.²⁰⁰

Stokes, Milroy, and Melbourne also noted that the gatherings aim to make Tuhoe migrants aware of the problems in the 'home communities' of Te Urewera.²⁰¹

196. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 329

197. *Ibid*, p 368

198. *Ibid*, p 148

199. *Ibid*, p 307

200. Kararaina Rangihau, brief of evidence, 18 October 2004 (doc H43), p 5

201. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 307



Erica Sinclair

Tuhoe ki Poneke perform at the Hui Ahurei a Tuhoe festival, 2016. Tuhoe ki Poneke have heard the call of home, like many of their kin, and returned to the biennial festival in 2016. The festival is an opportunity for thousands of Tuhoe descendants to return to their mountains, their rivers, and their marae and to connect and celebrate their Tuhoetanga through the spirit of kinship, haka performances, sports, and debate on topical issues relevant to Tuhoe. 'Ko te Hui Ahurei te kaito mai i a Tuhoe ki ona whenua.' ('It is the Ahurei that draws Tuhoe home.')

Despite these efforts, the culture has been eroded over the years, as people have moved away and become disconnected from the land and from their communities. One aspect of this, mentioned by several claimants, was that many people in Te Urewera no longer grow their own food.²⁰² Matekino Hita of Waikaremoana said:

Now only a few of us still work our mara kai [vegetable gardens]. Our younger generation mara kai at the supermarket. Many don't know how to work the whenua, nurture the whenua so that it will give back to you . . . Many of my generation were taught all the skills and tikanga in working of the whenua. We were taught to plant then; it was just a natural for us because we had an affinity with the whenua. A lot of the present generation do not want to do the garden work any more; but that is understandable because their connection with the land has been interfered with. In the Maori world gardening is one of the biggest skills you can have. One of the greatest skills

202. James Edward Doherty, brief of evidence, 11 May 2004 (doc D27), p 6; Neuton Lambert, brief of evidence, 11 October 2004 (doc H57), pp 4-5, 7

to have is in mara kai. To live off the land. From my generation, those of us that were born on Papatuanuku, and not in a hospital, have a special affinity with the whenua.²⁰³

Meanwhile, fluent speakers of te reo Tuhoe were becoming fewer. A number of kaumatua told us that in the 1930s and 1940s the dominant, everyday language in their communities was te reo.²⁰⁴ By the late 1970s, English was being spoken more and more within people's homes, and by 1977 it was apparent that school-children in Ruatoki and Ruatahuna were speaking less Maori, with only 30 per cent in Ruatoki being fluent speakers.²⁰⁵ Desmond Renata said:

Now we are in a place where there is only 23 of us in the Tuai community of approximately 360 who speak fluent Te reo. We have 1800 acres of land that is undeveloped. We are dependent on the 'system' for our living needs, everyone's on some form of benefit. We are pani [orphans]. All of this is as a result of the Crown actions over the years, which compounded to bring us to the point we are at today. Central to this is the loss of the culture. The family structure has broken down. The worst sign of all is that we don't have happy children . . . There's a feeling that we are a second rate people. I know this feeling filtered from my father down to me. Our values system has been broken and our traditional practices lost. If we don't do something about all this now, it's only going to get worse.²⁰⁶

Likewise, Pem Bird, the principal of Te Kura Kaupapa Motuhake o Ngati Manawa, lamented the loss of te reo for Ngati Manawa:

We are in a desperate situation as a people. The language of our tipuna has all but vanished; it has all but disappeared. We have few tipuna left in the generation over seventy who speak te reo Maori, as the last natural native speakers. In my generation few speak te reo Maori. The next generation down when quantifying the number of Maori speakers we are looking at no more than fingers on one hand.²⁰⁷

Kaa Kathleen Williams, who in 1977 helped make Ruatoki the first bilingual school in New Zealand, told us that 'our language has suffered to the extent that even today there are now only small pockets of Ngati Haka-Patuheuheu who are fluent, confident and competent to speak Maori in more than a conversational sense'.²⁰⁸

The 2006 census showed the percentage of the general population who could hold an everyday conversation in te reo Maori was much higher in Te Urewera than New Zealand generally (see table 23.2).

203. Matekino Hita, brief of evidence, 11 October 2004 (doc H58), pp 6–8

204. See, for example, Hune, brief of evidence (doc G15), p 4; Karetu, brief of evidence (doc H50), p 3

205. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1479–1480, 1496

206. Desmond Renata, brief of evidence, 22 November 2004 (doc 124), p 22

207. Pem Bird, brief of evidence, 9 August 2004 (doc F16), pp 2–3

208. Williams, brief of evidence (doc C16), p 54

Locality	Number	Percentage of population
Matahina–Minginui	459	31.4
Waimana	195	31.9
Urewera	654	32.3
Murupara	618	33.6
Whakatane district	5,319	16.0
New Zealand	157,110	3.9

Table 23.2: Number and percentage of total population who can hold an everyday conversation in te reo, 2006

Source: Statistics New Zealand, 'Language Spoken by Age, 2006 Census', <http://nzdotstat.stats.govt.nz/wbos/Index.aspx?DataSetCode=TABLECODE254#>:

One of the reasons why the figures for Te Urewera census areas were much higher than for New Zealand as a whole is that Te Urewera has a much higher proportion of Maori, and Maori are far more likely than non-Maori to speak te reo. However, Maori with links to Te Urewera seem to have had even higher rates of te reo fluency: 38.8 per cent of Tuhoe were fluent in te reo, compared to 19.9 per cent of other Maori who knew their iwi.²⁰⁹ We also have data on the number of languages spoken by Maori individuals in particular areas. This shows that, nationwide, 23 per cent of Maori spoke more than one language. In the core Te Urewera census areas the percentage was much higher (see table), with the majority of Maori in Matahina-Minginui and Urewera speaking at least two languages.²¹⁰ Especially in Te Urewera, it seems reasonable to assume that most of these people spoke te reo. All this data indicates that Maori in Te Urewera were much more likely to speak te reo than Maori in other parts of the country. Even here, however, a large number of Maori were unable to speak their ancestral language.

Since the late nineteenth century, the hapu and iwi of Te Urewera have undergone dramatic changes in their living conditions and ways of life. In terms of health, housing, and education, there was a huge improvement by the 1970s. Even during the post-war decades, when conditions were at their best since the Crown's arrival in Te Urewera a century earlier, most Maori in Te Urewera were worse off than the average New Zealander in terms of health, income, and education. Income-earners were concentrated in low skilled jobs, particularly in the timber industry, and were highly vulnerable to economic changes and downturns. The

209. Statistics New Zealand, 'Iwi (Total Responses) by Official Language Indicator, for the Maori Descent Census Usually Resident Population Count, 2006', http://www.stats.govt.nz/tools_and_services/tools/nzdotstat/2006-census-pop-dwellings-tables/culture-and-identity/iwi.aspx, accessed 2 August 2013

210. Statistics New Zealand, 'Languages Spoken (Number of) by Ethnic Group, 2006 Census', http://www.stats.govt.nz/tools_and_services/tools/nzdotstat/2006-census-pop-dwellings-tables/culture-and-identity/language.aspx, accessed 2 August 2013

timber industry restructuring of the 1980s had a devastating effect on Te Urewera communities. As a result of this and other changes, living conditions deteriorated once more, although never to the depths of the 1890s. While all this was going on, Te Urewera hapu and iwi were compelled to adapt to the new world created by colonisation; this meant speaking English and taking up new ways of life. The traditional language and culture suffered, and fluency in te reo declined. Compared to most other parts of the country, however, Te Urewera remained a place where te reo and tikanga were still part of daily life for many.

23.4 THE ESSENCE OF THE DIFFERENCE BETWEEN THE PARTIES

In relation to socio-economic issues, there were three key points of difference between the claimants and the Crown. These were:

- ▶ Whether, or to what extent, the socio-economic deprivation of Maori in Te Urewera was or is the result of Crown actions and omissions.
- ▶ Whether the Crown has duties to Maori in Te Urewera to provide social services, aid for economic development, employment opportunities, and relief from hardship; and if so, to what extent and under what circumstances.
- ▶ Whether the services and assistance provided by the Crown to Maori in Te Urewera at various times were adequate and equitable.

This section will focus on these three issues. By the end of our hearings, the parties were broadly in agreement on most of the facts presented to us; where there was disagreement, this will be covered later in the chapter as part of our analysis of the issues in question. In general, though, disagreement was over the meaning of the facts rather than the facts themselves.

Claimant counsel submitted that the poor socio-economic position of Maori in the inquiry district, historically and at the time of hearings, was the result of the Crown's actions and omissions, particularly those relating to land and mana motuhake. In their view, the Crown had, and still has, a duty to alleviate this situation, partly because of alleged Treaty breaches and partly because of its general obligations to Maori under the Treaty. Despite this duty, the claimants told us, the Crown has consistently failed to provide adequate and equitable levels of social services, relief from hardship, and economic assistance to Maori in Te Urewera.

Crown counsel did not contest the low socio-economic standing of Maori in the inquiry district, but submitted that in most cases there was insufficient evidence to conclude that it was the result of Crown actions or omissions. They also denied that the Crown had any general duty, Treaty-related or otherwise, to provide social services, relief from hardship, or economic assistance. Counsel did acknowledge that, when the Crown did provide such services, it was obliged to provide them to Maori on an equitable basis with other New Zealanders. However, they emphasised that this did not necessarily mean that Te Urewera Maori were entitled to exactly the same services as people in other areas and other circumstances. In general, Crown counsel did not explicitly state whether or not its services have been adequate, although in a few cases they acknowledged that the services had fallen short.

In relation to the first point of difference, claimant counsel submitted that the historical and contemporary socio-economic deprivation of Maori in Te Urewera was the direct or indirect result of Crown actions and policies, particularly land confiscation, its military campaigns during the New Zealand Wars, other actions resulting in land loss, the implementation of the new land title system, and restrictions on the use of land and forests.²¹¹ Counsel argued that, by depriving Te Urewera Maori of their land and preventing them from fully utilising their remaining resources, the Crown made it difficult or impossible for them to develop these resources, achieve a reasonable standard of living, and fully participate in the national and local economy.

Crown counsel responded that there was insufficient evidence to link socio-economic conditions with Crown actions and omissions, 'although some contribution might be acknowledged'.²¹² They also said that although 'historical factors such as warfare and confiscation of land may be linked to current socio-economic conditions . . . they are likely to be a small factor when compared to other more contemporary trends'.²¹³ More specifically, they submitted that it is difficult to know the long-term effects of the war in Te Urewera, but 'most areas affected by warfare seemed to recover quite quickly after the conflict ended'.²¹⁴ Crown counsel also argued that 'it is too simplistic to claim that land loss led to poverty'.²¹⁵

Where the parties agreed that Crown actions did result in hardship, they disagreed over whether these actions were breaches of the Treaty. For example, counsel for the Wai 66 Ngati Whare claimants submitted that Crown policies on native logging, corporatisation, and the transfer of Minginui village individually and cumulatively breached the Treaty duties of partnership, good faith, and active protection.²¹⁶ Counsel for Ngati Manawa likewise argued that the Crown's failure to protect the iwi from the effects of restructuring was a breach of the Treaty.²¹⁷ Crown counsel acknowledged that the restructuring carried out under the fourth

211. Waikaremoana, amended statement of claim, 16 April 2004 (claim 1.2.1(a)), p 141; Te Whanau a Kai, third amended statement of claim, 27 January 2003 (claim 1.2.3), p 5; Te Whaiti Nui a Tokairakau, amended statement of claim, 8 October 2004 (claim 1.2.7(c)), pp 122–124, 129–130; Ruatoki, amended statement of claim, 8 October 2004 (claim 1.2.8(b)), pp 129–136; Te Waimana and Maungapohatu, amended statement of claim, 8 October 2004 (claim 1.2.14(b)), pp 162–170; Ngati Ruapani, fourth amended statement of claim, 4 October 2004 (claim 1.2.19(b)), pp 60–65; counsel for Ngati Haka Patuheuheu, closing submissions, 31 May 2005 (doc N7), pp 158–163; counsel for Wai 36 on behalf of Tuhoe, closing submissions, pt B, 30 May 2005 (doc N8(a)), pp 215–216; counsel for Ngati Manawa, closing submissions, 2 June 2005 (doc N12), pp 85–86; counsel for Nga Rauru o Nga Potiki, closing submissions, 3 June 2005 (doc N14), pp 342–343; counsel for Te Mahurehure, closing submissions, 14 June 2005 (doc N21), pp 2–16

212. Crown counsel, closing submissions, June 2005 (doc N20), topic 39, p 2

213. Crown counsel, statement of response to stage 3 claims, 13 December 2004 (statement 1.3.7), p 1

214. Crown counsel, closing submissions (doc N20), topic 3, p 21

215. Ibid, topic 39, p 4; see also doc N20, topic 3, pp 23–24

216. Counsel for Ngati Whare, supplementary closing submissions, 3 June 2005 (doc N16(a)), pp 9–10

217. Te Okoro Joe Runga, final amended statement of claim, 15 August 2003 (claim 1.2.23(c)), p 27

Locality	One	Two or more	Other*	Total
Matahina–Minginui	315 (41%)	408 (54%)	39 (5%)	762
Waimana	228 (55%)	174 (42%)	12 (3%)	417
Urewera	393 (38%)	576 (56%)	63 (6%)	1,035
Murupara	855 (56%)	543 (36%)	120 (8%)	1,518
Whakatane district	7,869 (60%)	4,695 (36%)	639 (5%)	13,203
New Zealand	407,091 (72%)	131,799 (23%)	26,436 (5%)	565,329

* People with no language (generally infants too young to speak) and people coded as 'not elsewhere included'

Table 23.3: Numbers and percentages of Maori by number of languages spoken, 2006 census

Source: Statistics New Zealand, 'Languages Spoken (Number of) by Ethnic Group, 2006 Census', http://www.stats.govt.nz/tools_and_services/tools/nzdotstat/2006-census-pop-dwellings-tables/culture-and-identity/language.aspx, accessed 2 August 2013

Labour Government had serious prejudicial effects on Te Urewera communities.²¹⁸ However, they submitted that although 'the suffering of these communities is a matter of great regret . . . it is not a Treaty breach.'²¹⁹ The Treaty was not breached, they argued, because attempts were made to 'ease the impact' of the changes on the most vulnerable communities, and the relevant Crown forests were available for Treaty settlements.²²⁰

The second key point of dispute was whether the Crown had a duty to provide social services, relief from hardship, employment opportunities, and economic assistance to Maori in Te Urewera. In general terms, Crown counsel submitted:

There is not and has never been a duty on the Crown [to provide social services], in a legal or Treaty sense. However, the Crown has, at various times and to certain extent, assumed the role of doing so as part of its governance responsibilities. Role is a different thing to duty. Duty appears to obviate the existence of choice and allow for little flexibility in government policy.²²¹

The Crown's role expanded significantly during the twentieth century, and Crown counsel acknowledged that 'responsible governments' are likely to take a role in 'core areas' such as health, housing, and education. What role the Crown chooses to take will vary over time, depending on prevailing ideologies, including levels of public support; the national and international economic context; knowledge

218. Crown counsel, closing submissions (doc N20), topic 38, pp 15–16

219. Ibid, p 16

220. Ibid

221. Ibid, topic 39, p 15

and technology; population distribution; and the general national interest.²²² The Crown also had to ensure that assistance did not involve undue interference, or create dependence. For example, counsel argued that providing more economic assistance to Te Urewera Maori in the nineteenth century would probably have involved ‘some element of direction . . . which is unlikely to have been well received.’ They emphasised the need to avoid State paternalism.²²³

In relation to the 1898 famine and Depression-era unemployment, Crown counsel acknowledged that modern states usually accept that they have a duty ‘in a sense of the moral obligation’ to care for their citizens in times of famine and natural disaster.²²⁴ This, in their submission, was as far as the Crown’s duties went. They stated that there was no ‘strict “duty”. . . in the sense of a moral or legal obligation’ to provide relief work or unemployment benefits, nor to assist in the economic development of remote areas such as Te Urewera.²²⁵

Claimant counsel submitted that the Crown did in fact have a duty to provide at least some level of social services, relief and assistance. To some, this was simply a matter of equal rights under article 3 of the Treaty.²²⁶ Counsel for Ngati Haka Patuheuheu made this point in relation to the famine of 1898, arguing that the Crown has always provided some relief to victims of natural disasters, ‘and accordingly, there is no reason why similar care should not be provided for Maori.’²²⁷

Crown counsel conceded that article 3 guarantees Maori the same rights as British subjects (in contemporary terms, the same as other New Zealanders), and that this obliges the Crown to treat Maori equitably in the prevailing circumstances. They submitted that there is ‘little evidence’ of discrimination or unfair actions against Te Urewera Maori in relation to social service provision. They also said that the obligation to treat Maori in Te Urewera equitably did not mean an obligation to treat them exactly the same as all other New Zealanders; in some circumstances they may be treated differently without this being unfair or discriminatory.²²⁸ As an example of this, they mentioned problems with the multiple ownership of Maori land, stating that ‘as general land was not often held in multiple ownership, the question of whether Maori citizens were treated “equally” may not be apposite here.’²²⁹ The issue should be whether the Crown took account of the problems of multiple ownership and attempted to overcome them.

Crown counsel submitted that the key question overall was whether or not Maori in Te Urewera were treated equitably ‘in all the prevailing circumstances.’²³⁰

222. Crown counsel, closing submissions (doc N20), topic 39, pp 6, 15

223. Ibid, p 9

224. Ibid, p 10

225. Ibid, pp 6, 11

226. For example, see counsel for Wai 144 Ngati Ruapani, submissions by way of reply, 8 July 2005 (doc N30), p 71

227. Counsel for Ngati Haka Patuheuheu, closing submissions (doc N7), pp 163–164

228. Crown counsel, closing submissions (doc N20), topic 39, p 3

229. Ibid, p 8

230. Ibid, p 3

These circumstances include the resources available to the Crown, and their prioritisation. Counsel argued:

The Tribunal should be cautious in considering these issues where the full context of Crown actions and demands on its resources, including on a national scale, is not known. Context, and a measurement of Crown action, also includes a comparative assessment with the experiences of others in New Zealand, both Maori and Pakeha.²³¹

Other 'prevailing circumstances' include factors such as population distribution, so that although citizens living in isolated areas such as Te Urewera may not have the same access to health and education services as citizens living in the cities, this is not inequitable or unfair.²³²

Counsel for the Wai 144 claimants responded that the Crown has a general duty to provide services and assistance to Maori, regardless of where they live. They submitted that the Crown has a fiduciary duty to provide Maori with care and assistance. They also drew on the *Report on the Muriwhenua Fishing Claim* to argue that the Treaty 'promised two prosperous people within one country', and the Crown therefore has an obligation to help Maori to become prosperous.²³³ This duty is even more important when communities have been denied particular sources of wealth generation, such as timber milling.²³⁴ Counsel submitted:

The Crown was and is required to ensure that Tuhoe and Ngati Ruapani were and are provided with the means to develop, exploit and manage their resources in accordance with their cultural preferences – which were to remain on their lands. That these lands were 'remote' does not negate the performance of this duty by the Crown.²³⁵

They further stated that the people of Waikaremoana did not choose to live in an isolated area, but rather 'the land has chosen them'.²³⁶ The tangata whenua are forced to choose between coping with limited and difficult access to social services, or leaving their turangawaewae.²³⁷ In their closing submissions, counsel for Nga Rauru o Nga Potiki similarly submitted that Te Urewera is remote by 'Crown led definition only', and provision of services should not be affected by any additional costs this supposed remoteness creates.²³⁸

As we noted earlier, claimant counsel argued that the poor socio-economic circumstances of Maori in Te Urewera were the result of prior breaches of the Treaty by the Crown. Several counsel argued that the Crown therefore had a duty

231. Ibid

232. Ibid, pp 15–16, 22

233. Counsel for Wai 144 Ngati Ruapani, submissions by way of reply (doc N30), pp 67–69

234. Ibid, p 68

235. Ibid, p 67

236. Ibid, p 71

237. Ibid

238. Counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), p 350

to remedy those breaches, by relieving socio-economic distress or assisting in economic development.²³⁹ For example, counsel for the Wai 36 Tuhoe claimants submitted that the economic potential of Te Urewera was stifled when the Crown broke its promise to build roads there. Since the Crown has ‘unilaterally chosen to not provide arterial roads, [it] now has a positive duty to Tuhoe to assist in the economic development of Te Urewera.’²⁴⁰

Similarly, counsel for the Wai 66 Ngati Whare claimants argued that, as well as its general Treaty responsibilities in relation to Ngati Whare and the Minginui community, the Crown had additional responsibilities arising from past Treaty breaches, which had made Ngati Whare dependent on the timber industry. As a result, it should have done more to help mitigate the effects of its corporatisation of the Forest Service.²⁴¹ Counsel for Ngati Whare and Ngati Manawa submitted that corporatisation was carried out without adequate consultation, without proper regard for negative impacts, and without proper amelioration of those impacts.²⁴² According to counsel for Ngati Whare, the Crown’s actions were a breach of its Treaty duties of partnership, good faith, and active protection.²⁴³ As we noted earlier, Crown counsel acknowledged the negative effects of the cessation of native logging and of corporatisation but submitted that, although the suffering that these caused was ‘a matter of great regret’, it was ‘not a Treaty breach.’²⁴⁴ They argued that consultation was carried out, and steps – albeit unsuccessful ones – were taken to ameliorate the effects of corporatisation.²⁴⁵ They did not directly address the question of whether prior Treaty breaches create extra duties to provide services or assistance. In relation to corporatisation, they submitted that the issue is ‘complex’, but denied that historical Treaty breaches created an additional obligation to help Te Urewera communities through corporatisation and its aftermath.²⁴⁶

The third major issue on which the parties disagreed was whether the services and assistance provided by the Crown have been adequate. Claimant counsel gave us numerous examples of what they saw as inadequate economic and social service provision, which will be discussed throughout this chapter.²⁴⁷ In response, the

239. Counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), p 354; counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), p 10

240. Counsel for Wai 36 on behalf of Tuhoe, closing submissions, pt B (doc N8(a)), p 218

241. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), pp 44, 56–58

242. Counsel for Ngati Manawa, closing submissions (doc N12), pp 80–81; counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), pp 13–15, 30–43

243. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), p 10

244. Crown counsel, closing submissions (doc N20), topic 38, pp 2, 16; topic 31, pp 21–22

245. *Ibid*, topic 38, pp 2, 10–12

246. *Ibid*, p 13

247. Waikaremoana, amended statement of claim, 16 April 2004 (claim 1.2.1(a)), pp 142–146; Wai 36 Tuhoe, second amended statement of claim, 4 October 2004 (claim 1.2.2(b)), pp 228–230; Te Whaiti Nui a Tokairakau, amended statement of claim, 8 October 2004 (claim 1.2.7(c)), pp 131–135; Tuawhenua block owners, second amended statement of claim, 30 September 2004 (claim 1.2.12(b)), pp 77–80; Te Waimana and Maungapohatu claimants, amended statement of claim, 8 October 2004 (claim 1.2.14(b)), pp 170–174; Nga Rauru o Nga Potiki, amended statement of claim, 8 October 2004 (claim 1.2.18(b)), pp 73–74; Ngati Haka-Patuheuheu Trust, stage 3 pleadings, 29 September 2004 (claim 1.2.22(b)), pp 14–15

Crown submitted that the evidence in this inquiry ‘has not provided a statistical, comparative assessment of service delivery to Urewera Maori over time, and the results of that.’²⁴⁸ Consequently, ‘there is insufficient evidence on which to base findings of inadequacy.’²⁴⁹ Crown counsel also submitted that ‘it can be problematic to assess the effectiveness of the Crown’s provision of economic and social services, when practical factors such as access and use, and individual action, can significantly impact on their delivery and therefore effect.’²⁵⁰

Crown counsel did respond to some allegations of inadequacy. They felt that the provision of health services had been analysed in sufficient depth by Murton, and were able to submit that, at least from the 1920s, some aspects of provision of medical services in Te Urewera were adequate ‘within the resources and knowledge available’ at the time.²⁵¹ Crown counsel emphasised the need to have full regard for contemporary context. In the late nineteenth and early twentieth centuries, for example, ‘there was little the Government could do in respect of [epidemic] diseases given that there were extremely limited and ineffective treatments available.’²⁵² They also stated that ‘all health services to New Zealanders in the first half of the twentieth century were inadequate by current day standards’, due to a lack of effective treatments such as antibiotics.²⁵³ In general, Crown counsel submitted that we should have regard to factors including contemporary ideas about the role of the State and the purpose of education and other services, the isolation of Te Urewera, the national and international economic situation, and Maori will- ingness to make use of available services.²⁵⁴

There was some acknowledgement of problems with the services and assistance the Crown has historically provided. Perhaps Crown counsel’s most important concession was that the official response to the famine of 1898 was ‘too slow and barely adequate even by the standards of the day.’²⁵⁵ Counsel made some other concessions, for example, that resettlement schemes for Maori returned service- men were ‘paternalistic’, and may not have been provided in ‘a timely and compas- sionate manner’. However, they rejected assertions that resettlement policies were racist or separatist.²⁵⁶ In relation to other issues, Crown counsel acknowledged problems, but did not concede that they necessarily resulted in prejudice. For example, they conceded that some school buildings in Te Urewera were leaky and overcrowded, but stated that ‘those factors do not necessarily hinder educational achievement.’²⁵⁷ We will discuss parties’ submissions on specific issues in more detail in the relevant sections of this chapter.

248. Crown counsel, closing submissions (doc N20), topic 39, p 16

249. Ibid

250. Ibid, p 2

251. Ibid, pp 17–20

252. Crown counsel, statement of response to stage 3 claims (statement 1.3.7), p 17

253. Ibid, p 29

254. Crown counsel, closing submissions (doc N20), topic 39, pp 6, 19

255. Crown counsel, statement of response to stage 3 claims (statement 1.3.7), p 18

256. Crown counsel, closing submissions (doc N20), topic 39, pp 13–14

257. Crown counsel, statement of response to stage 3 claims (statement 1.3.7), p 41

23.5 SOCIO-ECONOMIC FRAMEWORK

As we outline above, a key area of disagreement between the parties was the extent to which Te Urewera socio-economic problems were caused by Crown actions and omissions. The most important of these problems was poverty, as it contributed to most of the other issues dealt with in this chapter. That poverty leads to and exacerbates other socio-economic problems is uncontroversial, and was not contested by the Crown. As Professor Brian Murton explained,

A vast literature, both theoretical and case study in nature, deals with the linkages between poverty and a range of social conditions. These studies, both internationally and in New Zealand, link poverty to poor environmental conditions (housing, sanitation, nutrition), and then to poor health.²⁵⁸

The causes of poverty are harder to pin down, and much more contentious. In his socio-economic report for this inquiry, Professor Murton developed a framework within which to explain and explore the causes and contexts of poverty. He stated that 'It is too simplistic to claim that the loss of their land led to poverty amongst Te Urewera Maori. People can own land, as did most Te Urewera Maori, and be poor, as most were.'²⁵⁹ He added that although it is 'extremely difficult' to conclusively establish direct causal links between Crown actions and socio-economic conditions, it can be shown that the living conditions of Te Urewera hapu and iwi are connected to the acts and omissions of the Crown.

Murton's framework presents poverty and consequent social problems as being caused by the inter-connection of three factors: power and the political system, property regimes, and economic capability.

- ▶ *Political power* includes the operation of coercive power – for example, via the police and armed forces – and disciplinary power, by establishing and controlling institutions, such as schools, which attempt to instil a set of desired behaviours. It also includes the operation and impact of the political system: the extent to which people can run their own affairs, and effectively participate in national and local political decision-making.²⁶⁰
- ▶ *Property regimes* are the ways in which property rights are understood and enforced: for example, what rights and responsibilities come with ownership, and whether or to what extent those rights can be restricted; mechanisms for collective ownership and control of assets; and what sorts of things can be owned.²⁶¹
- ▶ *Economic capability* is the extent to which a person or group has the freedom and capacity to act and achieve in the economic sphere. This encompasses

258. Murton, summary of 'The Crown and the Peoples of Te Urewera' (doc H1), p 36. Murton drew particularly on the work of Amartya Sen and the co-authors Michael Watts and Hans-Georg Bohle: Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 47–85.

259. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 50

260. Ibid, pp 78–80

261. Ibid, pp 59–61

such things as educational and employment opportunities and the ability to use and develop property or common resources for profit or subsistence.²⁶²

These three factors influence each other. Political power determines whose property regimes will prevail, and one of the main determinants of economic capability is what property a group controls and what it can do with that property. Economic capability in turn influences the amount of power a group has, since the wealthy generally have better access to the levers of power and are better able to influence the powerful. For most of the period we look at in this chapter, the Crown had much more power and economic capability than the peoples of Te Urewera, and had been able to impose its own property regime on them. It was therefore able to control or at least influence most aspects of Te Urewera life; moreover, the impacts of individual Crown actions were cumulative.

In essence, Murton's argument is that the poor socio-economic status of Te Urewera hapu and iwi ultimately resulted from the huge power imbalance between them and the Crown. The peoples of Te Urewera lacked substantial political, legal, economic, and coercive power, whereas the Crown had a great deal of the first three and a monopoly on the fourth. As we have seen throughout this report, the political and legal power imbalance meant that the Crown could and did replace the traditional property regimes of Te Urewera hapu and iwi with those imported from England, regardless of the impact on the people of Te Urewera, and despite their protests. According to this argument, the new property regime and its effects severely limited their economic capability, reducing them to poverty and making them dependent on the Crown for aid and services. We found Professor Murton's framework to be a useful tool, and have applied it in this chapter where appropriate.

At the time they entered into the Urewera District Native Reserve (UDNR) agreement, those Te Urewera hapu and iwi within the UDNR area retained internal political power and complete control over their own affairs. This was why they were able to negotiate with the Crown and reach a meaningful agreement. Even at this point, however, they had very limited economic capability; few of the lands which they had retained more or less complete control over were suited to farming, and so hapu and iwi were vulnerable to crop failures and unable to build a substantial economic base. This was compounded by the Crown's control of the national property regime, and the incompatibility of that regime with the traditional Maori regime.

As we have seen earlier in this report, over time the Crown gained political power over all of Te Urewera, imposing its laws and regulations, and establishing schools in the district which trained Te Urewera children in English language, literacy, and Pakeha knowledge, largely to the exclusion of their own reo and matauranga. The Crown used its power to defeat the purpose of the UDNR agreement, and secure possession of much of the UDNR lands, establishing its own property regime there. Neither Te Urewera leaders who had entered into the agreement in the mid-1890s, nor Rua Kenana, who attempted to establish an independent and

262. Ibid, pp 56–58

self-regulating community at Maungapohatu over a decade later, were able to turn the Crown aside from its own agenda. And Rua, whose much reduced community remained a thorn in the side of the Crown by the time of the First World War, felt the full force of the Crown's monopoly on coercive power. The Crown also imposed its own property regime over the area, replacing the traditional property regime which Te Urewera hapu and iwi had maintained for generations. The peoples of Te Urewera did eventually see an improvement in their living conditions and economic capability, particularly in the west of the inquiry district. However, this economic capability was highly dependent on a few industries, particularly timber, and deteriorated substantially from the 1980s. In recent years hapu and iwi have regained some degree of political power, but they must still work within the Crown's systems in order to exercise it.

23.6 WHAT WAS THE CROWN'S RESPONSE TO MAORI HARDSHIP IN TE UREWERA PRIOR TO THE CREATION OF THE WELFARE STATE?

SUMMARY ANSWER: An earlier section of this chapter showed that, in the period from about 1890 to 1935, Maori throughout Te Urewera experienced ongoing and extreme hardship. There were repeated epidemics and constant ill health, frequent food shortages, especially around the turn of the century, and extremely poor housing conditions. The most serious socio-economic crisis in Te Urewera during this period was a famine which struck the region in 1898, following the destruction of crops by unseasonable frost.

The hapu and iwi of Te Urewera were vulnerable to famine and other socio-economic crises because, in Professor Murton's terms, they had limited economic capability and limited power to influence governments. Having lost a great deal of their best land and much of their millable forests, most groups had difficulty supporting themselves on what remained. Since there was little paid work in the district, many people travelled in search of work; this made farming even more difficult and disrupted children's education.

Because Te Urewera hapu and iwi had very little political power, they were unable to persuade the Crown to give them enough assistance to rebuild their economic capability. This was the case even though they had, in the mid-1890s, entered into a partnership with the Crown for the creation and protection of the Urewera District Native Reserve (UDNR). Despite the partnership, and the Crown's knowledge of the extreme hardships experienced by Maori in Te Urewera, little was done to help them. The Crown was extremely parsimonious even during the 1898 famine, providing limited supplies of food and insisting that most of it was paid for by labour on road works. Medical aid was also very limited and difficult to access, despite the frequent epidemics and general ill health of the Te Urewera communities. Nor were those communities given much help to improve their own standards of living, despite the provisions for self-government made through the 1896 UDNR Act and, later, to some extent, the Maori Councils Act 1900. At times Maori in Te Urewera and elsewhere experienced discrimination in the provision of welfare and economic aid; for example, pensions and relief work payments were

sometimes made to Maori at lower rates than Pakeha, even when their circumstances were the same.

The Crown was relatively active in providing schools in Te Urewera, and Premier Richard Seddon promoted State education throughout his visit to the district in 1895. Some communities, however, experienced long delays between their request for a school and the school being built. Perhaps more importantly, schools were used by the Crown as a means of assimilating Maori into Pakeha culture. Pupils were punished for speaking te reo in school, and the curriculum was Anglocentric and at times disparaging to Maori history and culture. Few Te Urewera pupils had any real opportunity to attend secondary school before the 1930s, even though community leaders had expressed their desire for better educational opportunities and donated land for a secondary school.

Overall, the hapu and iwi of Te Urewera gained very little socio-economic benefit from their new partnership with the Crown under the UDNR Act. Welfare and relief were minimal and grudging, even when the Crown was fully aware that need was dire. Moreover, the provision of aid and services was sometimes discriminatory and, in relation to education, culturally damaging. The only specific promises made by the Crown in the 1890s were for schools, which would distribute medicine. While it fulfilled this limited undertaking, the Crown failed to fulfil its broader obligations to support and assist the hapu and iwi of Te Urewera.

23.6.1 Introduction

In this section, we explore the Crown's responses to Maori hardship in the period from the 1890s to 1935. This starts with what we consider to be the beginning of the Crown's true Treaty relationship with the hapu and iwi of Te Urewera, which occurred with the Urewera District Native Reserve (UDNR) negotiations in the mid-1890s. It ends around 1935, the year which saw the election of the first Labour Government and the beginning of a new way of running the country, through the welfare state and a more managed economy. These developments will be addressed in the next section.

In this section, we will first examine the response to the 1898 famine, as a case study of the Crown's provision of aid and social services in the decades prior to the creation of the welfare state. This will be followed by a survey of the Te Urewera economy in the late nineteenth and early twentieth centuries, and the Crown's role in that economy. We will also discuss the Crown's more general provision of social services, specifically pensions and other forms of social welfare; health care and sanitation; and education.

23.6.2 The 1898 famine and the Crown's response

As we saw in the living conditions section, severe frosts in early 1898 destroyed crops throughout Te Urewera, leading to famine and increased rates of disease. Although population data for this period is problematic, there seems to have been a reduction in the Te Urewera Maori population between 1896 and 1901. During this time there was also a dramatic drop in Maori-owned stock numbers and crop acreage. As the worst single disaster to affect the inquiry district between 1890

Food, Fertility, and Survival

The Tuhoe people understood well the direct correlation between food supply, fertility and the survival of a people. They forged this understanding into their tradition to remind their generations of this fundamental premise of human existence. This puha heriheri kai, used when traditional foods are to be served for a hakari or feast, provides us with a graphic example:

He kumara kai hamuhamu	Scavenging the reject kumara
Ko te ehu o te kupu nei na	Is a way of saying
Kia hoki kau atu, ina te tinaku	You will return empty, for the cultivation
Taia mai, ka mate, taia mai	After a while dies, by and by.
Ka horehore ka horehore	When there is nothing, absolutely nothing
Ka mate te puke tu iho nei	The pubes will be barren
Ka horehore ka horehore	When there is nothing, absolutely nothing
He kotahi te kete i kimihi	And just one kit was sought
Ki te kore, kore rawa aku iwi	If not, my people will never
Ki te mahi kai e	Cultivate food again. ¹

1. Tuawhenua Research Team, 'Ruatahuna, Te Manawa o te Ika, Part Two: A History of the Mana of Ruatahuna from the Urewera District Native Reserve Act 1896 to the 1980s' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004) (doc 02), p 86

and 1935, the famine and the Crown's response serves as a first and dramatic test of the relationships between the Crown and Maori in Te Urewera in the wake of the agreements over the UDNR. In the first crisis experienced by the hapu and iwi of Te Urewera after forming their Treaty partnership with the Crown, we would expect the Crown to have been particularly diligent in providing aid in their time of extreme need. Despite Seddon having said that his Government wanted to end the poverty and food shortages plaguing Te Urewera, the Crown's assistance consisted only of small amounts of relief work and some donations of food to the elderly.²⁶³ It seemed already to have forgotten its promises.

In this section, we look first at the long- and short-term causes of the famine, and to what extent the Crown was responsible, examining the famine in a broad historical and theoretical context. We then examine the Crown's response, before assessing the general economic capability of Te Urewera hapu and iwi from about 1890 to 1930, and the extent to which it was enhanced or reduced by the Crown.

263. For Seddon's statement, see AJHR, 1895, G-1, p 49.

23.6.2.1 What caused the famine?

The direct cause of the 1898 famine was a series of severe and unseasonable frosts in January and February of that year. These destroyed all the food crops, including seeds and seed potatoes for the next year. While the frosts caused the crop failure, however, they did not cause the famine. Bad weather and natural disaster have afflicted farmers from the beginnings of agriculture to the present day, but, even when this results in total crop destruction, it does not inevitably mean that farmers and their communities will starve.

Earlier in this chapter, we discussed Murton's socio-economic framework, and his argument that socio-economic inequity and distress are caused primarily by the intersection of political power, property regimes, and economic capability, which can result in marginalised groups becoming highly vulnerable to catastrophic events such as famine.²⁶⁴ Famine is usually sparked, as it was in Te Urewera, by a 'trigger event': the collapse or severe contraction of a group's economic capability; for example, from a crop failure or natural disaster. For this to lead to famine, however, the group must already have a fairly limited economic capacity, so that they have no alternative resources or income sources to fall back on. They must also be without an economic safety net such as insurance, savings, or the ability to borrow money or call in loans. This limited capability might be due to the imposition of a particular property regime: for example, one which leads to land loss, makes it difficult to borrow money, or prevents the use of particular resources. Even in these circumstances, trigger events usually do not lead to famine if the affected group has sufficient power to access emergency aid. In a modern nation state, this would typically occur through an appeal to central government, which would then provide relief from the national budget. A group with little or no power will be unable to obtain aid itself, and have difficulty persuading authorities that its needs are both genuine and sufficiently urgent to be worthy of official relief.

Famine, in summary, does not necessarily occur when a community is unable to grow and harvest its own food. It occurs only when a community is unable to obtain food by *any means*. Crop destruction and other disasters happen to all kinds of communities, but famine happens only to those with limited economic capability and little or no power. This was the situation in which the hapu and iwi of Te Urewera found themselves in 1898, and that was why they starved.

We noted earlier in this chapter that contemporary Crown employees, such as Inspector of Native Schools James Pope and school teacher Thomas Wylie, specifically described the events of 1898 as a famine.²⁶⁵ We note that the Crown's closing submissions in this inquiry also referred to a famine taking place.²⁶⁶ Some

264. For Murton's discussion of the causes of the famine, see Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 305–308.

265. Binney, 'Encircled Lands, Part 2' (doc A15), p 272; McBurney, 'Ngati Manawa and the Crown' (doc C12), p 413

266. Crown counsel, closing submissions (doc N20), topics 18–26, p 88, topic 39, p 10



Unknown (Whakatane District Museum and Gallery, 3301)

The Tauranga (Waimana) River in flood, 1904–05. A series of natural disasters, including flooding, led to famine and food shortages in Te Urewera in the 1880s and 1890s. In the years after 1900, there were further floods in Ruatoki and along the Rangitaiki and Tauranga Rivers.

readers may nevertheless have difficulty believing that any part of New Zealand could suffer in the 1890s from ‘famine’; a term which today is normally associated with large-scale events in very poor or underdeveloped countries. The term does not, however, apply only to crises affecting entire countries or large regions, but to any situation in which there is an extreme shortage of food.²⁶⁷ Nor should anyone be surprised that famine could occur in the nineteenth century in a settled and reasonably prosperous country with stable government. One of the best-known historical famines is, after all, the Irish potato famine, which took place within living memory of the events we discuss here. Ireland was at that time part of the United Kingdom, the wealthiest country in the world, and continued to export food throughout the famine. But, like the hapu and iwi of Te Urewera, most Irish people were at the time of the famine living on land which was barely able to supply them with their basic needs. Like the people of Te Urewera, they had few other resources, and lacked the power to convince or compel the Crown to prevent or properly alleviate the famine. The Irish famine was of course on a much greater scale than that in Te Urewera, with the estimated number of famine dead

²⁶⁷ *Oxford English Dictionary* (2014): ‘extreme and general scarcity of food, in a town, country, etc; an instance of this, a period of extreme and general dearth.’

exceeding the entire New Zealand population in 1898. Proportionally, though, Te Urewera iwi and hapu probably suffered nearly as much of a population decline.²⁶⁸

Claimant counsel submitted that the Crown was ultimately responsible for the famine and other food shortages. Counsel for Ngati Manawa argued that ‘continued loss of land and diminishing resources . . . meant that the people of Te Urewera became vulnerable to famine by the 1890s and early twentieth century’.²⁶⁹ Counsel for Ngati Haka Patuheuheu submitted that the military campaigns of the 1860s left Tuhoe ‘vulnerable to famine and illness’ in later decades.²⁷⁰ Counsel for the Wai 36 Tuhoe claimants saw confiscation of Tuhoe’s best agricultural land, in the eastern Bay of Plenty, as another factor.²⁷¹ Citing Murton, counsel for Ngati Haka Patuheuheu argued that the removal of access to kaimoana at Ohiwa Harbour severely limited Tuhoe’s food supply.²⁷² Counsel also reproduced Murton’s statement: ‘Effectively, a set of processes initiated by Government action created a situation by 1900 where the people of Te Urewera not only found themselves among the poorer segment of society in New Zealand, but more vulnerable than most to “trigger events”’.²⁷³

The Crown did not reply to these arguments, but did respond to claims concerning the long-term economic impacts of its raupatu and military operations. Briefly, the Crown accepted that the confiscation of land had a clear economic impact, although it denied that it blocked Tuhoe access to the kaimoana of Ohiwa Harbour.²⁷⁴ It also questioned the quality of the land lost, and suggested that Tuhoe economic development was impeded by their remoteness and their lack of engagement with the colonial economy.²⁷⁵ Crown counsel acknowledged that Government forces destroyed settlements, pa, food, and crops during military campaigns between 1865 and 1872 but argued that Tuhoe recovered from these shocks.²⁷⁶

It is clear that the famine and food shortages were caused in part by a series of natural disasters which affected Te Urewera in the 1880s and 1890s. The Tarawera

268. At section 13.6.4, we estimated that between 1896 and 1901 the Maori population of Te Urewera declined by about 16 per cent. Irish census returns showed a population decline of 22 per cent between 1841 and 1851. It is generally estimated that about half of the Irish decline resulted from emigration, but this too was caused by the famine. In both cases, epidemic and other diseases were a major contributor to population decline, partly because of the ‘malnutrition-infection cycle’ discussed earlier in this chapter. The Irish statistics were from Irish Central Statistics Office, <http://www.cso.ie/px/pxeirestat/Statire/SelectVarVal/Define.asp?Maintable=CO102&Planguage=0>, accessed 4 September 2014.

269. Counsel for Ngati Manawa, closing submissions (doc N12), p 85

270. Counsel for Ngati Haka Patuheuheu, closing submissions (doc N7), pp 158–159

271. Counsel for Wai 36 on behalf of Tuhoe, closing submissions, pt B, 30 May 2005 (doc N8(a)), p 215

272. Counsel for Ngati Haka Patuheuheu, closing submissions (doc N7), p 159

273. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 308 (counsel for Ngati Haka Patuheuheu, closing submissions (doc N7), p 159)

274. Crown counsel, closing submissions (doc N20), topic 3, pp 22, 24

275. Ibid

276. Ibid, topic 4, pp 15–16

eruption of 1886 made farming in most of western Te Urewera temporarily impossible; flooding along the Rangitaiki River in 1892 and 1893 caused problems there; and the whole district was also affected by drought in the late 1880s and early 1890s.²⁷⁷ The famine was triggered by a series of severe and unseasonable frosts across Te Urewera in 1898, destroying the food crops in Maori communities there. Natural disasters and crop disease continued to afflict Te Urewera for at least the next 12 years: there was flooding in Ruatoki in 1900, severe frosts throughout the district in 1901, more flooding along the Rangitaiki River in 1904, and potato blight in 1905, 1906, and 1910.²⁷⁸ These events would probably have caused some degree of hardship regardless of other circumstances. But in the context which we will describe below, they became what Murton calls 'trigger events', tipping a precarious subsistence economy into extreme hardship.

In chapter 4, we found that raupatu had long-term effects on the hapu and iwi of Te Urewera. Tuhoe lost their flattest, warmest, and most productive land, which was also about half of all their productive land. This land would not have been significantly affected by frost in summer, and would probably also have produced a surplus to fall back on if crops failed for other reasons. Once this land was lost, however, Tuhoe could no longer use it to grow crops or raise stock for themselves or for trade, and so became more dependent on their lower-quality holdings further inland. Murton argued that the full impact of confiscation was not felt until the 1890s, when the former landowners were completely shut out of their old hunting and gathering areas, and blocked from accessing the harbour. In short, the confiscations made Tuhoe dependent on a relatively small area of land which was not well suited to supporting any substantial population.

How the wars of the 1860s and early 1870s contributed to the famine is less clear. As we found in chapters 5 and 6, the conflict clearly had devastating short-term consequences, as people were killed or driven away from their homes, and crops and other property deliberately destroyed. Most communities, however, seem to have been recovering by the 1870s. One of the most significant long-term impacts seems to have been that, in later Native Land Court hearings, some people found it hard to prove their ongoing connections to the land from which they had been driven. The wars also led to the loss of the four blocks to the south and south-east of Lake Waikaremoana. Although some of this land was unsuitable for development, parts of it had been cultivated, and the blocks were also a good source of wild food.

The hapu and iwi of Te Urewera also lost land to Crown and private purchasing, which we found in chapter 10 to involve multiple Treaty breaches. As we found in chapter 10, the 'rim block' land was a particularly great loss, since it was capable

277. McBurney, 'Ngati Manawa and the Crown' (doc c12), pp 387, 395; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 215–216; Gwenda Monteith Paul and C Maanu Paul, 'The History of Kaingaroa No 1, The Crown and the People of Ngati Manawa: Te Runanganui o te Ika Whenua' (commissioned research report, Wellington: Crown Forestry Rental Trust, 1994) (doc A89), pp 78–80

278. Rose, 'A People Dispossessed' (doc A119), p 146; Binney, 'Encircled Lands, Part 2' (doc A15), pp 294–295

of growing crops which the mountainous interior would not support. Parts of the rim block area later sustained successful farms. This land was also a valuable source of wild foods and other resources.

By 1898, in summary, the hapu and iwi of Te Urewera had lost a significant amount of land, including a great deal of their most fertile acres. Some groups were completely dependent on the cold, hilly, and not very fertile land of the interior, where harvests would be vulnerable to bad weather and somewhat meagre even in good years. This meant not only a small and vulnerable food supply but also a very limited capacity to grow food or raise stock for sale. Lack of income from cash crops and food surpluses meant that land could not be developed and made more productive. Access to Ohiwa Harbour fisheries and other sources of wild food had also been lost or reduced.

The impact of land loss on Maori of Te Urewera is illustrated by statistics on crop acreage at the time of the famine. From 1897 to 1898, when Maori communities were starving, the total crop acreage in Whakatane County increased by more than 20 per cent.²⁷⁹ These crops were grown mostly by Pakeha farmers, on land which had been confiscated or purchased from Maori in circumstances which we have found were in breach of Treaty principles. Had this land not been lost, there is little reason why it could not have been farmed by the original Maori owners, providing a buffer against total crop failure and subsequent famine.

We stated earlier that crop loss resulted in starvation only when communities had no alternative means of support. Traditionally, whanau and hapu suffering crop failure or destruction might live temporarily with relatives, who could expect reciprocal hospitality at a later date. Because of widespread crop failure throughout the district, as well as general poverty, by 1898 there were few hapu capable of supporting large numbers of relatives at short notice. Another means of recovery in difficult years had been to relocate to unaffected lands elsewhere. This was done by Hutton Troutbeck, a Pakeha settler whose farm at Galatea was covered with ash after the 1886 Tarawera eruption. He and numerous farmhands herded his sheep and cattle to another Troutbeck property near Napier. When the Galatea farm had recovered, the stock was moved back.²⁸⁰ Had Maori in Te Urewera retained more of their land, they would have been able to move to areas unaffected by the frosts.

Te Urewera hapu and iwi were caught in a vicious cycle of insufficient land that was usable at that time, poverty, and the continued reduction of their remaining land base. In 1893, for example, Ngati Manawa chief Harehare Atarea sold 6,000 acres of land to support those affected by flooding that year.²⁸¹ This was an unusually large sale of land, but as we found in chapter 10, poverty and the inability to do much with land other than sell it were major contributing factors to the piecemeal land sales of the late nineteenth and early twentieth centuries. Land selling

279. From 9,040 to 10,996: *New Zealand Official Yearbook 1898*, p 408; *New Zealand Official Yearbook 1899*, p 347.

280. Alex A Coates, *The Galatea Story* (Whakatane: Whakatane & District Historical Society, 1980), pp 30, 32

281. Tracy Tulloch, 'Heruiwi 1-4' (commissioned research report, Wellington: Waitangi Tribunal, 2000) (doc A1), p 77

presumably held off starvation for a while, but would also have made food shortages worse in later years. We will see below that some contemporaries thought that, if Maori in Te Urewera were truly in serious distress, they should relieve it by selling land. In this context, such suggestions were not only heartless but also misguided. The Te Urewera communities were in distress in part *because* they had lost so much of their best arable land; losing more land would only make things worse in the long term.

We also saw earlier that stock numbers and crop acreage owned by Maori declined dramatically between 1896 and 1901. Stock was almost certainly sold or eaten by those without other food; this again provided a short-term solution at the expense of future opportunities. Crop acreage may have declined due to land loss, a lack of resources to keep lands under crop, or a combination of the two. We have already seen that the Crown did almost nothing to assist Maori to develop their land.

The famine seems to have stalled attempts made to develop the remaining Maori land in Te Urewera. Whakatane County was a major maize-growing area, and Maori grew maize in the lower valleys, at Galatea, and in a few high-land niches, such as Te Whaiti and Ruatahuna.²⁸² At Waimana, communal maize growing began in the 1890s after money was raised through gum-digging in the Coromandel.²⁸³ The first crop alone produced 60 to 72 sacks of grain.²⁸⁴ Between 1891 and 1896, the acreage of maize grown by Maori almost doubled.²⁸⁵ Although commercial maize farming by Whakatane County Maori continued into the early twentieth century, the number of acres under maize did not return to 1896 levels until at least 1906.²⁸⁶ Maori sheep farming in the inquiry district, much of it communally run, also increased in the 1890s, before declining in the wake of the famine.²⁸⁷

282. *New Zealand Official Yearbook 1899*, p 353; Webster, *Rua and the Maori Millennium* (doc K1), p 89; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 263

283. Webster, *Rua and the Maori Millennium* (doc K1), p 89; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 270; Sissons, *Te Waimana* (doc B23), pp 167–168

284. Kihoro Te Puawhe estimated that the first crop was transported to Whakatane by six carts carrying 10–12 sacks of the grain each, hence the figure of 60–72 sacks: Sissons, *Te Waimana* (doc B23) p 168.

285. Registrar-General's Office, *Results of a Census of the Colony of New Zealand, Taken for the Night of the 5th April, 1891* (Wellington: Government Printer, 1892), app c, plx; Registrar-General's Office, *Results of a Census of the Colony of New Zealand, Taken for the Night of the 12th April, 1896* (Wellington: Government Printer 1897), app b, plvi

286. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 498; Registrar-General's Office, *Results of a Census of the Colony of New Zealand Taken for the Night of the 31st March, 1901* (Wellington: Government Printer, 1902), app b, plviii; Registrar-General's Office, *Results of a Census of the Colony of New Zealand Taken for the Night of the 29th April, 1906* (Wellington: Government Printer 1907), app b, pliii. In 1900, Opotiki County was created out of Whakatane County, making comparisons somewhat difficult. However, the acreage of maize in Whakatane and Opotiki Counties in 1901 was just 895, compared to 3,178 in Whakatane County in 1896. By 1906, the acreage in the two counties had increased to 3,885.

287. Sissons, 'Waimana Kaaku' (doc A24), p 61; Sissons, *Te Waimana* (doc B23), p 167; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 271

The Effect of Temporary Labour Migration on Food Production

THESE changes in the Ruatahuna economy [the increase in migration for seasonal work] did not hold the same rhythm of the traditional practices. In the past, crops were sown in spring, tended in the summer, when seafood would also be gathered and dried, the crops harvested in autumn, and then birds hunted in the winter. The timing of the seasons, cultivation of crops, and hunting in the forests fitted neatly together. But the scheduling of itinerant work grated against the natural rhythms of the traditional practices. Work on Gisborne farms came in late spring and early summer, when crops should have been planted. Road work was not seasonal, but took people away altogether for a period of time in which their crops could not be planted or tended. When the famine struck in 1898, the men at Toreaia [at Maungapohatu] left their settlement to work on the road, leaving no able bodied men to plant the seed potatoes distributed by the Government.¹

1. Tuawhenua Research Team, 'Ruatahuna, Te Manawa o te Ika, Part Two: A History of the Mana of Ruatahuna from the Urewera District Native Reserve Act 1896 to the 1980s' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004) (doc D2), p 23

As we will discuss in more detail below, there were few opportunities for employment in Te Urewera: there was some farm labour, such as shearing, ditch digging, and scrub cutting, which tended to be seasonal in nature, uncertain in duration, temporary, and low paid.²⁸⁸ The physically demanding nature of the work also meant that it was unsuitable for those weakened by age, disease, or malnutrition. Maori employed in seasonal labour were also sometimes unavailable to fulfil the needs of their own farms: for example, the shearing season occurred when crops needed to be planted, and those employed harvesting others' crops could not harvest their own. This was a particular problem since many people had to travel long distances from home for work.

The unseasonable frosts of 1898 and the resulting crop destruction led to famine only because the hapu and iwi of Te Urewera had become almost totally dependent on a fairly precarious supply of home grown food. They were in this situation because they had lost so much land, particularly their flattest, warmest, and most fertile land, in the north of the inquiry district and to a lesser extent in the rim blocks. They had also been cut off from some alternative foods such as kaimoana, and people could not be supported by more fortunate relatives, as in past times of shortage, because poverty was so widespread. Paid work was only sporadically

288. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 274–277, 307; Webster, *Rua and the Maori Millennium* (doc K1), pp 157–158; Paul and Paul, 'The History of Kaingaroa No 1' (doc A89), p 83

available, and when it was it was badly paid, unsuitable for anyone not in full health, and tended to interfere with food production at home. Commercial timber milling was not yet feasible as an alternative source of income.

We have seen that Maori in various parts of Te Urewera had experienced food shortages earlier in the 1890s, and in the years after the famine. Although these too seem to have been caused by bad weather and natural disaster, they show that the 1898 famine was not simply the result of a rare calamity. It was rather the worst of a series of events in which misfortune tipped communities over the edge from bare subsistence to absolute deprivation. In European tradition, famine is personified as one of the four horsemen of the apocalypse. He rides in company with War, Pestilence, and Death, who, in the nineteenth century, made a path for Famine into Te Urewera.

23.6.2.2 *Crown responses to the famine*

In chapter 9, we discussed the negotiations between the Crown and Te Urewera leaders over what became the UDNR. We found in chapter 9 that the Crown agreed in 1895 to protect the peoples of Te Urewera and promote their prosperity, and that it would give social and economic assistance to meet those ends. During his tour of Te Urewera, Seddon specifically named food shortages as one of the things which his Government wanted to change under the UDNR.²⁸⁹ Just three years after this agreement was reached, and just two after the UDNR Act formalised it, the peoples of Te Urewera urgently needed the Crown's help. Although it is difficult to know exactly what the parties agreed to in 1895, in terms of socio-economic assistance, the Crown had clearly committed to improving the lives of Te Urewera hapu and iwi, which must surely include relief in times of serious crisis. In this section, we look at whether the Crown fulfilled its promises and provided adequate aid to those suffering famine in Te Urewera.

The Government first received reports of the crisis in February 1898, when Maori from around the district requested food. Native school teachers at Te Whaiti, Galatea, and Te Houhi confirmed that there was a severe food shortage.²⁹⁰ On 15 March, the Assistant Surveyor-General in Rotorua, A Barron, warned that 'old people must die' if food supplies were not provided within a week.²⁹¹ By the end of the month, the Government had also received a full report on the situation by Elsdon Best, and a further request for food from Tuhoe rangatira Numia Kereru.²⁹² By the end of March 1898, in summary, the Crown was fully aware of the nature and extent of crop destruction and food shortages in the inquiry district.

289. AJHR, 1895, G-1, p 49

290. Cecilia Edwards, 'The Urewera District Native Reserve Act 1896, Part 2: Title Determination under the Act, 1896-1913' (commissioned research report, Wellington: Crown Law Office, 2004) (doc D7), pp 33-34; Thomas Wylie to Seddon, 16 February 1898 (Edwards, supporting papers to 'Te Urewera District Native Reserve Act 1896 Part Two' (doc D7(i)), vol 1, p 470)

291. Barron to Surveyor-General, 15 March 1898 (Edwards, supporting papers to 'Te Urewera District Native Reserve Act 1896 Part Two' (doc D7(i)), vol 1, pp 472, 474)

292. Edwards, 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7), pp 35-37

The Government provided famine relief in two forms: supplies and work. Following Barron's telegram on 15 March, James Carroll and Richard Seddon authorised flour and potatoes to be sent to Te Houhi, Galatea, and Te Whaiti and for young men to be put on to road work. Under-Secretary for Justice Frank Waldegrave then told Barron to purchase two tons of potatoes and one ton of flour for each of the settlements, although it is unclear from the evidence whether Barron actually did this.²⁹³ On 11 April, Seddon, who was in Rotorua, wired Waldegrave to say that no aid had been provided.²⁹⁴ The next day, S Percy Smith, the Surveyor-General, ordered an official in Rotorua to provide food aid in the form of potatoes, flour, rice, and sugar to Te Houhi and Galatea.²⁹⁵ One ton of potatoes were supplied as a gift for the elderly at Te Houhi, Galatea, and Whirinaki, later supplemented by rice, flour, and more potatoes.²⁹⁶ The gifts were intended only for the 'indigent' and 'very old and feeble,' who could not work on the roads.²⁹⁷ The remaining food, apart from seed potatoes, was to be paid for by road work in the future. Ten tons of seed potatoes were sent at the end of May 1898 to Te Urewera communities on the upper Rangitaiki River, and to Ruatahuna and Maungapohatu, so that they could plant them for next year's crop. Joseph Wylie, the teacher at Galatea, thought that amount might perhaps provide a sack for each family; he viewed this as very inadequate, as 'one bag for each family cannot possibly be expected to grow a sufficient supply for twelve months consumption.'²⁹⁸ He believed their annual needs were normally about five to eight sacks per family. A very limited quantity of seed potatoes was later supplied to Ruatoki.²⁹⁹

Relief work was also provided. During 1898, 87 Maori were employed on the Galatea to Ruatahuna road, 20 employed near Ruatahuna clearing bush, about 20 from Te Whaiti on the Te Papa road, and about 40 from Te Houhi, Galatea, and Whirinaki on other road works. Other groups were contracted to construct and improve roads and stock tracks near Ruatoki and around Maungapohatu, but their work was in payment for food supplies already provided, rather than for cash.³⁰⁰ The work was unevenly distributed, so that there were no workers from the Ngati Marakoko and Warahoe hapu of Te Whaiti, who collectively numbered 26. Other

293. Ibid, pp 34–35

294. Native Minister Richard Seddon to H Waldegrave, Under-Secretary for Justice, 11 April 1898 (Edwards, supporting papers to 'Te Urewera District Native Reserve Act 1896, Part Two' (doc D7(i)), vol 1, pp 452–455)

295. Smith, Surveyor-General, to Dowsett, 12 April 1898 (Edwards, 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7), p 37)

296. Edwards, 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7), pp 38, 40

297. Treasury voucher for W A Williams, Department of Justice, 18 May 1898 (Edwards, supporting papers to 'Te Urewera District Native Reserve Act 1896, Part Two' (doc D7(i)), vol 1, p 432)

298. J Wylie to F Waldegrave, Under-Secretary for Justice, 15 Sep 1898 (Edwards, supporting papers to 'Te Urewera District Native Reserve Act 1896, Part Two' (doc D7(i)), vol 1, p 404)

299. Binney, 'Encircled Lands, Part 2' (doc A15), p 289; Rose, 'A People Dispossessed' (doc A119), p 143

300. Robert H Reaney, 'Rotorua', AJHR, 1899, C-1, p 56; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 291–292

groups had some men employed, but not enough to feed everyone.³⁰¹ Meanwhile, work was being given to unemployed Pakeha.³⁰² From June, numbers of Maori on the Galatea road were reduced, in order to save money.³⁰³ By December, the roading budget was overspent, and work ceased.³⁰⁴ There is some evidence that the Ruatahuna relief workers were paid less than Pakeha working on the Te Whaiti to Ruatahuna road around the same time.³⁰⁵ The standard relief work wage was seven shillings a day, similar to the average wage for ordinary unskilled labourers. As a point of comparison, a bag of flour from the local store cost nine shillings and a bag of potatoes 16 shillings.³⁰⁶

Despite the provision of some limited free supplies and roadwork, many Te Urewera people continued to experience food shortages. It appears that those who could not work, such as children and the elderly, suffered most.³⁰⁷ In May 1898, Mehaka Tokopounamu requested free food from the Government for Ngati Haka Patuheuheu, because they could not afford the food that the Government had sent to Wylie for distribution.³⁰⁸ In July and November, Pihopa Taumutu and others requested food for the school children at Te Whaiti. In mid-November, the school teacher at Te Whaiti found old people subsisting on earthworms, puha and fern root. In December, Ngati Haka Patuheuheu from Te Houhi again requested food, and in the same month Tukuaterangi Tutakangahau repeated earlier requests for flour for the elderly at Maungapohatu.³⁰⁹ Waldegrave refused to provide more food, saying that they had received enough already.³¹⁰

We turn now to examine the reasons why the relief took so long to arrive, why it stopped when it did, and why it took the forms it did. What is particularly striking,

301. Edwards, 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7), p 40

302. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 291

303. Smith, Surveyor-General, to Under-Secretary for Justice, 11 June 1898 (Edwards, 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7), p 40)

304. Rose, 'A People Dispossessed' (doc A119), p 144; Binney, 'Encircled Lands, Part 2' (doc A15), p 289; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 292

305. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 90

306. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 293

307. See, for example, the claim by Korowhiti Ratahu (Edwards, 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7), p 39) and Wylie to Seddon, 5 May 1898 (Edwards, supporting papers to 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7(i), vol 1), p 420). In the latter, Joseph Wylie, the school teacher at Galatea, wrote to Seddon: 'A number of the old and ailing people have earnestly requested me to ask you to pity and help them, until they are able to grow some food; at present they are obliged to go to those who are working to get a meal, some of them have had families but they are grown up and have wives and children to provide for. Others have no children'. In response, Seddon authorised £20 of food to cover three months: Edwards, 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7), p 40.

308. Edwards, 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7), p 39

309. Pihopa and members of Te Whaiti School Committee to Thompson, 17 November 1898 (Edwards, supporting papers to 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7(i)) vol 1, p 374); Mehaka Tokopounamu, Wi Patene Tarahanga, Waihia Turua to Seddon, 21 December 1898 (Edwards, supporting papers to 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7(i)), vol 1, p 366); Edwards, 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7), p 41; Binney, 'Encircled Lands, Part 2' (doc A15), p 291

310. Edwards, 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7), p 41

Unknown (ATL PACOLL-7273-01)



Roadworkers at their camp on the Galatea–Ruatahuna–Waikaremoana Road, 1890s. In response to the 1898 Te Urewera famine, the Government provided paid relief work for able-bodied men on the roads, though this provided only partially for the needs of impoverished and weakened communities.

from a modern perspective, is that the Crown seemed to have no structure in place to investigate, assess, or respond to crises such as this, even though localised natural disaster seems to have been a regular occurrence in this period. Requests for help were sometimes bounced around between the Education, Justice, and Works Departments, without any of them having any clear responsibility.³¹¹ The abolition of the Native Department in 1892, and the fact that there was no Health Department at this stage, no doubt played a role in this organisational vacuum, although there seems to be no reason why famine and disaster relief could not have been a clearly assigned duty of another department.

Another major problem seems to have been that many officials did not believe that there really was an ongoing crisis, despite the evidence. Waldegrave told Seddon in April that he had been slow to respond to requests for help as it was 'difficult to obtain reliable information as to the real necessities of these people'. He also said that the reports which Seddon had received in Rotorua were probably 'somewhat exaggerated'.³¹² It seems likely that if Seddon had not happened to be in Rotorua, even less assistance may have been provided. Robert Reaney, the road surveyor for the Rotorua district, was suspicious that some of the relief workers

311. Ibid, p 37

312. Waldegrave to Seddon, 15 April 1898 (Edwards, 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7), p 38)

might be ‘undeserving cases’.³¹³ As we discuss below, State officials of this period frequently made the distinction between ‘deserving’ and ‘undeserving’ people when deciding whether to provide aid. In this case it is not clear where the line was drawn; ‘undeserving cases’ may have meant those who were not really destitute, or who he thought had become destitute through carelessness or laziness rather than misfortune. When relief supplies ran out towards the end of the year, Waldegrave refused to supply more, and was supported in this by the native school teacher at Te Whaiti, FR Wykes, who told Waldegrave:

Since receiving your note I have decided not to supply any more except it might be in the case of Hamiora [an elderly rangatira who was starving]. I quite agree with you in the opinion that the people in this District have been very liberally treated by the Govt. The more they receive the more they expect. I am of opinion they should be asked to sell land, or horses and buy food if they are really starving.³¹⁴

Wykes’s scepticism and distinct lack of sympathy even for genuine cases of starvation are evident. As we noted earlier, land loss was one of the factors contributing to the famine, and so the idea that famine victims should sell more land was both callous and misguided.

Officials also preferred to provide destitute Maori with the opportunity to earn money for food, or to work for food, rather than simply providing them with supplies.³¹⁵ This was the case even when it was reported that elderly people would die if food were not provided within a week.³¹⁶ When food was supplied, it was not always free, but was to be paid for with labour on the roads.³¹⁷ Although some communities specifically requested donations of food, others preferred relief work, or food which could be paid for with work.³¹⁸ Elsdon Best and Inspector of Native Schools James Pope both reported that those who did not want free food were afraid that their land would be taken in payment.³¹⁹ Best stated that some hapu were generally suspicious and distrustful of the Government, and ‘would rather live on fern root than take food from Govt.’³²⁰ He ascribed this to the recent sentencing of 50 year old Tuhoe woman Makurata Hineore to one month’s imprisonment with hard labour, which both Best and her relatives considered to be unjust.

313. Reaney, ‘Rotorua’, p 58

314. Wykes to Under-Secretary for Justice, 13 December 1898, J1 99/124, Archives New Zealand, Wellington (Hutton and Neumann, ‘Ngati Whare and the Crown’ (doc A28), p 137)

315. Thomas Wylie to Seddon, 16 February 1898 (Edwards, supporting papers to ‘The Urewera District Native Reserve Act 1896, Part 2’ (doc D7(i), vol 1), p 470); Edwards, ‘The Urewera District Native Reserve Act 1896, Part 2’ (doc D7), pp 34–37

316. Barron, to Surveyor-General, 15 March 1898 (Edwards, supporting papers to ‘The Urewera District Native Reserve Act 1896, Part 2’ (doc D7(i)) vol 1, pp 472, 474)

317. Edwards, ‘The Urewera District Native Reserve Act 1896, Part 2’ (doc D7), pp 37–38

318. Ibid, pp 33–34, 37; Binney, ‘Encircled Lands, Part 2’ (doc A15), p 291

319. Rose, ‘A People Dispossessed’ (doc A119), p 143; Best to Under-Secretary for Justice, 17 March 1898 (Edwards, ‘The Urewera District Native Reserve Act 1896, Part 2’ (doc D7), pp 36–37)

320. Best to Under-Secretary for Justice, 14 March 1898 (Edwards, ‘The Urewera District Native Reserve Act 1896, Part 2’ (doc D7), p 35)

As we discussed in chapter 13, Makurata was convicted after a land dispute turned into a fight.³²¹ The case and its context highlighted the fact that, despite what they had been led to believe, the peoples of Te Urewera were not allowed to resolve their own disputes, but rather had to submit to the Crown's justice system. In general, the refusal of some groups to take food from the Crown illustrates early challenges for the UDNR partnership in attempting to overcome the long history of Crown injustice.

There were some advantages to relief work as a substitute for food supplies. It avoided creating any sense of obligation or anxiety that the Crown would want repayment for goods supplied, which might mean land would have to be sold, and it avoided creating any dependency on Crown welfare. Crown counsel submitted that this was a key reason for the preference for work rather than food, describing it as 'reflective of the government's ethos of individual responsibility, and also the government's concern not to encourage dependency. Urewera Maori did not want to be dependent on the government either.'³²² But it seems unlikely to us that the provision of food in the wake of a natural disaster would have caused long-term dependency. Nor should the Crown have regarded welfare dependency as a worse fate than starvation. While it is certainly true that many in the inquiry district were afraid of owing anything to the Crown, this seems to have been primarily the result of the Crown's past actions, which included land confiscation and military invasion. The Crown's relationship with the peoples of Te Urewera had recently become more positive, as their leaders negotiated the UDNR. But this was not enough to overcome the distrust created by decades of war, confiscation, and broken promises, especially given that the Crown seemed already to be forgetting the partnership. That some hapu seem to have preferred malnutrition and possible death from starvation to accepting aid from the Crown is not testament to an 'ethos of individual responsibility'; it is an indictment of the Crown's earlier relationships with them.

Regardless of any arguments in favour of relief work, it was clearly insufficient to aid all Maori suffering from the famine. We have noted above that some hapu did not receive any work. Other groups had so few able bodied men that, even if all were employed on relief wages, they would have been unable to support everyone in need of food. At Te Whaiti, for example, there were only 12 men able to work in support of a total population of 81.³²³ In other areas only a third or less of the population were able to work on the roads.³²⁴ As the famine went on, it is likely that fewer people were able to work, as malnutrition and associated disease weakened the formerly able-bodied. There is evidence that the road work itself was dangerous and conducive to ill health, and that this may have led to several

321. Edwards, 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7), pp 20–23

322. Crown counsel, closing submissions (doc N20), topic 39, p 10

323. Binney, 'Encircled Lands, Part 2' (doc A15), p 292

324. Edwards, 'The Urewera District Native Reserve Act 1896, Part 2' (doc D7), p 40; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 292; Binney, 'Encircled Lands, Part 2' (doc A15), pp 288–289

deaths among Maori road workers.³²⁵ As a general matter of policy, relief work was made 'deliberately unattractive' through low pay and harsh conditions, so that it would only be taken by those in desperate need.³²⁶ Illness among workers and their dependants would also have forced the healthy to choose between looking after sick family members and working. The need to work certainly prevented people from planting crops at their usual time, meaning that they ripened late and food ran out again at the end of the year.³²⁷ To some extent, therefore, relief work actually exacerbated problems rather than solving them.

We received very little evidence on the Crown's response to other crises and disasters around this time. After the Tarawera eruption in 1886, Parliament voted £2,000 for the relief of affected settlers and just £400 for affected Maori, even though the overwhelming majority of people killed in the disaster were Maori.³²⁸ The money was intended to provide for only the most 'pressing' and 'extreme' cases; Robert Stout said in Parliament that he did not think it was reasonable to ask the Government to 'compensate every one who was injured, to the full extent of the injury'.³²⁹ This indicates that the Crown saw its disaster relief role in quite limited terms, but also shows that it saw Pakeha as being more in need or deserving of relief than Maori. It must also be noted that in 1898 the Crown significantly expanded its social welfare role by introducing old age pensions. It appears, though, that this increased generosity did not extend to famine-afflicted Maori.

To sum up, the Crown's response to the 1898 Te Urewera famine was woefully inadequate. It was late, it was insufficient, and when it took the form of relief work it sometimes made things worse. Some Crown employees actively argued against more relief, claiming that conditions were not particularly bad, or arguing that Maori who were 'really starving' should simply sell their land. Other Crown employees, and Seddon, were more sympathetic, but overall the Crown showed little regard for the peoples of Te Urewera in their time of crisis. The response was inadequate even by the standards of the time; the peoples of Te Urewera were entitled to at least the same level of aid as would have been provided to a Pakeha community in a similar situation. In addition to any general duties of disaster relief, we repeat that the UDNR agreement in particular obliged the Crown to aid and assist the hapu and iwi of Te Urewera, particularly in times of crisis, and that this included help with food supplies. The Crown failed to meet these obligations.

23.6.2.3 *Employment opportunities and economic assistance*

What was the general economic context of the famine, and did the Te Urewera economy improve in the early twentieth century? We have seen that Te Urewera

325. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), pp 91–92

326. David Thomson, *A World without Welfare: New Zealand's Colonial Experiment* (Auckland: Auckland University Press with Bridget Williams Books, 1998), pp 113–114

327. Binney, 'Encircled Lands, Part 2' (doc A15), p 291

328. Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand* (Auckland: Auckland University Press, 1973), p 294. In the end, a total of £1,200 was spent on Maori.

329. NZPD, vol 55, 6 July 1886, p 279. There was also a public relief fund: Brabant to Under-Secretary, AJHR, 1887, G-1, p 9.

hapu and iwi experienced famine in part because of their extremely limited economic capability, and because they did not benefit from the property regime imposed by the Crown. We turn now to look at the economic opportunities available to the hapu and iwi of Te Urewera in the period from about 1890 to 1935, and the extent to which the Crown helped or hindered them in taking up those opportunities. Other than selling land, the only significant potential income sources were farming, forestry, and paid work.

Land loss continued in the early decades of the twentieth century, through Crown and private purchasing, and the Urewera consolidation process that followed the Crown's sustained purchase programme in the UDNR in the 1910s, which we outlined in chapter 15. By 1930, Maori owned just 19.3 per cent of the land in our inquiry district. During the consolidation process, Maori landowners were allowed to select a maximum of three blocks to take their interests in, and most concentrated their interests in just two. This meant they had a greatly reduced ability to use different areas for different, seasonal purposes, which restricted economic capability. Individualised titles meant that the small amounts of good remaining farmland tended to be partitioned over time into sections too small for profitable farming. In addition, the Crown's failure to build promised arterial roads made farming in many parts of Te Urewera even more difficult and unprofitable than would otherwise have been the case, particularly in areas which had only been developed because of the promise of roads. Maungapohatu, which was revived in the late 1920s after Rua's return, went again into serious decline because there was no real road access.

In chapter 18, we examined the first significant Crown programme to assist Maori in farming: the development schemes which began from 1929. We accepted that the Crown had sought to act in the best interests of the Maori landowners, and the schemes had delivered tangible benefits which otherwise could not have been obtained. Although the quality of management was mixed, and the schemes were not a financial success, we found that the inception and conduct of the schemes was not in breach of the Treaty. We received little evidence on Crown assistance to Maori farming prior to the development schemes, and it appears that little assistance was provided. One of the few exceptions was the Crown's aid in the establishment of the Ruatoki dairy factory in 1907. The factory was a private concern made possible by a gift of land by local Maori, but the gift was facilitated by the passage of legislation to allow land transfers for factories or public purposes.³³⁰ As we noted earlier in this chapter, the establishment of the factory, and of the Ruatoki dairy industry more generally, enabled a significant improvement in living standards among Ruatoki Maori. Maori dairy farmers in Ruatoki still struggled, however, as limited land holdings, land title problems, and a lack of capital prevented them from fully developing their farms.³³¹ The dairy industry also made Maori land in the area more attractive to Pakeha, increasing pressure on

330. Oliver, 'Ruatoki' (doc A6), p 197

331. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 490–491

landowners to sell.³³² Elsewhere in Te Urewera, dairy farming was impractical even when the land was suitable, as there were no roads to get the milk to the factories. Sheep farming was the dominant form of pastoralism in most parts of the district, but Maori flocks tended to be small.³³³

Murton argues that farming was becoming more complex and expensive at this point, making it difficult for those with limited financial resources to compete.³³⁴ For example, successful commercial dairy farming by about 1910 required investment in milking sheds, milking and cream separation equipment, and a plentiful and clean water supply to meet increasingly stringent quality control requirements; not to mention the usual need to improve the land and stock.³³⁵ We received no evidence that the Crown provided development capital to Maori in Te Urewera before 1930.³³⁶

There were some means by which Maori could, in theory, access development loans. The Crown passed legislation to provide Maori farmers with mechanisms to secure finance collectively, such as by forming an incorporation of owners (enacted in 1894), or by vesting land in a trust (1897). But these were seldom used.³³⁷ Other Tribunals have suggested that this was because of the heavy Government control that went with the mechanisms.³³⁸ In chapter 12, we showed that, in the rim blocks, the Crown's purchasing activities meant the owners could not have formed incorporations even if they had wanted to. From the early 1920s, loans were also available through the Native Trust Office and the district Maori land boards, but the amounts involved were very small, and we received no evidence that any Maori from Te Urewera borrowed money in this way.³³⁹ From the 1890s, financial assistance was available for farmers generally, and Maori were not specifically barred from accessing it, but the Wairarapa ki Tararua Tribunal found that Maori could not do so in practice.³⁴⁰ Substantial economic assistance was not accessible to Maori until 1929, when the development schemes were introduced by the new Minister of Native Affairs, Apirana Ngata.³⁴¹ In 1921, Fred Biddle of Ruatoki stated to a group of visiting members of Parliament:

332. Sissons, 'Waimana Kaaku' (doc A24), p 67

333. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 271–273, 492–495; Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 79, 138, 177

334. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 466

335. Ibid, pp 442–443; see also Gary Richard Hawke, *The Making of New Zealand: An Economic History* (Cambridge: Cambridge University Press, 1985), pp 88–90

336. Crown counsel, statement of response to stage 3 claims (statement 1.3.7), p 12

337. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 468, 715

338. Waitangi Tribunal, *The Wairarapa ki Tararua Report*, 3 vols (Wellington: Legislation Direct, 2010), vol 2, p 535; Waitangi Tribunal, *He Maunga Rongo: Report on Central North Island Claims, Stage One*, revised ed, 4 vols (Wellington: Legislation Direct, 2008), vol 1, pp 381, 385, vol 3, p 980

339. Brian Murton, under cross-examination by Crown counsel, Tauarau Marae, Ruatoki, 20 January 2005 (transcript 4.13, p 83)

340. Waitangi Tribunal, *The Wairarapa ki Tararua Report*, vol 2, pp 577–589

341. Ibid, pp 596, 612

I am sorry you have come now when you see the nakedness of our land; we regret that it is not cultivated. There is a two-fold reason. (1) We are not the acknowledged owners of any piece of land – we have no title in the pakeha sense. (2) Even if we had a title we have no money and the banks and other lending institutions will not lend to Maoris.³⁴²

Most Maori land in Te Urewera had multiple owners, and neither banks nor the State would loan on the security of these titles, because the land could not be repossessed in the event of default.³⁴³

Crown action and inaction could also seriously hinder farming development, as it did for the Waiohau and Maungapohatu communities. In chapter 11, we showed that the Crown failed to take action in the matter of the Waiohau fraud, which resulted in Ngati Haka Patuheuheu losing their best farm land. They also lost all their cattle and most of their sheep through debt arising from legal costs.³⁴⁴ We found that the compensation granted by the Government was clearly inadequate, and no assistance was given for development of their remaining lands. In chapter 17, we found that the police raid on Maungapohatu had a devastating effect on the community there, and that it never fully recovered. Like Ngati Haka Patuheuheu, Rua's followers were compelled to sell livestock in order to pay legal costs. The absence and imprisonment of Rua and others resulted in land falling into disuse and becoming overgrown.

In the long term, the most important source of income in our inquiry district was forestry. In chapter 15, we showed that Crown actions meant that the hapu and iwi of Te Urewera gained little benefit from the growth of the timber industry in the early twentieth century. Ngati Ruapani at Waikaremoana lost most of their forest land and gained little in return. Most of this forest was never milled, as it was needed for environmental and tourism purposes. We found, though, that the land was no less valuable to the Crown as a conservation forest and therefore its price should have reflected market rates for the land and timber. Nor did most other landowners who sold their interests receive payment for their timber. Land which was retained was sometimes later subject to milling restrictions.

As we found in chapter 15, the Te Whaiti owners suffered the worst losses in terms of forest resources. By the early twentieth century, Ngati Whare were aware that timber was their last remaining resource of any financial significance, and in 1915 they asked the Government to allow them to enter into timber leases. These, they said, would give them royalty income as well as employment from the saw-mills which would open to process the timber.³⁴⁵ The Crown refused, and some

342. SKL Campbell, 'Land Alienation, Consolidation and Development in the Urewera, 1912–1950' (commissioned research report, Wellington: Crown Forestry Rental Trust, 1997 (doc A55), p 35

343. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 715–716, 973; Murton, 'Summary of Evidence of Brian Murton: Stage Three' (doc J10), p 16

344. Binney, 'Encircled Lands, Part 2' (doc A15), p 347; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 494–495

345. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 178, 195

owners turned to harvesting the timber themselves for telephone poles and fence posts. A Crown injunction in 1917 cut off this source of income too.³⁴⁶ Having blocked most of the Te Whaiti owners' economic opportunities, the Crown unlawfully purchased the majority of individual interests in the forest blocks and then retrospectively validated its actions.³⁴⁷ We found in chapter 13 that the standing timber was worth at least seven times what the Crown paid for it. We also found, in chapter 15, that the purchases had negative long-term effects on Ngati Whare's economic capability. They did benefit from the timber industry in their rohe, as we will discuss in detail below, but the establishment of the timber industry on the back of aggressive Crown purchasing consigned Ngati Whare and other Te Urewera peoples to the role of labourers and indirect beneficiaries, where they might have been owners.

Counsel for Nga Rauru o Nga Potiki submitted that, because Maori in Te Urewera had lost most of their assets and were unable to derive income from what remained, they had by the 1920s 'developed an almost institutionalised reliance on seasonal and casual work'.³⁴⁸ Crown counsel responded that, given population growth and the lack of suitable land for farming in Te Urewera, 'it is likely that many Urewera Maori would have been reliant on wage work or seasonal work by the 1920s' even if land loss had not occurred. Even in the 1840s, they said, Te Urewera Maori were already travelling out of the district to trade and work.³⁴⁹ Nevertheless, they also submitted that 'the Crown did open up significant work opportunities in and around Te Urewera, in particular timber, pulp and paper, and also projects associated with the hydroelectric development'.³⁵⁰

Overall, little private or public employment was available in Te Urewera before the 1930s. The Crown provided occasional temporary employment to local Maori in four areas: on roads throughout Te Urewera from the 1890s, from the tourist lodge at Waikaremoana from 1903, the timber industry, and the construction of two hydro-electric stations near Lake Waikaremoana in the 1920s. The public works employment on roads and dams was only temporary, and the tourist lodge offered few employment opportunities. The timber industry eventually came to dominate the Te Urewera economy, but provided few jobs before the 1920s. In 1925, the new State Forest Service substantially expanded the Kaingaroa forest.³⁵¹ The planting programme became a major employer for Maori in the area, particularly

346. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 198; Richard Boast, 'Ngati Whare and Te Whaiti-nui-a-Toi: A History' (commissioned research report, Wellington: Crown Forestry Rental Trust, 1999) (doc A27), pp 177–181

347. Boast, 'Ngati Whare and Te Whaiti-nui-a-Toi' (doc A27), p 198

348. Nga Rauru o Nga Potiki, statement of claim, 11 October 2004 (claim 1.2.24(a)), p 18; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1583

349. Crown counsel, statement of response to stage 3 claims (statement 1.3.7), p 47

350. Crown counsel, closing submissions (doc N20), topic 39, p 26

351. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 265

Ngati Manawa, Ngati Whare, and Ngati Haka Patuheuheu.³⁵² The timber milling industry did not get fully underway in Te Urewera until 1929 and did not really take off until even later; forestry from this date onwards will be covered below, as part of a general discussion of the industry in the mid-twentieth century.

As we outlined in our earlier discussion of the famine, the Crown provided some road-building work to Maori in Te Urewera, in some cases so that workers could pay for emergency food supplies. The work was seen as a form of social welfare, even though the Crown benefited as much as the workers. After the famine, road work continued to be available intermittently, and Maori were employed on at least some of the Te Urewera roading projects.³⁵³ We have noted in chapter 14, however, that most of the roads promised by the Government were never built. This not only held back farming development, as we have shown, but also meant one less source of paid work.

Other employment opportunities came with the construction of two hydro electric power stations near Lake Waikaremoana in the 1920s. The first was a small temporary station built in 1923 at Whakamarino Flat; the second was the larger and permanent Tuai station. Work on the Tuai station began in 1926 and ended in the late 1960s.³⁵⁴ These projects provided some employment to the peoples of Te Urewera, especially those living on the nearby Te Kopani reserve. The teacher at Kokako Native School claimed in 1932 that 'during the construction of the Hydro Electric Scheme and while shearing wages were high, these people [on the reserve] experienced good times.'³⁵⁵

We received conflicting contemporary evidence on the total numbers employed building the power stations, but there were clearly several hundred.³⁵⁶ Nor do we know how many were Maori; contemporary photographs indicate a mixed

352. Ibid, pp 265, 267; Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 353, 399; Presbyterian Church of New Zealand, *Proceedings of the General Assembly of the Presbyterian Church of New Zealand, 1926* (Dunedin: Otago Daily Times and Witness Newspapers, 1908–68), p 73; Kathryn Rose, comp, supporting papers to 'A People Dispossessed', various dates (doc A119(a)), p 47; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1054

353. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1046

354. Walzl, 'Waikaremoana' (doc A73), pp 190, 214, 294–298; Garth Cant, Robin Hodge, Vaughan Wood, and Leanne Boulton, 'The Impact of Environmental Changes on Lake Waikaremoana and Lake Waikareiti, Te Urewera' (commissioned research report, Wellington: Waitangi Tribunal, 2004) (doc D1), p 151; John Martin, *People, Politics and Power Stations: Electric Power Development in New Zealand, 1880–1990* (Wellington: Bridget Williams Books and Electricity Corporation of New Zealand, 1991), pp 99, 102

355. A J Lambert to Director of Education, 28 October 1932 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(y)), p 61)

356. Walzl, 'Waikaremoana' (doc A73), p 298; *Daily Telegraph*, 13 February 1928 (Tony Walzl, comp, supporting papers to 'Waikaremoana: Tourism, Conservation & Hydro-Electricity (1870–1970)', 4 vols, various dates (doc A73(c)), vol 3, p 1643; 'Main Hydro-Electric Scheme', *Star*, 23 February 1927 (Walzl, 'Supporting papers for Waikaremoana' (doc A73(c)), p 1645)

workforce.³⁵⁷ Maria Waiwai of Ngati Ruapani lived nearby during construction. She told us of the building of the Tuai station and the division of labour at the site:

Labourers were employed to do manual work with pick-axes, shovels and wheelbarrows. The power stations were owned and run by the Pakehas, but our Maori men did all the labouring. It's true that Pakeha and Maori worked together – the village gang worked outside and the skilled Pakeha labourers and engineers inside. The Maori did all the manual work like spalling rocks for the crusher and using wheelbarrows to cart the rocks wherever they were needed. Our fathers and grandfathers built the stone walls that are still here today.³⁵⁸

From the evidence we received, we cannot be sure that Pakeha took most of the skilled labouring and engineering jobs, but it seems likely. We saw earlier that in the 1930s Te Kopani Maori were living in dire poverty, suggesting that the power station work had not resulted in any improvement in their living or economic conditions at this stage. It is unclear how much employment the power stations provided once they were completed. In 1981, there were 75 people in the Waikaremoana area working in the 'electricity, gas, and water' sector, most of them apparently in jobs defined as 'production, transport or labour'.³⁵⁹ However, we do not know how many of these people were Maori, what kind of work they did, or what they were paid.

Another source of casual work was the tourist resort on Lake Waikaremoana. Tourism in Te Urewera seems to have begun in 1874, when a lodging house was established at Onepoto. Excursion trips to Waikaremoana operated in the 1880s, but tourist activity was minimal at this time because of the district's isolation.³⁶⁰ From the 1890s, the Government expanded its role in the tourism industry, building or buying accommodation, sites, and transport around the country.³⁶¹ In 1901, the Department of Tourist and Health Resorts became the world's first State tourism department.³⁶² The Crown dominated the tourist industry, including that based around Lake Waikaremoana. A lake house was built in 1903 on Crown land at the eastern end of the lake, and by 1905 the Tourist Department had acquired a boat, erected a jetty, laid out lawns and gardens, and planted an orchard.³⁶³ Lake House staff were advised to maintain good relations with local Maori, although this did not always happen.³⁶⁴

357. Martin, *People, Politics and Power Stations*, p 100; Gilbert G Natusch, *Power from Waikaremoana: A History of Waikaremoana Hydro-electric Power Development* (Tuai: Electricorp Production, 1992), pp 12, 18

358. Waiwai, brief of evidence (doc H18), p 8

359. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 124–125

360. Walzl, 'Waikaremoana' (doc A73), p 38

361. Ibid, pp 74–75

362. Margaret McClure, *The Wonder Country: Making New Zealand Tourism* (Auckland: Auckland University Press, 2004), pp 24–26

363. Walzl, 'Waikaremoana' (doc A73), pp 75–77

364. Ibid, pp 78–81; Coombes, 'Making "Scenes of Nature and Sport"' (doc A121), pp 106–108

In the late 1920s, there was an increase in car ownership in New Zealand, sparking a nationwide tourist boom. The Lake House was extended in 1927 to cope with increased visitor numbers.³⁶⁵ There was also an increase in camping around the lake. Government officials were concerned about possible environmental impacts, and also that free or private camping might reduce its profits. In 1929, the Crown took two steps: it established its own motor camp, and issued a proclamation temporarily preventing the sale or commercial lease of Maori land around the lake, except to the Crown. The proclamation was extended the following year.³⁶⁶ Following requests from the Tourist Department, the Tairāwhiti District Maori Land Board made the restriction permanent from 1932.³⁶⁷ Waikaremoana Maori continued to enter into informal lease arrangements, despite Tourist Department protests.³⁶⁸ They had the sympathy of Native Land Court Judge Harold Carr, who remarked on the ‘distressingly poor circumstances’ of the owners.³⁶⁹ All the same, the ability of Waikaremoana Maori to benefit from tourism was severely hampered by Crown restrictions that were primarily aimed at protecting the profitability of its own operations.

Despite the Crown’s efforts, Waikaremoana was never a popular tourist destination, mostly because of poor access but also because of unfavourable weather.³⁷⁰ As with most of the State tourist developments, the tourist facilities at Waikaremoana ran at a loss every year except 1928 and 1929.³⁷¹ The Crown’s investment in tourism was therefore in effect a subsidy, generally amounting to a few hundred pounds per year. A small amount of this trickled down to local Maori, mostly in the form of occasional employment. Over the years Maori were hired as boat crew, orchardists, road workers, and guides, and provided firewood and horse transport. They were also given medicine, and could borrow a boat, which was later given to them.³⁷² While these benefits were presumably welcomed, they were not an adequate substitute for meaningful participation in the tourism industry. Also, as we discussed in chapter 20, the people were not compensated for the use of their lake until the Crown began to pay annual rent in 1971, backdated to 1967.

Te Urewera Maori often had to travel outside the district, to places such as Gisborne and Hawke’s Bay, to gain work: shearing, bush burning and clearing, grass seed cutting and sowing, ditch digging, maize picking, and general labouring. For example, Rua Kenana was employed in the late nineteenth and early

365. Cant, Hodge, Wood, and Boulton, ‘The Impact of Environmental Changes’ (doc D1), p93; Walzl, ‘Waikaremoana’ (doc A73), pp 246–247

366. Walzl, ‘Waikaremoana’ (doc A73), pp 257–258

367. Ibid, pp 260–261

368. *ibid*, pp 261–262

369. Judge Carr to Registrar, Native Land Court, Gisborne, memorandum, 21 August 1935 (O’Malley, supporting papers to ‘Waikaremoana’ (doc A50(c)), pp 627–628)

370. Walzl, ‘Waikaremoana’ (doc A73), pp 77, 84–86, 177, 243

371. Ibid, pp 246–247

372. Ibid, pp 47, 79–80, 105; Coombes, ‘Making “Scenes of Nature and Sport”’ (doc A121), pp 108–109, 193



Unknown (Hawke's Bay Museums Trust, 1691)

Convoy of cars on the road near Lake Waikaremoana, 1922. With a marked increase in the number of New Zealanders owning cars, the late 1920s saw something of a tourism boom across the country. Maori benefited from occasional employment, but the Crown took steps to ensure that they would not be able to derive income from private land sales or lease arrangements with visitors. Tourism at Waikaremoana did not take off as it did at Rotorua because of access difficulties and unfavourable weather, and the Crown was concerned to protect the profitability of its own operations at the lake.

twentieth centuries as a shearer, ditch digger, and general labourer.³⁷³ Dairy factories in and near northern Te Urewera also employed Maori. Murton states that hundreds of people from Te Urewera temporarily left the district for seasonal and casual farm employment. Many departed for the shearing season in Gisborne, for example, forming shearing gangs that travelled around farms.³⁷⁴ In 1926, Sister Tiaki of the Waiohau Presbyterian Mission stated that 'nearly all the able-bodied men and women' had left for seasonal work elsewhere.³⁷⁵

Some who left in search of work never returned. Murton states that many Tuhoe shearers intermarried with Te Aitanga-a-Mahaki and lived on various

373. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 274; Binney, Chaplin, and Wallace, *Mihaia* (doc A112), pp 12–13

374. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 273–277, 1582

375. Rose, 'A People Dispossessed' (doc A119), p 190

stations near Gisborne.³⁷⁶ David Hawea told us that land in the Okahuatui block, near Turanga, was given to Tuhoe people by Te Whanau a Kai, so that they could build themselves a marae there; the marae, Ngatapa, symbolises the close links between Tuhoe and Te Whanau a Kai.³⁷⁷ Hutton and Neumann note that there was 'significant out-migration' of Ngati Whare to Gisborne, Taupo, and the Waikato, as evidenced by 'Ngati Whare's efforts to include non-resident members on the title of the Te Whaiti block in 1907'.³⁷⁸ They estimate that by 1925 'Well over half the tribe resided outside their customary rohe'.³⁷⁹ In the second half of the 1910s, much of the Native Land Purchase Department's correspondence with Tuhoe was with owners living outside Te Urewera.³⁸⁰ However, we received little evidence on the nature and causes of this migration before the 1930s.

In summary, from about 1890 to 1930, there was little economic opportunity for the hapu and iwi of Te Urewera. Some of this was the result of poor land quality, lack of natural resources other than timber, and distance from major ports and centres of population. But the lack of access to development finance, especially cheap Government credit, was also crucial before 1930, as we noted in chapter 18. Various Crown actions made the situation worse: in particular its unethical – and at times unlawful – purchase of UDNR lands; its failure to pay a fair price for those lands and the timber on them; its failure to give owners of UDNR land a workable means of land management; and its failure to build promised roads. The Crown did grant some economic and employment assistance. The development schemes, which began in the early 1930s, enabled some land owners to benefit from their lands in ways which would not otherwise have been possible. The Crown funded work on roads, hydro schemes, and the tourist resort, but, with the possible exception of the roads, these projects benefited the nation more than the local Maori communities and therefore cannot really be seen as assistance to the peoples of Te Urewera. In any case, the work was neither well paid nor of sufficient duration to make any long-term difference to living standards.

23.6.3 Welfare and social services before the welfare state

In addition to its derisory response to crises such as the 1898 famine, before 1935 the Crown responded to ongoing hardship and other socio-economic problems among Maori in Te Urewera. As with its response to the famine, the Crown's response to everyday need was minimal by later standards. This was despite serious and ongoing hardship across our inquiry district. Many communities experienced recurring shortages of food, of which the 1898 famine was only the worst. A vicious cycle developed in which malnutrition made people more vulnerable to sickness, which in turn perpetuated poverty, leading to further food shortages.

376. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1046

377. David Hawea, brief of evidence, 24 November 2004 (doc I37), p 4

378. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 176

379. Ibid, p 218

380. Miles, *Te Urewera* (doc A11), p 374

As we saw in our discussion of living conditions, there were numerous epidemics in Te Urewera during this period, some of which killed large numbers of people. Illness was also exacerbated by inadequate housing; we received many accounts of dwellings which were overcrowded, unable to properly keep out the elements, or which lacked even the most basic sanitary facilities. In the early twentieth century there was some improvement in parts of the inquiry district, particularly the dairy farming region in the north, the timber towns in the west and, temporarily, at Maungapohatu. However, living conditions remained far below standards of the time even in those areas.

From the evidence presented to us, it is clear that the Crown was fully aware of the poor conditions in Te Urewera. Most of our evidence on periods before the 1930s came from Crown employees, who reported their observations to their superiors. Details may have been lacking in some cases, but there is no doubt that the Crown knew there were serious problems. It did take a few steps before the mid-1930s to improve Maori living conditions and educational opportunities in Te Urewera. One of these, famine relief, has already been discussed. Here, we examine pensions and relief work, health care and sanitation, and education.

Historian Margaret McClure argues that Maori were generally regarded by Pakeha administrators and officials as less 'deserving' of benefits than Pakeha applicants. She writes:

Distinctions between deserving and undeserving have also been founded on race; this has meant that Maori who have claimed social security rights have been more likely than Pakeha to be subject to scorn, scrutiny, and supervision. Since the old-age pension's introduction in 1898 there was a long history of official and public scepticism over Maori rights to pensions. It is ironic that the extreme poverty of Maori communities became the rationale for different treatment. In critical Pakeha eyes, Maori poverty was a sign of lower expectations rather than greater need, and by the 1920s living in a pa had become a reason to disbar Maori from full pension entitlement.³⁸¹

As we will see, many administrators assumed that all Maori had low living costs, and were more likely to 'waste' their money, for example by spending it on alcohol. This mindset, together with other Crown practices and policies which marginalised Maori, highlights the limited ability of Maori to influence a range of official policies at this time; they were unable to prevent outright discrimination on the part of Crown agents.

As we noted earlier in this chapter, claimants and the Crown disagreed over whether the Crown had a duty to provide welfare assistance to Te Urewera Maori. Claimant counsel submitted that, for a variety of reasons, the Crown has always had a duty to provide Maori in Te Urewera with the same access to social services as New Zealanders elsewhere, but has failed to do so. Crown counsel responded

381. Margaret McClure, 'A Badge of Poverty or a Symbol of Citizenship? Needs, Rights and Social Security, 1935–2000', in Bronwyn Dalley and Margaret Tennant, eds, *Past Judgement: Social Policy in New Zealand History* (Dunedin: University of Otago Press, 2004), p 145

that the Crown had never had any such duty, and that in particular it is not obliged to provide people in 'remote' areas with the same level of service as people in other parts of the country. Crown counsel submitted that there was insufficient evidence to make any assessment in regard to adequacy of services, and that that quality of service should be judged by the standards of the time, taking into account less advanced medical technology, and prevailing ideologies about the role of the State.

23.6.3.1 Pensions and relief work

Before the passage of the Old-age Pensions Act in 1898, pensions and other financial support were provided by the State in a rather ad-hoc manner. Some early settlers were given small relief payments if they had no family support and were considered 'deserving', but there was no right to such support.³⁸² Maori do not seem to have received any discretionary relief payments, but some did receive pensions from the Civil List; we know of six senior Tuhoe chiefs in receipt of Crown pensions from 1872 until at least the end of the century. These were not pensions in the present day sense of the word, which is associated exclusively with old age. Rather, they were pensions in an older sense: an ongoing payment from an authority to its supporters. Binney wrote that chiefs and the Government both saw the pensions 'as affirming an "alliance" or association'. When one of the six died in 1894, his pension was inherited by his son, with the stated purpose of 'strengthening friendly relations' between Tuhoe and the Crown.³⁸³ Although the income would have been appreciated, and probably sorely needed, the pensions were not welfare benefits, since they were paid on the basis of status rather than need.

Some limited relief from hardship was available. In 1895, Seddon spoke during his visit to Galatea of the extreme poverty of Ngati Haka Patuheuheu, saying:

I admit the force of your argument, that, having stood loyally and true to the Queen, and being now in a destitute condition, their case is one where the Government should assist, so that they should not be in want . . . Nothing would give me more pain than to think that those who had been friends of the Government were left in want in their old age. I do not wish that, and will not let [it] be if it is in my power to prevent it.³⁸⁴

Seddon explained he had a fund available 'out of which I can alleviate suffering of that kind'. However, despite the fact that poverty was severe and widespread, he only asked the hapu to nominate 'one or two extreme cases' for him to consider, probably to receive Civil List pensions.³⁸⁵ This example illustrates the ad hoc and personalised nature of hardship relief before the beginnings of the welfare state. Although we received little evidence on relief of this kind, it appears to have been

382. Thomson, *A World without Welfare*, pp 83–103

383. Binney, 'Encircled Lands, Part 2' (doc A15), pp 20–21

384. 'Pakeha and Maori: A Narrative of the Premier's Trip Through the Native Districts of the North Island', *AJHR*, 1895, G-1, p 64

385. *Ibid*

highly dependent on personal connections and chance events such as a visit by the Premier. Another consideration was the Crown's perception of a hapu's 'loyalty' in the past.

In 1898, the Government passed the Old-age Pensions Act, which in some ways was a formalised version of earlier charitable relief: applicants had to meet strict income and asset tests, and demonstrate that they were 'deserving' by having 'good moral character'. To be 'of good moral character', the applicant had to have been 'leading a sober and reputable life' for five years preceding the application, not been imprisoned for more than four months, and never left their spouse for more than six months, nor failed to maintain their children. They also had to be at least 65 years old, resident in New Zealand for at least 25 years, and not 'Asiatic'.³⁸⁶ Undetermined interests in Maori land, and any other landholdings not under 'defined legal title' were taken into account at the discretion of the Stipendiary Magistrate.³⁸⁷ Prospective pensioners had to appear in a magistrate's court for their initial application, and thereafter apply yearly to have their pension renewed. Not surprisingly, only a minority of those over 65 were granted pensions, and some successful applicants received a lower rate of pension due to the means test. Even the full amount was low, set at one third of a 'low working-man's wage'.³⁸⁸

At first, the majority of Maori over the age of eligibility had little trouble being granted pensions. In 1901, an estimated 65 per cent of Maori over 65 were receiving pensions, compared with 36 per cent of Europeans.³⁸⁹ That same year, 99 Maori in the Whakatane District had been approved for the pension: nearly half of all Maori aged 60 and over in the district.³⁹⁰ The high uptake was almost certainly reflective of high levels of Maori poverty. Shortly afterwards, though, 'the administration of pensions was tightened noticeably, the claims of pension applicants were challenged increasingly, the moral character requirements were pressed hard, and the proportion of the old who qualified for a pension fell'.³⁹¹ Overall, the practice seems to have been to deny pension applicants the benefit of any doubt as to eligibility. Between 1902 and 1904, the proportion of the total population eligible by age and residence receiving pensions dropped from 43 to 27 per cent. Many pensioners were struck off the roll after their eligibility was reinvestigated or when they applied for renewal.³⁹²

386. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 997; Margaret McClure, *A Civilised Community: A History of Social Security in New Zealand, 1898–1998* (Auckland: Auckland University Press, 1998), pp 17–18; Gaynor Whyte, 'Beyond the Statute: Administration of Old-Age Pensions to 1938', in *Past Judgement: Social Policy in New Zealand History*, ed Bronwyn Dalley and Margaret Tennant (Dunedin: Otago University Press, 2004), p 126

387. Old-age Pensions Act 1898, s 66

388. McClure, *A Civilised Community*, p 23

389. Whyte, 'Beyond the Statute', p 132

390. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 997; census 1901, http://www3.stats.govt.nz/historic_publications/1901-census/1901-results-census/1901-results-census.html#d50e479046, accessed 14 August 2017

391. Thomson, *A World Without Welfare*, p 162

392. Whyte, 'Beyond the Statute', p 128

Maori pensioners were hit particularly hard by the new policies, resulting in a large drop in their number. In Whakatane District the numbers fell from 84 in 1902 to 36 in 1906.³⁹³ By 1922, there were just eight Maori pensioners in the district.³⁹⁴ Maori had two main problems proving their eligibility: supplying proof of their age, and the nature of their interests in land. From 1903 or earlier, the Deputy Registrar at Whakatane was instructed to ask for the 'most conclusive evidence' and 'absolute proof' of the age of Maori.³⁹⁵ This was difficult, given that those old enough to qualify would have been born before the signing of the Treaty of Waitangi and well before any documentation of identity became common. They had to rely instead on alternative evidence, such as personal testimony. For example, Gilbert Mair testified in 1911 that he had known several Whakatane District pension applicants since the 1860s or earlier.³⁹⁶

Determination of interests in land was even more difficult. Pension administrators were instructed to refer all Maori applications to the Native Land Court and then to a Land Purchase officer for a land valuation. As a result, Wairoa's Deputy Registrar complained that Maori pensioners were 'starving' because delays in their land statements had prevented their pensions being renewed.³⁹⁷ Even once the paperwork had come through, elderly Maori were often denied pensions on the grounds that they had land assets, regardless of whether the land actually returned any income. As we have seen, much of the land Te Urewera Maori owned was of little economic value and brought in no income; for example interests in the rim blocks tended to be scattered, and difficult or impossible to use in any way other than sale. However, such interests were still considered an asset for pension purposes, based on their Government valuation.³⁹⁸

In addition to declining many Maori pensions, from 1904 the Pensions Department also encouraged local officials to reduce all Maori pensions to two-thirds of the amount received by Pakeha.³⁹⁹ Registrar of Old-Age Pensions Edmund Mason justified this discrimination by arguing that the 'communistic customs' of Maori meant that they could live on less.⁴⁰⁰ The magistrates were independent and so could ignore this advice; Maori pensions were reduced in Wairoa, but not Whakatane, Rotorua, or Opotiki.⁴⁰¹

Welfare administration was centralised in 1925, and the following year a uniform policy was introduced whereby most Maori pensions were reduced to a standard

393. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 997–998

394. Ibid, p 998

395. Ibid, pp 1000–1001

396. Ibid, pp 1003–1004

397. Whyte, 'Beyond the Statute', p 132

398. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1009

399. The maximum amount was originally £18 year, meaning Maori would get £12; the following year the maximum was raised to £26; McClure, *A Civilised Community*, pp 26–27; Whyte, 'Beyond the Statute', pp 132–133; Old-age Pensions Act 1905, s2.

400. McClure, *A Civilised Community*, p 26

401. Whyte, 'Beyond the Statute', p 133, Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1009

75 per cent of the maximum rate, unless they had no interest in land, or lived in a 'European fashion', and paid rent.⁴⁰² This was again justified with the argument that Maori lived communally, and thus needed less than Pakeha. Commissioner of Pensions George Fache claimed that 'Where the communal life in the Pah is lived, £26 per annum to a Native is equivalent to what £39 per annum is to a European'. He also suggested that communal lifestyles led to the pension being misused, for example by giving it 'to Ratana', or to younger people who spent it on alcohol.⁴⁰³ Here we see again the Pakeha-determined distinction between 'deserving' and 'undeserving', and how it fell particularly hard on Maori. By 1937, 93 per cent of Maori old age pensions were being paid at a reduced rate.⁴⁰⁴ Contrary to Fache's assessment, we received evidence that pensions were insufficient for even basic needs. In 1930, for example, the head teacher at Rangitahi School stated that Maori 'who are in receipt of pensions complain that the pension money is not sufficient to buy food and clothing'.⁴⁰⁵ Centralisation of welfare administration does at least appear to have resulted in increased Maori pensioner numbers; between 1922 and 1926 the number in Whakatane District went from eight to 67.⁴⁰⁶

Other welfare benefits were gradually introduced, but, like pensions, were very difficult to acquire. Widows' pensions were introduced in 1911 and required applicants to have young dependent children, and to fulfil means and morality criteria; once again, to be 'deserving' of help.⁴⁰⁷ Even at a national level, the number of recipients remained tiny.⁴⁰⁸ Widows' pensions paid to Maori were also subject to a general reduction, after 1926, to 75 per cent of the maximum rate, for the same reason as the reduction in the old-age pension.⁴⁰⁹ The only pre-1935 benefit which does not seem to have involved discrimination against Maori was the Family Allowance, introduced in the late 1920s. This paid 2s per week in respect of every child after the first two, in families with a household income of less than £4 a week. By 1938, 1,822 Maori families nationally were receiving the allowance for a total of 9,577 children.⁴¹⁰

Maori also experienced discrimination in relation to unemployment relief work. As it had during the 1898 famine, the Crown used roads and other public works to provide a way for the unemployed and otherwise poverty-stricken to earn money. With the onset of the Great Depression, use of relief schemes expanded, and

402. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1009–1011; Whyte, 'Beyond the Statute', p 134; see also Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(Q)), pp 25–27, 44

403. Commissioner of Pensions to Minister of Pensions, 27 May 1926 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(Q)), p 26)

404. Whyte, 'Beyond the Statute', p 134

405. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1012

406. Ibid, p 998

407. McClure, *A Civilised Community*, pp 31–33

408. Ibid, pp 35, 47

409. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1010

410. Ibid, pp 1031–1032

'relief camps' were created to house large numbers of men on relief work.⁴¹¹ The Unemployment Act 1930 established an Unemployment Board to institute mass relief schemes, funded by a compulsory levy on most male workers that was supplemented from general taxation from 1931.⁴¹²

Maori were exempt from the levy, but could choose to contribute and thereby become eligible for relief work. By 1935, nearly 75 per cent of eligible Maori were contributing.⁴¹³ Maori who participated in relief work, however, were generally paid at lower rates than non-Maori, despite paying the same contributions.⁴¹⁴ A report in 1936, shortly after rates were equalised, showed that, for example, married men with 3 children in country districts had received £1 13s per week if Pakeha and £1 10s if Maori.⁴¹⁵ As this indicates, rates varied by geography as well as ethnicity, with men in rural areas being paid less than men in cities. Women were not eligible for relief work at all.

In 1934–35 the Unemployment Board spent £195,578 on all forms of unemployment assistance to Maori. This equates to 4.4 per cent of the funds available for unemployment relief.⁴¹⁶ The 1936 census showed that Maori made up 5.2 per cent of the population. Given that only 75 per cent of eligible Maori were contributing to the relief fund, on a crude population basis they were therefore getting slightly more than their fair share of unemployment assistance.⁴¹⁷ However, a disproportionate number of Maori were unemployed, as most lived in rural districts where there was little work. In 1935, for example, the Unemployment Board estimated that monthly registered unemployment among Maori ranged from 5,000 to 7,000 during the previous year.⁴¹⁸ In contrast, total registered unemployment for the year peaked at 49,393 in July 1935.⁴¹⁹ Maori therefore constituted about 10 to 14 per cent of the unemployed, at least twice their representation in the general population, despite the fact that proportionately fewer Maori were of working age. This means that Maori, including those in Te Urewera, should have received considerably more unemployment assistance than they did.

Maori employed in relief work in Te Urewera mostly worked on the land

411. John E Martin, *Holding the Balance: A History of New Zealand's Department of Labour, 1891–1995* (Christchurch: Canterbury University Press, 1996), p 163

412. *Ibid*, p 172

413. 'Report of the Unemployment Board', AJHR, 1935, H-35, p 8. The Board reported that 'Some 13,000 Natives have elected to become contributors to the Unemployment Fund' out of an estimated 17,700 eligible male adults.

414. Unemployment Amendment Act 1931, s 9(1)(c)

415. 'Report of the Secretary of Labour Upon Activities and Proceedings under the Employment Promotion Act, 1936', AJHR, 1937, H-11A, p 7

416. 'Report of the Unemployment Board', AJHR, 1935, H-35, p 9. The total spent on unemployment relief in 1934–35 was £4.45 million.

417. If it is assumed that benefits should reflect contributions, Maori should have been getting about 4 per cent of total assistance. This does not take into account the different age structure of the Maori and Pakeha populations.

418. 'Report of the Unemployment Board', AJHR, 1935, H-35, p 9

419. *Ibid*, p 30

development schemes, with their pay coming from the Unemployment Board via the Maori Land Settlement Board.⁴²⁰ The schemes therefore served the dual purpose of assisting Maori landowners to increase productivity, and providing work for unemployed Maori.⁴²¹ In the 1933–34 financial year, for example, £74,080 of unemployment funds were spent nationwide on employing Maori on development schemes.⁴²² Four development schemes operated within the inquiry district although one, the Ngati Manawa scheme, was not constituted until 1937.⁴²³

As the Hauraki Tribunal found, the evidence of discrimination against Maori in provision of employment relief is ‘quite clear’.⁴²⁴ We agree, and add that it is equally clear with regard to the payment of old-age and widows’ pensions; in each case, Maori were almost always paid less than Pakeha. This was justified at the time mainly on the grounds that Maori had lower living costs and needs due to their communal way of life. It is fair to say that in this period Maori tended to share their resources, and had lower accommodation costs because they did not need to rent. However, the policy failed to take into account other factors such as the high cost of food and other supplies in areas such as Te Urewera.⁴²⁵ It also failed to take into account the high needs of most Maori communities; most had little income and were faced with very poor living conditions and high rates of disease. Crown counsel conceded that Maori were treated differently, but emphasised that this was because of particular circumstances such as ownership of unproductive land, and difficulty proving age, rather than racial discrimination as such.⁴²⁶

Given that there was no general legal entitlement to benefits at this time, we think it might reasonably be argued that the Crown was entitled to pay a lower benefit to anyone, Maori or Pakeha, who genuinely had lower living costs than the typical recipient. However, it was not reasonable for the Crown to reduce the rates paid to all Maori without consideration of individual circumstances. Nor was it reasonable for the Crown to refuse to pay pensions to elderly Maori who could not clearly prove their age, or who had interests in multiply owned land, regardless of whether it returned any income. Whether or not the Crown had a general duty to provide welfare benefits and other hardship relief in this period is an issue that will be addressed at the end of this chapter. Here it is sufficient to say that the Crown’s

420. Murton, ‘Summary of Evidence of Brian Murton: Stage Three’ (doc H10), p 34; Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 656

421. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12) p 656

422. ‘Report of the Unemployment Board’, AJHR, 1935, H-35, pp 3, 7. Unemployment funds represented only part of the total budget for a development scheme, which included a variety of loans and grants.

423. David Alexander, ‘The Land Development Schemes of the Urewera Inquiry District’ (commissioned research report, Wellington: Crown Forestry Rental Trust, 2002) (doc A74), p 338

424. Waitangi Tribunal, *The Hauraki Report*, 3 vols (Wellington: Legislation Direct, 2006), vol 3, p 1184

425. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1012

426. Crown counsel, statement of response to stage 3 claims (statement 1.3.7), pp 21–23

provisions for elderly and impoverished Maori were discriminatory, and seem to have been unreasonably low by the standards of the time.

23.6.3.2 *Health care and sanitation*

One of the most serious ongoing problems facing the peoples of Te Urewera was disease and general ill health. In our examination of living conditions, we outlined the abysmal state of health of the peoples of Te Urewera. The Crown did provide some health care and public health services, in forms such as subsidised doctors and nurses, free medicines, vaccination, and assistance with sanitary improvements. In addition, Maori Councils (later Maori Health Councils) were established partly in order to help Maori improve their living conditions. However, none of these was well funded and sufficiently accessible to properly counter the severe health problems in Te Urewera. In this section we examine the nature and adequacy of services provided before 1935, specifically the native schools medicine scheme, vaccination, epidemic relief, medical professionals, hospitals, and sanitation. We also look at the Maori Councils system.

Counsel for the Crown and the claimants spent some time debating whether the health services provided to Te Urewera Maori were adequate; the Crown gave more attention to this issue than to the adequacy of any other social service. Claimant counsel submitted that the health services provided to Te Urewera Maori in this period were inadequate or non-existent, despite the Crown being aware of ongoing and severe health problems.⁴²⁷ Crown counsel responded, first, that the Crown has never had a duty 'in a legal or Treaty sense' to provide health care to its citizens. However, they conceded that, where the Crown does provide such care, Maori and Pakeha have the same right to treatment.⁴²⁸ The Crown did not take responsibility for 'the co-ordinated delivery of medical and hospital treatment to the wider community' until the late 1930s.⁴²⁹ Where the Crown did take on a duty to provide services, counsel said, 'equal delivery of that to all its citizens may be impacted by practical factors such as remoteness, disposition to use services, and the higher costs of servicing isolated areas.' The test should therefore be what is fair or equitable in the circumstances, rather than what is equal.⁴³⁰

In relation to adequacy of health care in Te Urewera, Crown counsel also submitted that 'there is insufficient evidence on which to base findings of inadequacy'.⁴³¹ In the first half of the twentieth century, they said, all health services were inadequate by current day standards.⁴³² Counsel submitted that the Crown dealt well

427. Counsel for Tuawhenua, closing submissions, 30 May 2005 (doc N9), p 248; counsel for Tuawhenua, synopsis of submissions, 10 June 2005 (doc N9(b)), p 19; counsel for Ngati Ruapani, closing submissions, 3 June 2005 (doc N19), app A, p 183

428. Crown counsel, closing submissions (doc N20), topic 39, p 15

429. Crown counsel, statement of response to stage 3 claims (statement 1.3.7) p 31

430. Crown counsel, closing submissions (doc N20), topic 39, pp 15–16

431. Ibid, p 16

432. Crown counsel, statement of response to stage 3 claims (statement 1.3.7), p 29

with medical emergencies in Te Urewera, although this seems to relate mostly to periods later than that covered in this section.⁴³³ They did cite policies and initiatives from before 1935, however, including the Native Sanitary Inspectors, the Maori Councils, and the Division of Maori Hygiene.⁴³⁴ The Crown conceded that people in rural areas, such as Te Urewera, generally had less access to health care, but this was because of 'the relative isolation of their settlements, rather than positive neglect, or a poor standard of health care'.⁴³⁵ Counsel submitted that 'many Pakeha farming communities would have experienced similar problems'.⁴³⁶ As we noted in section 23.4, counsel for Nga Rauru o Nga Potiki responded that Te Urewera is remote only by the Crown's definition, and that provision of health services should not be affected by geography.⁴³⁷ We add that Pakeha farming communities generally tended to be financially better off than Maori communities, and did not face cultural and language barriers to medical aid, as many Maori did.

In the late nineteenth and early twentieth centuries, the Crown had limited involvement in health care. Hospital care was provided on a user-pays basis, and people were generally expected to provide for their own health care, for example, by paying for doctors themselves.⁴³⁸ The Crown's involvement in health care for the general population was limited mostly to subsidising hospitals and funding vaccinations. There were a few initiatives specifically for Maori, such as the funding provided to some doctors and pharmacists to treat Maori who could not afford medical fees, and the distribution of medicines by native school teachers. Historian WH Oliver described nineteenth century health initiatives in general as 'often tardy and inadequate, and always dominated by strict financial constraints'.⁴³⁹ Consequently, health services for Pakeha and Maori alike were inadequate by today's standards.⁴⁴⁰ Health historian Raeburn Lange has stated that 'at no stage before 1900 did the Government see a need for concerted official action against low standards of Maori health'.⁴⁴¹

From 1900 Crown involvement in health care began to increase, partly in the context of the general expansion of the Crown's role under the Liberal Government, but also because of advances in medical science, such as the new discipline of bacteriology.⁴⁴² The Public Health Act 1900 marked an expansion of State involvement in public health, and set up a Public Health Department that

433. Crown counsel, closing submissions (doc N20), topic 39, p18

434. Ibid, p19

435. Crown counsel, statement of response to stage 3 claims (statement 1.3.7), p 29

436. Ibid, p30

437. Counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), p 350

438. Waitangi Tribunal, *The Hauraki Report*, vol 3, p1175

439. Ibid, p1181

440. Ibid

441. Raeburn Lange, *May the People Live: A History of Maori Health Development, 1900–1920* (Auckland: University of Auckland Press, 1999), p 68

442. Derek Dow, *Safeguarding the Public Health: A History of the New Zealand Department of Health* (Wellington: GP Print, 1995), pp 40–41

was largely concerned with sanitation and the control of infectious diseases.⁴⁴³ It was merged with the Department of Hospitals and Charitable Aid in 1909. Expenditure on hospitals increased, but at the expense of preventative public health.⁴⁴⁴ In the wake of the 1918 influenza pandemic, the health system was again overhauled and expanded.⁴⁴⁵

One of the earliest means of providing medical aid to Maori in Te Urewera, as elsewhere, was through the native schools. Teachers at native schools could request up to £2 a year worth of basic medicines, which were then given to pupils and their families free of charge.⁴⁴⁶ Medicines were distributed from schools at Galatea; Te Houhi; Te Whaiti; Ruatoki, which received £3 worth due to its large roll; and possibly elsewhere.⁴⁴⁷ At Galatea in the 1890s, teacher Joseph Wylie often ran out of supplies due to high demand, and had to purchase more himself. He wrote: 'The Natives here are very poor and will not pay for medicine. In fact they have not got the money to do so, and I cannot allow them to die for want of treatment.'⁴⁴⁸ We received evidence that the medicines made a positive difference, but given the limits of medical treatment at the time, they would have made little difference to the widespread ill health in Te Urewera, even if more had been made available.⁴⁴⁹

More action was sometimes taken when epidemics broke out. In 1897, Seddon dispatched a doctor into Te Urewera to deal with an influenza outbreak at Te Whaiti and Ruatahuna. Yet this was only after a request from Elsdon Best, and after Wylie threatened to close down his school for two weeks so that he could nurse the sick.⁴⁵⁰ Aid improved in the early twentieth century, once the Public Health Department was established. Typhoid camps were established at Waimana at some point in the mid-1910s, and at Maungapohatu in 1925.⁴⁵¹ After the Maungapohatu hospital was established, there were no further fatalities from the epidemic, which had by that stage killed several children. Medical workers were aided in this instance by mission workers and Ruā's committee.⁴⁵² It appears that the tent hospital was established at least partly because an Otago Medical School professor happened to be visiting at the time.⁴⁵³

443. Waitangi Tribunal, *The Hauraki Report*, vol 3, pp 1175–1176

444. Dow, *Safeguarding the Public Health*, pp 67, 70

445. Ibid, pp 92–93

446. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 140–141, 146

447. Ibid, pp 140–153; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1407–1410

448. Wylie to Seddon, 17 September 1894 (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 147)

449. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 146

450. Binney, 'Encircled Lands, Part 2' (doc A15), pp 268–269

451. Lange, *May the People Live*, p 174; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1735

452. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1655; Albert Henderson, School Medical Officer, to Medical Officer of Health, 12 June 1925 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(EE)), pp 143–144)

453. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1735

As well as tent hospitals, the Crown provided vaccination and inoculation against some infectious diseases. In 1904, Native Health Officer Maui Pomare reported that 630 Maori in 'Tuhoeland' had been vaccinated against smallpox.⁴⁵⁴ During the 1913 'smallpox scare', Native Medical Officer J C Wadmore, based in Whakatane, claimed that he had vaccinated 'well over' 1000 Maori in Whakatane County.⁴⁵⁵ Further vaccinations occurred at Murupara.⁴⁵⁶ From the 1920s, the Government also began a programme of inoculating Maori children in most parts of the country against typhoid. From 1928 to 1932, district nurses visited all the schools throughout Te Urewera and inoculated hundreds of children against the disease.⁴⁵⁷

The Crown's biggest one-off health challenge before 1935 was the influenza pandemic of 1918. In response to the pandemic, Dr CS Murray of the New Zealand Medical Corps visited Murupara, Waiohau, Waimana–Matahi and Ruatoki.⁴⁵⁸ Temporary hospitals for Maori were established at Ruatoki and Waimana Schools, and Maori were also treated in a marquee tent erected on the lawn of a private residence at Waimana. Teachers and police officers visited and helped care for the sick, and medical supplies were sent in.⁴⁵⁹ The police constable at Te Whaiti, A Grant, enforced an eight-week long isolation policy for the interior of Te Urewera, preventing anyone from infected areas from visiting the interior.⁴⁶⁰ There was still widespread illness at Ruatahuna, but according to the Auckland Medical Officer of Health, Grant's actions prevented higher levels of disease.⁴⁶¹ We note that nearly all the medical aid was provided by volunteers.⁴⁶² Historian Katharine Goodfellow has written in regard to the outbreak at Ruatoki that the 'Health Department sent medicine, but there was virtually no outside medical aid as the nearest doctor, Dr Smythe in Whakatane, was too busy tending his local patients.'⁴⁶³

The entire medical system was stretched to breaking point by the pandemic,

454. Terry Hearn, 'Maori, the Crown, and the Provision of Health Services, 1900–1945' (commissioned research report, Wellington: Crown Law Office, 2005) (doc M1), pp 11, 15; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1845

455. Wadmore to Hultquist, 23 February 1937 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(QQ)), pp 42–43

456. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1662

457. Ibid, pp 1826–1829; Derek Dow, *Maori Health and Government Policy, 1840–1940* (Wellington: Victoria University Press, 1999), pp 191–192

458. Murray to Dr Hughes, 'Report – Influenza Epidemic 1918', 30 December 1918 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(EE)), p 132)

459. Sergeant Ferguson, Opotiki, to Inspector of Police, Hamilton, 10 December 1918 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(EE)), p 134)

460. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1658–1659

461. 'Sister Annie', *The Daily Post*, 25 August 1948 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(B)), p 103); Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1658–1659

462. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12) pp 1735–1736

463. Katharine Goodfellow, 'Health for the Maori? Health and the Maori Village Schools, 1890–1940' (MA Research Essay, University of Auckland, 1991), p 30 (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 161)

but the amount of sickness might have been reduced if there had been a doctor or nurse stationed in Te Urewera before the pandemic began. Since the 1850s, the Crown had subsidised doctors, known as Native Medical Officers (NMOs), to treat Maori for free.⁴⁶⁴ This not only made it possible for indigent Maori to receive medical treatment but also made medical practice in Maori areas more financially viable. The money came from the Civil List, with £3,000 a year earmarked for general Maori health spending, including the NMOs.⁴⁶⁵ This was not enough to provide doctors to cover all Maori communities, and Te Urewera was one of the areas with insufficient coverage.

There were NMOs in Whakatane from about 1906 to 1937, and at Opotiki from about 1910 to 1937, both of whom sometimes visited Te Urewera.⁴⁶⁶ There was also an NMO at Wairoa from about 1884, who may have visited Waikaremoana.⁴⁶⁷ All of these doctors would have found it difficult to reach patients in Te Urewera, and the patients would likewise have found it difficult to reach them.⁴⁶⁸ For residents of western and central Te Urewera, it would have been quicker to get to Rotorua than to the coast, but there was no NMO at Rotorua. In effect, then, parts of the inquiry district had minimal NMO coverage, and most of it had none at all. Despite this, the overall budget for NMOs was reduced in the 1910s, as part of a wider programme of Government cost-cutting.⁴⁶⁹

For much of the early twentieth century, the NMOs best able to serve Maori in Te Urewera were Dr Eric Candy from Opotiki, and Dr J C Wadmore in Whakatane.⁴⁷⁰ East Coast District Medical Officer of Health Dr H B Turbott wrote in 1932 that Dr Candy 'does very little, and most of his work could be avoided if it were not for a local and unjustifiable rule that admissions to hospital will only be made through a medical man.'⁴⁷¹ By contrast, Turbott wrote that Dr Wadmore 'Gives freely and willingly his services as required, and is the only subsidized medical officer to take his subsidy seriously. Looks on himself as Government official charged with

464. See, for example, Waitangi Tribunal, *The Hauraki Report*, vol 3, pp 1171–1172, 1175; Waitangi Tribunal *Te Tau Ihu o te Ika a Maui: Report on Northern South Island Claims*, 3 vols (Wellington: Legislation Direct, 2008), vol 2, p 968

465. Dow, *Maori Health and Government Policy*, pp 94–95

466. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1761–1763

467. Waitangi Tribunal, *The Mohaka ki Ahuriri Report*, 2 vols (Wellington: Legislation Direct, 2004), vol 2, p 666; 'Return of Subsidised Native Medical Officers', 21 September 1906 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(QQ)), p 12); 'Re: Circular No 295: List of Medical Attendants on Natives', July 1909 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(QQ))), p 19)

468. The first and only Native Medical Officer stationed in Te Urewera was Dr R R Hooper, who practised at Galatea from 1884 to 1886: Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 141.

469. Dow, *Maori Health*, pp 96–97, 118. Expenditure on Maori health increased in 1909, but was still noted as inadequate to meet Maori needs, as discussed in the text below.

470. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1761

471. Turbott, Medical Officer of Health, Gisborne, to Director-General of Health, Wellington, memorandum, 14 December 1932 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(QQ)), p 31)

the supervision of Maori health (curative).⁴⁷² However, Turbott also noted that he was 'unpopular with Maoris, unfortunately from, they say, incapability'.⁴⁷³ The Mataatua Maori Council wrote in 1933 that Maori in the district 'desire that no more of their patients be taken to this doctor for treatment because too many women have died'.⁴⁷⁴ Turbott investigated these allegations and could not substantiate them. However, he acknowledged that Wadmore 'had lost mana with all but the minority of Whakatane County Maoris'.⁴⁷⁵ Both doctors' subsidies were cancelled in 1937, as the NMO system was replaced by the new Social Security system and increased numbers of district nurses.⁴⁷⁶

Apart from the NMO system, the main system for providing medical aid to Maori was the Native Health Nurse Service, founded by the Public Health Department in 1911.⁴⁷⁷ Amelia Bagley, who oversaw the scheme, wrote that it aimed to provide nursing care to Maori in their own kainga, rather than in a foreign environment such as a hospital.⁴⁷⁸ Officials hoped it would be more effective than the NMO system.⁴⁷⁹ The nurses were required to 'visit the kaingas, report on and attend to the sanitation and sickness amongst Maoris, and strive to educate Maoris in these directions'. They would '*preach* and show by practical example the *gospel* of cleanliness and proper sanitation' (emphasis in original).⁴⁸⁰ Until about the 1940s, it appears that nurses largely concentrated on treating the sick, rather than long-term preventive work. This was largely because the nurses were the most available medical professionals in many rural communities, and thus had to spend most of their time dealing with immediate needs.⁴⁸¹ Some preventive work was undertaken in the late 1920s and early 1930s, however, such as vaccination against typhoid.⁴⁸² The nurses' services were usually provided free of charge. They could charge fees where appropriate, and Maori often provided voluntary donations

472. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1762. Turbott also said 'The doctor [Wadmore], it is agreed on all sides, is kindly and willing to give his best, and never refuses to attend Maori work.' See Turbott, Medical Officer of Health, Gisborne, to Director-General of Health, 7 August 1933 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(HH)), p 92).

473. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1762

474. MH Watt, Director-General of Health, to Medical Officer of Health, Gisborne, memorandum, 24 July 1933 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(HH)), p 91)

475. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1762

476. That is, in 1937, the Minister of Health decided that Native Medical Officers were not necessary in areas already served by a district nurse: Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1763.

477. Dow, *Safeguarding the Public Health*, p 83

478. Alexandra McKegg, 'The Maori Health Nursing Scheme: An Experiment in Autonomous Health Care', *New Zealand Journal of History*, vol 26, no 2 (1992), p 157

479. Hearn, 'Maori, the Crown, and Provision of Health Services' (doc M1), p 22

480. Inspector-General of Hospitals and Charitable Institutions and Chief Health Officer, 'Public Health and Hospitals and Charitable Aid, AJHR, 1911, H-31, pp 4, 78 (McKegg, 'The Maori Health Nursing Scheme: An Experiment in Autonomous Health Care', p 154)

481. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1810

482. Ibid, pp 1827-1829

to the scheme, but nurses could not refuse care if the patient could not afford it.⁴⁸³ By 1919, there were 18 native health nurses at work across the whole of New Zealand, a total which increased to 23 by 1930.⁴⁸⁴ Edward Ellison, the Director of the Division of Maori Hygiene, and MH Watt, the Deputy Director-General of Health, recognised that the provision was inadequate, and that Te Urewera was one area urgently requiring more nurses.⁴⁸⁵

The first native health nurse to serve in Te Urewera was Ellen Taare, who briefly worked at a typhoid camp at Waimana in the mid-1910s, before resigning due to the gruelling nature of the work.⁴⁸⁶ The first permanent native health nurse to be stationed within Te Urewera was Ellen MacPherson, an unqualified part-time nurse at the Presbyterian mission at Te Whaiti, from 1923. She was paid a subsidy by the Government, and made occasional visits to Ruatahuna, Murupara, and Maungapohatu.⁴⁸⁷ There were some full-time nurses stationed near the inquiry district from the 1920s. In 1928, there were nurses at Frasertown and Nuhaka who might have served Waikaremoana, but we lack evidence about their activities. Neither nurse was provided with transport, so travelling to Waikaremoana would have been difficult.⁴⁸⁸ We know more about the nurses appointed to Opotiki in 1920 and Whakatane in 1921. By 1928, both nurses (who were Pakeha) had Maori assistants. The nurses were required to visit Maori communities in northern Te Urewera, and provided with transport to do so; horses from 1921 and cars later on.⁴⁸⁹ The cars greatly helped their mobility, and between 1928 and 1931 they visited most of the communities and schools of Te Urewera. The coverage was uneven, however. Ruatoki was visited about once a month on average, but Ruatahuna and Maungapohatu were each visited only once in three years.⁴⁹⁰ The Presbyterian missionaries, who had stations across Te Urewera, filled some of the gap in health provision, but it is not clear that any had formal medical training.⁴⁹¹ From the

483. Hearn, 'Maori, the Crown, and Provision of Health Services' (doc M1), p 22

484. Ibid, pp 24–25

485. Watt, Deputy-Director General of Health, to Director-General, 17 April 1930 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(RR)), p 84); Ellison, Director Division of Maori Hygiene, to Secretary, Maori Purposes Board, 1 October 1930 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(RR)), pp 85–86); Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 303

486. Lange, *May the People Live*, p 174

487. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1798–1799, 1814

488. 'Nurse Inspector to Deputy-Director of Health', 19 November 1928 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(RR)), p 82)

489. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1798–1799

490. S Trewby and LA Hill, 'Epitome of Work Done and Itinerary' nurses' reports, March 1928–31 August 1931 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(EE)), pp 151–189)

491. In 1928, there were Presbyterian mission stations at Waiohau, Te Whaiti, Ruatahuna, Maungapohatu, Matahi, Waimana, and Waikaremoana: *PWMU Harvest Field*, 8 March 1928, p x (Rose, supporting papers to 'A People Dispossessed' (doc A119(a)), p 34). For an example of missionary medical treatment, see *PWMU Harvest Field*, 8 September 1925, p viii (Rose, supporting papers to 'A People Dispossessed' (doc A119(a)), p 30).

mission newspaper, it appears that they performed a similar role to the native school teachers.⁴⁹²

Medical professionals in Te Urewera often found that, although medical help was generally welcomed, Maori there would not automatically accept Pakeha treatments and practices. According to health historian Alexandra McKegg, nurses had to work with Maori, rather than impose European practices upon them. If they did not compromise, Maori would not cooperate, making their job almost impossible.⁴⁹³ For instance, Nurse Lillian Hill, who was a Whakatane district nurse in 1930, said 'You had to go along with them for a while, until you got to know them and they had confidence in you . . . and you would say to them, "there you've shown me your ways now, what about you do it how I want you to do it", and they would say "alright you do it"'.⁴⁹⁴ But, she adds, they would agree only if they felt it was a 'good way'. Some nurses did not offer services in particular fields, as they were satisfied with the work of those offering traditional medical aid. For example, Nurse Enid Pickett did not offer maternity services in the Opotiki district in 1930, as there was an 'old man' in the district who had delivered more than a thousand babies without fatality.⁴⁹⁵

There have never been any hospitals in Te Urewera; residents needing hospital treatment have had to travel outside of the district. The most accessible hospitals were at Wairoa, from 1897, Rotorua from 1916, Opotiki from 1917, and Whakatane from 1921.⁴⁹⁶ Except for Rotorua, these were all small 'cottage' hospitals; in November and December 1923, for example, only 35 admissions were made to Whakatane Hospital, and 43 at Opotiki.⁴⁹⁷ We have very limited evidence on the extent to which Maori used these hospitals. At Wairoa hospital, in the 1897–98 year, 11 out of 37 patients were Maori; in 1898–99, 14 out of 43; in 1899–1900, 10 out of 40; and in 1908, only one of 53 patients.⁴⁹⁸ Since Wairoa was practically inaccessible from most of Te Urewera, it is unlikely that many of these patients came from the inquiry district.⁴⁹⁹ There were a few Te Urewera admissions to other hospitals, such as two typhoid patients from Ruatahuna who were admitted to Rotorua Hospital in the late 1920s.⁵⁰⁰

Perhaps the most fundamental barrier to admission was distance. All the above hospitals were many miles from Te Urewera, over dirt tracks or bad roads. Even if Maori were fortunate enough to have access to a car – which was highly unlikely – it has been claimed that in the 1920s and 1930s travelling by car from Ruatahuna to

492. *PWMU Harvest Field* (Rose, supporting papers to 'A People Dispossessed' (doc A119(a), pp 21–41)

493. McKegg, 'The Maori Health Nursing Scheme' pp 155–157

494. *Ibid*, p 157

495. *Ibid*

496. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1779–1780

497. *Ibid*, p 1780

498. Dow, *Maori Health and Government Policy*, pp 70, 103

499. In 1896, 131 'Urewera' lived in Wairoa County out of a Maori population of 1,766: *New Zealand Population Census, 1896*, app B, p li.

500. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 227

Rotorua, a distance of 74 miles, took two days.⁵⁰¹ Travel within the district was also difficult, meaning that even the nurses were sometimes hard to reach. The road between Te Whaiti and Ruatahuna was so bad that, even though the two settlements were only 17 miles apart, the trip took about six hours even in good weather, and was sometimes impassable in winter.⁵⁰² The Tuawhenua research team wrote that, as a result:

The people – adults and children – were often sick, and died needlessly. The sick had to be carried for miles over rough country to any medical help. Sister Annie considered that ‘these conditions were largely responsible for the heavy mortality’ among the local people during times of epidemic disease.⁵⁰³

The Medical Officer commented that ‘Maungapohatu is such an isolated place that it is difficult for us to give the assistance we would like to give to these Maoris’.⁵⁰⁴ Travel costs would also have been prohibitive. Some of the isolation was due to the geography of the area, but it could have been dramatically reduced if the Crown had built its promised roads.

Cost was also another major barrier, since hospital care was provided on a fee-for-service basis until 1938.⁵⁰⁵ As we have seen, Maori in Te Urewera were generally very poor, and so patients ended up in debt to the hospitals. In 1913, for example, Numia Kereru wrote to the Native Minister requesting “a portion of the money for lands sold” in order to pay a hospital bill for his daughter Tiria.⁵⁰⁶ In 1929, the Bay of Plenty Hospital Board estimated that it had recovered only 8.4 per cent of fees from Maori patients; in the 1933–34 financial year only 13 per cent was recovered, and the next year only 10.4 per cent.⁵⁰⁷ Around this time, that is, in the middle of the depression, the Director-General of Health found it necessary to send out a circular advising that hospitals should admit all Maori in need of treatment, regardless of their ability to pay.⁵⁰⁸ This suggests that some Maori were being denied admission. Dr Turbott, the Medical Officer of Health for the East Cape health district (which included Wairoa, Whakatane, and Opotiki Hospitals), replied:

501. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), pp1780–1781; Tuawhenua Research Team, ‘Te Manawa o te Ika, Part Two’ (doc D2), p 226

502. Tuawhenua Research Team, ‘Te Manawa o te Ika, Part Two’ (doc D2), pp 229–230, 251

503. *Ibid*, p 226

504. Medical Officer of Health, Auckland, to Inspector of Police, Hamilton, 20 August 1927 (Murton, supporting papers to ‘The Crown and the Peoples of Te Urewera’ (doc H12(a)(EE)), p 63)

505. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p1784; Dow, *Maori Health and Government Policy*, p 61

506. Steven Webster, ‘The Urewera Consolidation Scheme: Confrontations between Tuhoe and the Crown, 1915–1925’ (commissioned research report, Wellington: Waitangi Tribunal, 2004) (doc D8), p192

507. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), pp1785, 1787

508. Watt, Director-General of Health, to Medical Officers of Health, 22 November 1932 (Murton, supporting papers to ‘The Crown and the Peoples of Te Urewera’ (doc H12(a)(RR)), p 47)

The Hospital Boards have hindered with their reluctant admissions unless the Maori can pay. I think this statement is true, that most indigent Maoris would sooner suffer than obtain begrudged treatment from hospitals. This is our most frequent reply 'But I can't pay, and the hospital will send a bill' (and usually a summons from some Boards).⁵⁰⁹

It appears, therefore, that fear of debt kept Maori out of hospital even when the board was prepared to admit them.

The other main source of hospital income, apart from fees and Government subsidies, was funds from local body rates. After the passage of the Urewera Lands Act 1921–1922, land owned by Maori in the former UDNR was exempted from rates.⁵¹⁰ This, along with the inability of Maori landowners outside the UDNR area to pay their rates, meant that the hospitals serving Te Urewera received far less rate money from Maori than they did from Pakeha. For example, in 1922 the Bay of Plenty Hospital Board received £26,000 in rates from Pakeha, while 4,000 Maori contributed only £1,400.⁵¹¹ This was a source of great annoyance to hospital boards, and contributed to their reluctance to admit Maori.⁵¹²

Apart from the barriers of cost and distance, many Te Urewera Maori were deeply distrustful of hospitals at this time, particularly when surgery was involved. In 1922, Government officials asked Ruatahuna land owners to gift land for a Presbyterian mission hospital, but were told that 'they objected to a place where doctors would be employed in cutting them up and stated that under no circumstances, whatever, would they agree to give up a piece of land for this purpose.' Even when assured that no surgery would be performed, the owners refused to give up land.⁵¹³ The Crown donated some land instead, but the hospital was never built, and the mission asked instead for a doctor to be stationed in the district.⁵¹⁴

This cultural distrust of hospitals was present even when land was not involved.⁵¹⁵ Lange notes 'as a Pakeha institution, the hospital was suspect to many Maori. It was run by people who were usually disdainful of Maori beliefs.' Maori were afraid that hospital staff would breach personal tapu, and found repugnant the possibility of dying among strangers.⁵¹⁶ Maori aversion to hospitals was one

509. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1787

510. Ibid, pp 1789–1790. Even before this Act, many Te Urewera Maori were exempted from rates: see Tom Bennion, 'The History of Rating in Te Urewera' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2003 (doc A130), pp 106–109.

511. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1784–1785. Murton does not state how many Pakeha ratepayers there were.

512. *Whakatane Press*, 10 March 1922 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(RR)), p 24); Lange, *May the People Live*, p 36

513. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 225

514. Ibid, pp 224–226; commissioner of Crown lands to Under-Secretary for Lands, 1 September 1926 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(RR)), p 12); Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1782

515. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1813; Murton supporting documents (doc H12(a)(ss)), pp 129–130

516. Lange, *May the People Live*, pp 43–44

of the reasons for the establishment of typhoid camps to deal with epidemics, and also for the native health nurse system.⁵¹⁷ By the 1930s, however, it was reported that Maori were more willing to be admitted. In 1932, the Medical Superintendent of Rotorua Hospital noted that

members of the Maori race are showing every year a greater confidence in the methods of Western medicine . . . This has been shown by the large numbers of these patients who come from the Urewera Country from which part previously very few could be induced to come to hospital for treatment.⁵¹⁸

Given the distance between Te Urewera and Rotorua, and the other barriers to admission, these numbers may have been 'large' relative to previous small numbers, rather than being a high proportion of those in need of treatment.

The Crown also took some steps towards helping Maori improve their own community health. The Maori Councils Act 1900 was intended to provide 'a limited measure of self-government' to Maori communities by setting up a system of regional Maori Councils. Among other things, the councils were tasked with improving the sanitation and general hygiene of Maori settlements.⁵¹⁹ *The Napier Hospital and Health Services Report* noted that 'the Maori Councils Act 1900 opened a small door, briefly, to self-help public health reform by Maori communities, but it offered minimal resources by way of assistance'.⁵²⁰ It also found that 'there was inclusive community involvement' in the councils, which had 'no sequel until late in the century', when Maori and iwi health providers began emerging.⁵²¹

Nineteen elected Maori councils were established under the Maori Councils Act, including the Mataatua Maori Council, which served Ngati Awa, Whakatohea, Ngati Whare, Ngati Manawa, and Tuhoe.⁵²² From 1904, Native Sanitary Inspectors were attached to these councils, and Elsdon Best was appointed as inspector for Mataatua.⁵²³ He toured communities in Te Urewera, urging Maori 'to improve hygiene and to adopt safer practices for the disposal of household and human waste' and to improve their housing.⁵²⁴ The council took some steps towards housing improvement; in 1904 Maui Pomare reported that 28 unsanitary whare had

517. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1734–1735, Mason Durie, *Whaiora: Maori Health Development* (Auckland: Oxford University Press, 1994), pp 44, 168; McKegg, 'The Maori Health Nursing Scheme', p 157

518. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1786. Similarly, the numbers of Maori admitted to Wairoa Hospital increased from 198 in 1935–36 to 348 in 1936–37: Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1787.

519. Maori Councils Act 1900

520. Waitangi Tribunal, *The Napier Hospital and Health Services Report* (Wellington: Legislation Direct, 2001), p 326

521. *Ibid*, p 152

522. On official documents the name is spelt 'Matatua'; we have used the correct spelling in this report.

523. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1840

524. Hearn, 'Maori, the Crown, and Provision of Health Services' (doc M1), p 15

been demolished in ‘Tuhoeland’.⁵²⁵ Overall, though, Best was scathing about the council’s efforts, accusing them of inaction and a lack of interest in sanitation.⁵²⁶ Murton writes that by 1909 the council ‘had ceased to operate’.⁵²⁷

The Mataatua council, like Maori Councils elsewhere, was stymied partly by a lack of funds.⁵²⁸ Lange writes that

Finance was a persistent problem for the individual councils since the only sources of revenue, apart from fines and hawkers’ license fees, were donations, the dog tax, and government subsidies. Although at first some councils managed to collect a few hundred pounds in dog taxes, this was a time-consuming and unpopular source of funds. . . . It was thought that government grants and subsidies would assist the councils to undertake sanitary works. But the grants were very small – each council could expect only a share of the £500 or so usually allowed for this purpose – and subsidies were not forthcoming after the first two years; even then they were small. Such assistance barely covered the administrative expenses of the councils, and left almost nothing for sanitation projects. No grants at all were made after 1909.⁵²⁹

Communities were encouraged to improve their housing and sanitation, but few could afford any project which cost money. The only time the Government assisted the construction of a new water supply in Te Urewera during the first phase of the councils was in 1903 or 1904, when the council received £15 to match its expenditure on the Ruatoki water supply.⁵³⁰ Best was also underfunded, with the result that he could not visit all settlements in his area, and in 1909 he was dismissed.⁵³¹

The Mataatua council was also opposed by many Te Urewera communities. Best found that both Ngati Whare and Ngati Manawa were ‘distinctly’ hostile to the council.⁵³² Rua and his followers, along with much of Tuhoe, were also antagonistic, partly because the Council was dominated by Ngati Awa and partly because they saw it as a ‘puppet agent’ of Pakeha rule; they wanted real self-government as promised under the UDNR Act.⁵³³ We note at this point that the General Committee provided for in the Act was not formed until 1909, and the Crown seems to have made no effort from that point to involve it in health and sanitation work. Binney wrote that Tuhoe felt that the Mataatua council ‘had done little other than impose the highest tax-rate (license) on their dogs, so as to gain revenue for

525. Maui Pomare, ‘Report of Dr Pomare, Health Officer to the Maoris’, AJHR, 1904, H-31, p 61

526. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1843

527. Ibid, p 1847

528. Ibid, p 1858

529. Lange, *May the People Live*, p 195

530. Lange, *May the People Live*, p 220

531. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1844. In 1912, all Native Sanitary Inspectors were laid off: Waitangi Tribunal, *Wairarapa ki Tararua Report*, vol 1, p 343.

532. Best to Pomare, 7 March 1905, AJHR, 1905, H-31, p 61; Best to Pomare, 20 February 1906, AJHR, 1906, H-31, p 75

533. Binney, Chaplin, and Wallace, *Mihaia* (doc A112), p 74; Binney, ‘Encircled Lands, Part 2’ (doc A15), p 309

itself.⁵³⁴ However, some Tuhoe, particularly those opposed to Rua, did support the council. Rangatira such as Numia Kereru, Akuhata Te Kaha and Te Pouwhare Te Roau did so because they wanted to improve living conditions for Tuhoe within the framework of the Councils.⁵³⁵

Rua and his followers also wanted to improve sanitation, but preferred to do it without the council's involvement. Binney, Chaplin and Wallace note that 'all the visitors to the community were impressed by the strict standards of hygiene imposed by Rua.'⁵³⁶ He made use of modern western medical knowledge to combat the epidemics which still ravaged Maori communities in the early twentieth century. After the smallpox epidemic of 1913, which affected much of the northern North Island, Rua was 'singled out by Europeans for his cooperation . . . as he worked to ensure that all his people received the vaccine.'⁵³⁷ In 1925, he talked to visiting Otago University Professor of Public Health and Bacteriology Charles Hercus about how to avoid a recurrence of a typhoid outbreak at Maungapohatu. Hercus suggested constructing houses with at least two rooms and outside toilets. Accordingly, the village was neatly laid out in a geometric pattern, with toilets, and fines for violating rules of hygiene.⁵³⁸

The Government revived the Maori Council system in 1919, in the wake of the influenza pandemic the previous year. Under the direction of Dr Peter Buck (Te Rangi Hiroa), the councils became Maori Health Councils and were encouraged to focus primarily on improving sanitation.⁵³⁹ By 1929, Mataatua council had established marae committees at Ruatoki (Tauarau, Otenuku, Ohutu, Rewarewa, Waikirikiri), Ruatahuna (Makoi), Rangitahi, Maungapohatu, Ngahina, Te Whaiti, Matahi, Waimana (Tataiahape), and Waiohau.⁵⁴⁰ However, the council did not seem to be any more effective than in its earlier incarnation. The only evidence we received on the council or committees improving sanitation relates to Maungapohatu after the 1925 typhoid epidemic, and it seems likely that Rua deserves the credit for this.⁵⁴¹ Hiroa reported in 1925 that three water supplies were installed under the jurisdiction of the Mataatua and Arawa councils, but did not identify their locations, so we do not know if any were installed in Te Urewera.⁵⁴²

The council's problems seem again to have been caused by a lack of funding and by community opposition.⁵⁴³ In 1922, 105 Tuhoe, mostly from Ruatahuna, delivered a petition against its by-laws, which allegedly prohibited tangi and required houses to be lined. The tangi prohibition was opposed because 'it is a

534. Binney, 'Encircled Lands, Part 2' (doc A15), p 309

535. Miles, *Te Urewera* (doc A11), p 325

536. Binney, Chaplin, and Wallace, *Mihaia* (doc A112), p 52; see also Webster, *Rua and the Maori Millennium* (doc K1), p 200

537. Binney, Chaplin, and Wallace, *Mihaia* (doc A112), p 79

538. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1929

539. *Ibid*, pp 1848–1849

540. *Ibid*, p 1851

541. *Ibid*, p 1850

542. *Ibid*, p 1852

543. *Ibid*, p 1853

custom handed down to us from our ancestors', and the house lining law was considered impractical because of cost.⁵⁴⁴ The housing requirements applied only to new houses, although the council could require existing homes to be altered to comply with the new by-laws. Tangi were banned when the death was from infectious disease, and Hiroa wrote that, since not all tangi were banned, the 'old custom [had] not been interfered with in any marked degree'.⁵⁴⁵ Given the prevalence of infectious disease in Te Urewera, however, it is likely that the prohibition would have applied to a high proportion of tangi there.

Overall, it appears that the Crown's efforts to improve Maori health in Te Urewera were completely inadequate in the face of severe and ongoing health problems. The district experienced repeated epidemics in the late nineteenth and early twentieth centuries, as well as ongoing poor health. Despite this, Crown aid within Te Urewera itself was limited to some very basic nursing cover; ad hoc responses to some epidemics; the distribution of basic medicines by native school teachers; and some limited support for the Mataatua Maori Council. Theoretically, Maori could also access hospitals and subsidised doctors outside the district, but in reality distance, bad roads, costs, and cultural barriers made access difficult or impossible. As we have seen, the Crown also did little to alleviate the dire poverty which was a major causative factor of the high levels of ill health.

23.6.3.3 Education

Crown-funded education came to Te Urewera in 1877, with the opening of a native school at Galatea. It was part of a wider system of primary schools for Maori which had been established a decade earlier, to replace mission schools which had largely been abandoned during the New Zealand Wars. From 1877, native schools were administered by the new Education Department, while mainstream State schools were run by regional education boards. Primary education became compulsory for Pakeha in 1877, and for Maori in 1894. Each group could attend either kind of school. It was originally intended that the native schools would become education board schools once pupils became fluent in English, and by 1909 a majority of Maori were attending board schools.⁵⁴⁶ In Te Urewera, however, the majority of primary schools remained native schools (Maori schools after 1947) until the separate Maori school system was abolished in 1969, and the remaining Maori schools transferred to board control.

Native schools opened and closed around our inquiry district throughout the late nineteenth and early twentieth centuries. The Galatea school closed after

544. 'The Tribes of Tuhoe to The Hon Sir Maui Pomare and to the Superintendent of Maori Councils', 3 April 1922 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(HH)), p 24)

545. 'The Maori Council of the Matatua Maori District: By-Laws', 2 February 1922, *New Zealand Gazette*, 1922, vol 1, p 274; Te Rangi Hiroa, Director of Maori Hygiene, to Deputy Director-General, Department of Health, 14 August 1922 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(HH)), pp 29–30)

546. Simon and Smith (ed), *A Civilising Mission?*, pp 8–10

Unknown (ATL, 1/2-030943-F)



Pupils and teachers outside the Presbyterian mission school, Ruatahuna, circa 1917. Sister Annie Henry and Miss Monfries, a teacher, opened the school in a ware owned by the chief Taiwera Rawiri in February 1917 with 51 pupils. The people completed new school buildings by August 1918 (which were to be temporary), and the school was named Huiarau and taken over, by agreement, by the Department of Education. It would be some years before the Government funded permanent school buildings.

only a few months, but was reopened in 1881.⁵⁴⁷ In 1898, the school was moved to Awangararanui in 1898, initially operating out of a temporary building before the Galatea schoolhouse was transported to the new site. It closed in 1904, and there was no school in the area until Rangitahi School opened in 1912. During the 1890s, schools opened at Te Houhi, Te Whaiti, Te Kopani near Waikaremoana (Kokako Native School), Waimana, and Ruatoki. Kokako School was closed between 1900 and 1906, and Te Houhi shut down in 1905. The opposition of Rua Kenana to Pakeha education caused Kokako to close again from 1907 to 1911, and Waimana to be turned into an education board school in 1907. Native schools were opened at Rangitahi in 1912 and Tawera in 1931, and Presbyterian mission schools at Ruatahuna (Huiarau School), Waiohau, Maungapohatu, Matahi, and Tanatana in the late 1910s and early 1920s. Maungapohatu was opened with Rua's permission, after he became reconciled to the idea of Pakeha schooling. The school was later taken over by the State, as were Huiarau and Waiohau.⁵⁴⁸

The Te Whaiti Tuhoe claimants alleged that Tuhoe children were turned away from Te Whaiti school after it opened in 1896.⁵⁴⁹ Crown counsel disputed this.⁵⁵⁰

547. Except where otherwise stated, the rest of this paragraph summarises Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1231–1239.

548. Binney, Chaplin, and Wallace, *Mihaia* (doc A112), p 139

549. Counsel for Te Whaiti Nui A Toikairkau, amended consolidated statement of claim (doc 1.2.7(c)), p 125; see also Hiraina Ngatima Hona, brief of evidence (doc G44), p 28

550. Crown counsel, closing submissions (doc N20), topic 39, p 23

Research for this inquiry shows that the Crown opened Te Whaiti on the understanding that its pupils would include Tuhoe children from Ruatahuna.⁵⁵¹ Shortly after the school opened, the teachers reported that there was a dispute between Ngati Whare and Tuhoe, which led to Ngati Whare expelling Tuhoe from their pa, and Tuhoe boycotting the school in retaliation.⁵⁵² The dissension between Tuhoe and Ngati Whare was still seen as having a significant impact on the Te Whaiti school roll in 1901, but five years later there were substantial numbers of Tuhoe children from Te Houhi and Ruatahuna attending school at Te Whaiti.⁵⁵³

In relation to most social services, claimant submissions centred on the Crown's alleged failure to provide an adequate level of service. Where education is concerned, however, the claimant counsel also submitted that the services provided were culturally damaging. They stated that the native school system acted to 'Europeanise' Maori, in particular by forbidding pupils to speak te reo at school.⁵⁵⁴ Counsel for Ngati Haka Patuheuheu alleged that this was damaging to te reo Maori and caused te reo Tuhoe to decline, which in turn resulted in the loss of 'tikanga, kawa, ritenga, waiata, whakapapa and other assorted taonga'.⁵⁵⁵ Crown counsel acknowledged that

English language was promoted in the first half of the twentieth century as an important skill for children to acquire. This promotion of English did prove to be at the expense of Te Reo Maori and local tikanga. There is consistent evidence of Maori children being forbidden from speaking Te Reo Maori in schools until the latter half of the twentieth century.⁵⁵⁶

However, they noted evidence of teachers allowing the use of te reo Maori in Te Urewera schools.⁵⁵⁷

Previous Tribunals have found that Crown policies of the late nineteenth and early twentieth centuries aimed to assimilate Maori children into Pakeha society and culture.⁵⁵⁸ We received considerable evidence that Te Urewera native schools were intended to 'civilise' Maori. For example, Inspector of Native Schools James Pope thought the reopening of the Galatea school in 1881 was important because it was near Te Urewera, 'where the wildest of all the Maoris now living are to be found'. A school would gradually undermine 'their prejudice and superstition . . .

551. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 252, 254, 258

552. Ibid, pp 250–251

553. Ibid, pp 258–259, 272

554. Counsel for Ngati Ruapani, closing submissions (doc N19), app A, p 187; counsel for Tuawhenua, closing submissions (doc N9), pp 295–296; counsel for Ngati Hineuru, closing submissions, 30 May 2005 (doc N18), p 40

555. Counsel for Ngati Haka Patuheuheu, closing submissions (doc N7), p 133

556. Crown counsel, statement of response to stage 3 claims (statement 1.3.7), p 38; see also Crown counsel, closing submissions (doc N20), topic 39, p 21

557. Crown counsel, statement of response to stage 3 claims (statement 1.3.7), p 38

558. Waitangi Tribunal, *Wairarapa ki Tararua Report*, vol 1, p 320; Waitangi Tribunal, *The Wananga Capital Establishment Report* (Wellington: Legislation Direct, 1999), pp 5–9

and they will be prepared to ask for schools themselves.⁵⁵⁹ Te Whaiti School was likewise regarded as an ‘outpost’ of civilisation.⁵⁶⁰ Another education official, H G Walmsley, wrote in 1892 that establishing a school in Ruatoki would be of

far more importance and a far greater ‘wedge’ than all the flying visits of Governors, Native Ministers, et hoc genus omne [and everything of this kind]. The Uriweras [*sic*] know really nothing about the pakeha, they fancy that our only wish is to get their land from them⁵⁶¹

Hutton and Neumann point out that Te Urewera was seen as New Zealand’s ‘last frontier’, where Maori traditions and customs still dominated, there was no significant Pakeha settlement, and hardly any intermarriage with Pakeha.⁵⁶²

Schools were explicitly regarded as the key to ‘civilising’ Maori, that is, making them more like Pakeha. Seddon described education as the ‘benefits of civilisation.’⁵⁶³ To Maui Pomare, writing in 1904, schools were ‘Tuhoe’s foot on the first rung of the ladder of civilisation.’⁵⁶⁴ Inspector of Native Schools William Bird regarded Te Urewera in 1913 as ‘the most backward [district] that we have left’; a school at Ruatahuna would lead to the area being opened up and developed.⁵⁶⁵ Gordon Coates, Native Minister for most of the 1920s, saw schools at Ruatahuna and Maungapohatu as having two purposes: the education of ‘the most backward and the least educated’ areas in the country and, he said, to draw Maori there away from the Kingitanga.⁵⁶⁶

Knowledge of the English language and Pakeha customs could of course be useful to Maori, and this was recognised by Maori parents at the time.⁵⁶⁷ However, the native schools went beyond providing practical knowledge, promoting the entire Pakeha culture and way of life as superior to that of Maori. Pope wrote approvingly in 1903 that the Te Whaiti school teachers were ‘trying with very great earnestness to completely revolutionise (for the better) the lives of the children committed to their care by training them in as much of the Pakeha tikanga as they can by any means be got to learn.’⁵⁶⁸ At Ruatoki School, pupils learnt traditional British dances such as the sailor’s hornpipe.⁵⁶⁹ Gladys Colquhoun told us that her school history lessons had focused mostly on the history of British royalty:

559. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1379

560. Hutton and Neumann, ‘Ngati Whare and the Crown’ (doc A28), p 246

561. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12(a)(s)), p 70

562. Hutton and Neumann, ‘Ngati Whare and the Crown’ (doc A28), p 246

563. ‘Pakeha and Maori: A Narrative of the Premier’s Trip Through the Native Districts of the North Island’, AJHR, 1895, G-1, p 64

564. Maui Pomare, ‘Report of Dr Pomare, Health Officer to the Maoris’, AJHR, 1904, H-31, p 61

565. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1259. See also Bird’s comments in 1914 about a school at Maungapohatu in Binney, Chaplin, and Wallace, *Mihaia* (doc A112), p 136.

566. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1316

567. *Ibid*, p 1391

568. Hutton and Neumann, ‘Ngati Whare and the Crown’ (doc A28), p 263

569. Simon and Smith, *A Civilising Mission?*, p 291

What they did and who they stuck in a dungeon and who they stuck in the Tower. It was mostly kings, the royal palace, and we learned more about the Queen and all her whanau than we did about our ancestors and our history.

They [our teachers] never said anything about the Maori wars. We thought that our ancestors were bad for killing the pakeha. Even when we asked they would never tell us how many Maori the Pakeha killed. Never mind the pakeha killing the Maori. They made you feel inferior. We were always made to feel bad, and treated as if we are poor, poor, poor people.⁵⁷⁰

Native schools became somewhat less monocultural under the leadership of Douglas Ball, Inspector of Native Schools from 1931. Ball was influenced by new anthropological ideas about the inherent value of all cultures, and education theory about culturally appropriate education. He was also aware of the concerns of Apirana Ngata and other Maori leaders that Maori culture was under threat. As a result, the Education Department now encouraged schools to include elements of Maori culture, particularly 'arts and crafts'.⁵⁷¹ A 1934 memorandum for the head teachers of all native schools instructed:

it is very desirable that the system of Native School education should not only fit the Maori child to take his place in the community, but that it should also preserve the best in Maori culture, mythology, arts and crafts, and develop the special gifts and talents with which the race is so richly endowed.⁵⁷²

As we will see later in this chapter, though, Maori culture remained a minor and fairly superficial part of the curriculum. The first aim of the schools was still the teaching of spoken and written English.⁵⁷³

Fluency in English was taught using total immersion, a practice which has been discussed in previous Tribunal reports. The Te Reo, Hauraki, and Wairarapa ki Tararua Tribunals all found that te reo was suppressed in State schools, and that children were punished for speaking Maori.⁵⁷⁴ It is not clear that there was ever an explicit Education Department policy banning te reo, but it was certainly the practice in most native schools for more than half a century, from the 1890s until about the middle of the twentieth century. The Native Schools Act 1867 specified that English be the mode of instruction only 'as far as practicable'.⁵⁷⁵ Until the

570. Gladys Colquhoun, brief of evidence, 15 October 2004 (doc H55), p 8

571. John Barrington, 'Douglas George Ball', in *The Dictionary of New Zealand Biography*, Ministry for Culture and Heritage, <http://teara.govt.nz/en/biographies/4b3/ball-douglas-george>, last modified 4 June 2013; Simon and Smith, *A Civilising Mission?*, pp 115, 187–189; Walker, *He Tipua*, pp 317–318

572. Simon and Smith, *A Civilising Mission?*, p 115

573. Ibid

574. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, 2nd ed (Wellington: Waitangi Tribunal, 1989), pp 8–9; Waitangi Tribunal, *The Hauraki Report*, vol 3, pp 1192–1193; Waitangi Tribunal, *The Wairarapa ki Tararua Report*, vol 1, pp 297, 302–303

575. Native Schools Act 1867, s 21

1890s some schools allowed some te reo to be spoken in junior classes, if children did not know any English.⁵⁷⁶ From around this time, however, it seems that most schools completely prohibited te reo both inside and outside the classroom.

Our evidence on Te Urewera schools dates back only to the 1920s and 1930s, when there was a strict ban on te reo. It is very likely that this ban was in place from the 1890s, in line with common practice. In Te Urewera, pupils were punished for speaking Maori at Maungapohatu school, and at Huiarau, where pupils who used Maori inside the school boundary were strapped.⁵⁷⁷ New entrants relied on body language and guidance from older children to get by until they learnt English.⁵⁷⁸ Maria Waiwai told us that after her first day at Kokako Native School in 1927, she saw the teacher strap one of the boys for speaking Maori, and so decided to avoid school for a few years.⁵⁷⁹ Some schools did allow limited use of te reo, however. At Rangitahi School, Maori junior assistant Miss Mauriohoo used Maori to help junior pupils.⁵⁸⁰ She and the main teacher were also 'slightly chastised' by an Inspector for allowing te reo in the playground.⁵⁸¹ Even here, though, there seems to have been a total classroom ban on te reo for older pupils. Bert Messant told us that, on 'many occasions' during his time at Rangitahi, he was punished for speaking te reo by having his mouth washed out with a fingernail brush.⁵⁸²

Some who were punished for speaking te reo refused to teach their own children the language, so that they would not go through the same thing. James Doherty told us: 'As a result of the hardship experienced during my early schooling it left a heavy mark within me. So much so that when I had children of my own I did not teach them Maori, in the fear of the hardship that I experienced would be repeated.'⁵⁸³

The suppression of te reo had other long-term consequences, Kaa Kathleen Williams told us:

The Crown . . . caused us to suffer in that they required the English language only to be taught in schools, and that is no better highlighted than in my own experience . . . for approximately two years I said nothing at school. They wanted us to learn and use the English language only in years gone by. I go back to the time I started school to a time when I was hit, but it wasn't just losing my language that was the problem, but it had deeply affected my thoughts and my spirits. These feelings are still within me, and I'm sure it's also in my people of Ngati Haka-Patuheuheu.⁵⁸⁴

576. Simon and Smith, *A Civilising Mission?* p 165

577. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12) p 1389; Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 299

578. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12) p 1389

579. Waiwai, brief of evidence (doc H18), p 17

580. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1387–1388

581. Ibid, p 1387

582. Rano (Bert) Messant, brief of evidence, 9 August 2004 (doc F12), p 3

583. Doherty, brief of evidence (doc D27), pp 9–10

584. Williams, brief of evidence (doc C16), p 55

The Te Reo Tribunal found in 1986 that the end result of the ban on te reo in schools was that ‘a whole generation has been reared who know no [te reo] Maori or who knowing so little of it are unable to use it effectively and with dignity’.⁵⁸⁵ The hapu and iwi of Te Urewera have retained their reo to a greater extent than Maori in many other parts of the country, and the situation has improved somewhat in recent decades, but there are still many Te Urewera people who cannot speak or understand the language. Those without te reo not only are missing out on their ancestral language but are also prevented from fully experiencing their own culture.

With regard to education, the claimants’ main focus was the promotion of the English language and Pakeha culture at the expense of te reo and Maori culture. However, claimant counsel also submitted that the education provided in Te Urewera was low quality, failed to foster Maori achievement, and directed Maori into low paid and low status jobs.⁵⁸⁶ Counsel for Nga Rauru o Nga Potiki went further and argued that a major aim of education was to produce ‘industrious and obedient subjects’.⁵⁸⁷ Specific allegations relate mostly to periods after 1935 but, in relation to earlier decades, claimant counsel submitted that teachers in Te Urewera were mostly unqualified, and that it was sometimes difficult for communities to get and keep schools.⁵⁸⁸ Claimants also submitted that secondary education was difficult to access until the 1940s.⁵⁸⁹ The Crown did not respond to these allegations in relation to the pre Second World War period.

Claimant counsel submitted that there was often a long gap between a community requesting a school and the school being established. Huiaarau School, at Ruatahuna, and Maungapohatu School were cited as examples.⁵⁹⁰ There was also a long wait at Waiohau. Requests for these schools were first made between 1904 and 1913, and all took at least 10 years to open. The longest gap was at Ruatahuna, where a school was first requested in 1904, but not established until 1918. In all three cases, the schools were established by missionaries and later taken over the Crown. Even after decisions were made, concerns about cost delayed the construction of new buildings.⁵⁹¹ It is likely that World War I diverted resources and generally caused delays.

The Education Department was understandably reluctant to found schools unless it was clear that there was a suitable site available, and that the local community was supportive and had enough children to keep the school going in the

585. Waitangi Tribunal, *Report on the Te Reo Maori Claim*, p 10

586. Counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), pp 358–360; counsel for Ngati Ruapani, closing submissions (doc N19), app A, p 187; counsel for Tuawhenua, closing submissions (doc N9), p 296

587. Counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), p 359

588. Ibid, p 358; counsel for Tuawhenua, closing submissions (doc N9), pp 198–199; counsel for Ngati Hineuru, closing submissions (doc N18), p 40

589. Counsel for Ngati Ruapani, closing submissions (doc N19), app A, p 188

590. Counsel for Tuawhenua, closing submissions (doc N9), pp 198–199; counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), p 358

591. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12) pp 1247–1268, 1307, 1313–1319

long term. This was particularly the case in areas such as Te Urewera, since poor road access and distance from Pakeha settlement tended to drive up costs. Officials were particularly concerned about Rua's influence; as we have seen, his antipathy to Pakeha schools had in 1907 caused the closure of one school and the conversion of another to a board school.

When schools were opened, they were frequently staffed by unqualified teachers. This was a widespread problem; in the period before 1935, few native school teachers, in Te Urewera and elsewhere, were qualified.⁵⁹² The Education Department found it particularly difficult to find suitable teachers willing to work in Te Urewera. At Te Whaiti, the very well regarded Johannes Zimmermann stayed for only three years, and the school was later closed for several months because the Department was unable to find anyone to teach there.⁵⁹³ Te Urewera schools may have been used as training grounds for young and inexperienced teachers, possibly because they could not compete with experienced teachers for more popular positions elsewhere.⁵⁹⁴

Some teachers certainly left much to be desired. Joseph Wylie taught for about 16 years at Galatea and Awangararanui despite having no previous teaching experience and allegedly neglecting his students to focus on farming.⁵⁹⁵ Pope was scathing about unqualified Te Whaiti teacher Chamberlin Tims, writing in 1903 that his work was 'of little value' and that only one out of 29 pupils had passed their exams.⁵⁹⁶ Ruatoki teacher JB Lee was removed from his post in 1912, after the school committee complained that he was not teaching older students well enough to pass the school proficiency examinations, and that he was falling asleep in class. His replacement was highly regarded, but died in 1921 and was replaced with another teacher who, though experienced, seemed unable to cope with the demands of the job.⁵⁹⁷ The infant teacher at Huiarau in the late 1930s was reported as using poor methods and, according to her head teacher, 'appears to have no love for the Maoris'.⁵⁹⁸

Substandard teachers seem to have been exceptions, however, as inspectors generally returned positive reports about Te Urewera schools. Kokako was consistently graded as 'satisfactory' or better, with particularly positive reports in 1913 and the mid-1920s.⁵⁹⁹ In 1929, it was reported that Maori pupils there were outperforming

592. Ibid, p 1336. Murton also notes (on p 1335) that 'in the 1880s less than 20 per cent of Native School teachers [nationwide] were either licensed or certificated teachers, and while this percentage had increased to around 50 per cent in the early years of the twentieth century, through the 1910s and 1920s, it hovered between 20 and 30 per cent'.

593. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 277–279, 281–282

594. See Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 268

595. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1341–1345

596. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 263. The next year, not one pupil passed: p 266.

597. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1347–1352; Bird, Inspector of Native Schools, to Inspector General of Schools, memorandum, 16 September 1912 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(x)), p 19)

598. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 296

599. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1358–1359

their Pakeha classmates.⁶⁰⁰ Te Whaiti, Maungapohatu, and Waiohau schools also received good reports, especially in the 1920s.⁶⁰¹ Rangitahi was more uneven. It rated badly from 1915 to 1917, but after the teacher was replaced it received reports ranging from 'satisfactory' to 'very good to excellent'.⁶⁰² At the start of the twentieth century, half of a school's grade came from its pupils' exam results, and half from a mark given by the inspector, based on a range of factors including organisation, discipline, teaching method, condition of school records, and 'extras' such as singing, drawing, and drill.⁶⁰³ These criteria, with their emphasis on organisation and discipline, reflect the intention that native schools act as a 'civilising force' on Maori. This meant that, while the schools were generally judged to be satisfactory by the Education Department, its criteria reflected purely Pakeha perspectives. From a Maori perspective, there were serious problems with the schools, particularly their attitude to Maori language and culture, and assumptions made about the capabilities and futures of Maori pupils.

As noted above, claimants and their counsel submitted that the education system did little more than prepare Maori to be manual labourers.⁶⁰⁴ This issue has been addressed by the Wananga Capital Establishment Tribunal, which found that the native school curriculum was 'designed to restrict Maori to working-class employment.' Major emphasis was placed upon manual and domestic training for Maori.⁶⁰⁵ The Wairarapa ki Tararua Tribunal agreed.⁶⁰⁶ Education researchers Judith Simon and Linda Tuhiwai Smith argued that educational policy strongly favoured a 'practical curriculum' for Maori from about 1900:

600. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp1310–1312, 1404. The Pakeha pupils were the children of saw millers living at Tuai.

601. Ibid, pp1368–1371; Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 258–302

602. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp1353–1355

603. The criteria for judging the performance of a school are outlined by Hutton and Neumann: 'What did constitute "good work in school" in the eyes of the Department? The inspection schedules for native schools that were used during Tims's time in Te Whaiti provide one answer to this question: "Teachers could score a maximum of 50 points, 10 each for "condition of records and other school documents except the time table"; "Organization of school, and condition of buildings, furniture, and appliances so far as this depends on the master"; "Discipline, including order, tone, nature of punishments, and punctuality"; "Extras – Singing, drawing, and drill"; and "Methods, judged partly from inspection and partly from the kind of passes obtained". The inspector then calculated the relation between the total marks obtainable by the students, and those actually obtained; half of the resulting percentage was then added to what the teacher(s) had scored for records, organisation, discipline, extras, and methods. The result was a mark out of 100. A teacher's civilising influence was accounted for under "discipline" and "extras". The inspector judged, for example, how well the children were dressed, and how "pleasing" or "accurate" the drill was.' See Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 269. Inspection reports after 1904 used much the same criteria.

604. Counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), pp 358–360; counsel for Ngati Ruapani, closing submissions (doc N19), app A, pp187–188; counsel for Tuawhenua, closing submissions (doc N9), p 296

605. Waitangi Tribunal, *The Wananga Capital Establishment Report*, p 7

606. Waitangi Tribunal, *Wairarapa ki Tararua Report*, vol 1, pp 296–297

They [Education Department Officials] sought through the curriculum to control the vocational choices available to Maori, channelling pupils into those vocations they deemed appropriate – manual, technical and domestic work. . . .

. . . [Education emphasised] manual, technical and domestic training, rather than academic or intellectual development. . . . The types of schooling prescribed for Maori would prepare them for working- or labouring-class status.⁶⁰⁷

George Hogben, the Inspector-General of Education, argued that Maori needed a practical rather than academic education in order to ‘recognise the dignity of manual labour.’⁶⁰⁸ Henry Vine, the teacher at Ruatoki in the 1920s, and also the secretary of the Native Schools Teachers’ Association, supported such an emphasis on practical education. In 1920, he urged that Maori secondary schools be reformed to teach Maori boys farming skills, and girls ‘be made capable housewives.’⁶⁰⁹ A Maori pupil at Ruatoki School from 1929 to 1931 thought that the education he received fitted him to be only a labourer (see the sidebar over).

While practical skills, particularly the farming skills needed for land development, are obviously useful, manual work should not have been the only direction Maori children and teenagers were pointed in. By 1910, there had already been multiple Maori university graduates; the men in charge of the native school system were therefore well aware that high level academic achievement was not the exclusive preserve of Pakeha. Yet, as the Ruatoki pupil’s interview indicates, even ‘really bright’ Maori pupils in Te Urewera were given little opportunity to continue their education beyond primary school.

Until the 1940s there were no high schools in, or readily accessible from, Te Urewera. The closest secondary schools were in Wairoa, Gisborne, Whakatane, and Rotorua.⁶¹⁰ Given the state of the roads, daily travel to and from these schools would have been impossible, and few families would have been able to afford boarding costs. Most secondary schools also charged fees at this time. Scholarships were available for Maori boarding schools such as Te Aute, St Stephen’s, and Turakina, but only a few pupils from Te Urewera managed to access them.⁶¹¹ There were no boarding scholarships for high schools closer to home.⁶¹² The inaccessibility of secondary school to most young Maori in Te Urewera before the 1940s was despite a 1912 Tuhoe donation of land from the Tuararangaia block for the express purpose of supporting a Maori college at Ohiwa. As we found in chapter 22, the land did not return any profit until the early 1950s, and the Crown seems to

607. Simon and Smith, *A Civilising Mission?*, pp 112–113

608. *Ibid*, pp 111–112

609. *Ibid*, p 113

610. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1393

611. *Ibid*, pp 1397–1401

612. Tuawhenua Research Team, ‘Te Manawa o te Ika, Part Two’ (doc D2), p 479

The Limits of a Native School Education: A Ruatoki View

A Maori pupil at Ruatoki School from 1929 to 1931 thought that the education he received fitted him to be only a labourer:

There weren't secondary schools . . . It was straight-out primary, up to Standard 6 and from there on we didn't have secondary school. Secondary school was in the Pakeha area . . . We actually were people just for scrub cutting and that . . . As soon as you get to Standard 6 you're finished, you can't go any further. Even if you get to Standard 1 or Standard 2 and you're too big, you knock off . . . We had some really bright ones but they just knocked off. There was nothing there to encourage them to go on because there was no other better school . . . We were just there to learn the Pakeha language and manners, nothing else. We weren't encouraged to further our education . . . That is the bottom line, the Maoris were suited for labour, working on the roads, that is the bottom line – just to get by, to suit them, not to suit you. So they can tell us, well, put a fence here, put a fence there, and we'll do it. Most of the heavy work was done by our people, the roads were done by our people. You didn't have trucks and bulldozers in those days – just a shovel and wheelbarrow . . . I only went up to Standard 2 and the teacher said 'Go away, get lost.' . . . The teachers, they know they're wasting their damn time – 'Go on you – out!' And you go back on the farm. Quite a few of us like that, chucked out of school.¹

1. 'Maori Pupil, 1929–31', Ruatoki Native School, interviewed in Judith Simon and Linda Smith, eds, *A Civilising Mission? Perceptions and Representations of the Native School System* (Auckland: Auckland University Press, 2001), p 292

have simply added this to its general education fund. We found that by not using the money to assist Maori education in Te Urewera, the Crown failed to meet the conditions of the Tuararangaia donation.

Secondary school was not the expected destination even for those children who could access it. Before 1900 it was 'essentially a prerogative of the middle-upper class' even for Pakeha, and even by 1922 only 47 per cent of primary school leavers went on to secondary school.⁶¹³ The percentage of Maori who did so seems to have been much lower, however.⁶¹⁴ This would have been partly because most Maori lived in rural areas distant from secondary schools. However, it also seems to reflect a general disengagement from the State education system. Maori in Te Urewera and elsewhere tended to start school a year or more later than their

613. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1392–1393

614. Ibid, pp 1397–1401. Primary school lasted until standard six.

Pakeha counterparts, and to leave school early.⁶¹⁵ Several claimant witnesses told us that as children they rarely attended school because they were often too busy looking after younger children, gathering food, and doing other tasks for their families. Some also worked in shearing gangs.⁶¹⁶ Most of this evidence related to the late 1930s and the 1940s, but almost certainly reflects the situation in earlier decades. Absenteeism and early leaving would have been driven mostly by the dire poverty of most communities. Families struggling to feed themselves needed everyone to help out, even if this came at the expense of children's education. The alien and unwelcoming nature of the schooling system, which punished children for speaking their own language, would also have discouraged regular attendance.

At nearly every stop on his tour of Te Urewera in 1895, Seddon promoted the benefit of Pakeha education. At Galatea, he said:

My heart gladdens when I hear you ask for a school, and that you have devoted land for it. You ask for the benefits of civilisation. You ask that your children should be put upon the same footing as the European children . . . I will see that the boon is granted to you permanently.⁶¹⁷

Seddon told the people of Waikaremoana that 'Without education your position will grow worse and worse every year, and the day will come when your children will say, "Why did we not have the privilege that was given to the pakehas and others of our race in the different parts of the colony?"'⁶¹⁸ The hapu and iwi of Te Urewera were given a clear promise that education would give their children the same opportunities as Pakeha, and would generally allow them to advance in the world. Could Te Urewera children access an education which would do this?

By and large, the primary education provided to Maori in Te Urewera was good enough to meet contemporary Crown standards. School inspectors regularly assessed Te Urewera native schools as satisfactory or better, and under-performing teachers were usually replaced. There were some delays in establishing primary schools in some areas, which clearly disadvantaged the local communities, but this seems to have been due mostly to the need to properly investigate whether a school would be viable in the long term. Even by contemporary standards, however, access to secondary education was too difficult for most Te Urewera pupils. We accept the Crown's argument that it cannot be expected to provide full educational facilities wherever there are children.⁶¹⁹ But it should have provided a secondary school somewhere in Te Urewera, and done more to help pupils access secondary education elsewhere. This was especially so given its agreement to the Tuararangaia land transfer, which was clearly intended to support the education

615. Ibid, pp1403

616. Doherty, brief of evidence (doc G17), pp 3–4; Desmond Renata, brief of evidence, 22 November 2004 (doc I24), p 12; Rere Puna, brief of evidence, 6 September 2004 (doc G10), p 7

617. 'Pakeha and Maori: A Narrative of the Premier's Trip Through the Native Districts of the North Island', AJHR, 1895, G-1, p 64

618. Ibid, p 83

619. Crown counsel, closing submissions (doc N20), topic 39, p 22

of Tuhoe, Ngati Awa, and Te Arawa. It was not, as the Crown treated it, simply a general gift to the education system.

Although primary education was generally acceptable by the Crown standards of the time, it was still deeply problematic from a Maori perspective. We accept that Maori benefited from learning the English language and becoming familiar with Pakeha customs and ways of life, but we see no reason why this had to happen at the expense of Maori language and culture. Regardless of whether the te reo ban was official policy or simply widespread practice, its effect was to alienate many pupils from education and, in the long term, reduce levels of te reo fluency to the point that the language has, for many years now, been endangered. The education system also failed to give Maori culture and history at least the same regard as their Pakeha equivalents. This taught Maori children, at times intentionally, that their culture was of less worth than that of Pakeha.

23.6.4 Conclusions

When Te Urewera leaders negotiated the UDNR agreement with the Crown in 1895, they were doing so as, effectively, the leaders of an independent district. In Professor Murton's terms, they had political authority over their own affairs and could maintain their own property regime in the territory they controlled. This power meant that, as we saw in chapter nine, when the Crown wanted to bring roads and surveys into the district, they needed to use a combination of negotiation and the threat of force. It also meant that the Te Urewera leaders were able to negotiate with the Crown for the UDNR, which was to be a self-governing district, recognising the kawanatanga of the Crown.

The political power exercised by the leaders of Te Urewera hapu and iwi did not mean, however, that the hapu and iwi of Te Urewera were able to engage with the Crown as equals. Although the Crown preferred in the 1890s to act peacefully, it was prepared to threaten Te Urewera with military force, as it did in mid-1895. Perhaps even more importantly, the peoples of Te Urewera had very limited economic capability, especially compared to the Crown. The 656,000 acres which were to become the UDNR were Maori-controlled, but did not provide a strong economic base. As we outlined earlier in this chapter, the land was largely unsuitable for farming and had limited economic potential. This meant that, despite their political independence, the hapu and iwi of Te Urewera were in a precarious economic position and dependent on the Crown when their food supply failed, as it did in 1898. The Crown's failure to provide adequate assistance during the 1898 famine illustrates the limits of Te Urewera power. While its leaders could and did negotiate with the Crown and gain official recognition for their mana motuhake (at least on paper), they could not prevail on the Crown to help them in their time of extreme need.

Based on the Crown's promises, the UDNR agreement should have given Te Urewera hapu and iwi official recognition of their political authority over their own rohe, and led to improved economic capability. Instead the balance of power, already heavily weighted towards the Crown, tipped further away from the leaders of Te Urewera. As we saw in chapter 13, the UDNR General Committee was not

established until 1909, and had much less power than the rangatira who negotiated the UDNR wanted or expected. The UDNR Act was repealed in 1922, removing reserve status, and the protections which it afforded, from the district. By this time, the Crown had taken steps to establish its own property regime over the whole of Te Urewera. It converted Urewera Commission orders into Native Land Court orders and embarked in the 1910s on aggressive purchase of individual interests throughout the Reserve, which it then consolidated in the 1920s into a massive Crown block of several hundred thousand acres.

In chapters 13 and 14 we found that all of this was in breach of the principles of the Treaty. The Crown also restricted what hapu and iwi could do with the lands and resources they retained, banning timber milling in some areas and forbidding or restricting the hunting of some native birds. These factors combined to further weaken the already limited economic capability of Te Urewera peoples. The hapu and iwi of Te Urewera, in short, had lost most of their independent political power (and a substantial amount of land) and had gained very little in return.

In chapter nine we saw that, during his tour of Te Urewera, Seddon promised that Maori would enter a new age of prosperity if they fully engaged with the Crown.⁶²⁰ He said that the people of Te Urewera were 'living in absolute poverty, not having sufficient food, not having the comforts they ought to have. We wish to alter this state of things.'⁶²¹ Seddon promised that the Crown would look after the people of Te Urewera and protect them from harm. 'I say [Tuhoe] will never be landless – never be without money, food, or clothes. They will be more prosperous than Tuhoe have been since they have been Tuhoe.'⁶²² We have seen that Tuhoe and the other iwi of Te Urewera did engage with the Crown, and recognised its kawanatanga in return for its recognition of their own self-government within the newly established UDNR. However, they did not receive the promised benefits. Throughout the period we covered in this section, they lost more land, continued to live in poverty, and were often without money or sufficient food. The Crown did increasingly provide social services, particularly schools, but these never came close to relieving the extreme hardship experienced by many Te Urewera communities, and fell well short of the benefits which Seddon had led the peoples of Te Urewera to believe they would receive.

23.7 WHAT EFFECTS DID THE EXPANSION OF THE CROWN'S ROLE HAVE ON THE WELL-BEING OF MAORI COMMUNITIES UP TO THE 1980S?

SUMMARY ANSWER: Following the election of the first Labour Government in 1935, the role of the State expanded dramatically. A welfare state was founded, based on the idea that all New Zealanders had the right to a decent standard of living and to full education and health services. The Crown became more involved

620. 'Pakeha and Maori: A Narrative of the Premier's Trip Through the Native Districts of the North Island', AJHR, 1895, G-1, pp 49, 53–55

621. Ibid, p 49

622. Ibid, p 55

in industry, health care, and housing, and provided much more aid and assistance to those in need, including Maori in Te Urewera. As part of the Crown's increased involvement in the economy, the State Forest Service helped turn settlements in the Whirinaki valley and elsewhere into thriving timber towns, where jobs were plentiful and workers were provided with cheap rental housing.

Maori in Te Urewera and elsewhere were major beneficiaries of the expanded State. Timber industry employment, aid for housing, increased welfare benefits, improvements in water supplies, and better access to health care combined to significantly lift standards of living in most parts of Te Urewera. Improved access to education, particularly beyond primary school, also opened up new opportunities.

These changes helped to significantly improve the health, education, and standards of living in Te Urewera Maori communities. They were not enough, however, to close the huge socio-economic gaps between Maori and non-Maori. Some services remained difficult to access. Housing assistance in particular was out of reach of the most impoverished communities, as it was generally only granted to those who individually owned land or could repay loans. Similarly, improvements to water supplies depended on the ability of communities to provide half the funds. While health care was now free, except for doctors' visits, it was still geographically remote from most Maori in Te Urewera. Likewise, many school pupils faced long journeys to the nearest secondary school, or had to board. Schools became less monocultural than they had been before the 1930s, but until about the 1950s pupils were still punished for speaking te reo, and in most schools Maori culture remained a minor part of an almost entirely Pakeha system.

Outside of the timber industry, there was little employment in Te Urewera which was not seasonal, temporary, or both. The district's dependence on the timber industry made it highly vulnerable to economic downturns and other adverse trends. The Crown and Te Urewera communities made some attempts to diversify the Te Urewera economy, but these were largely unsuccessful, and the Crown did not always give its full support to community initiatives. The Crown became increasingly sympathetic to conservationist arguments against logging of native timber, restricting and then banning the harvesting of native trees from the Whirinaki Forest.

In terms of Professor Murton's socio-economic framework, which we outlined earlier in this chapter, the economic capability of Maori in Te Urewera significantly increased in the mid-twentieth century. Although they remained poorer, on average, than other New Zealanders, poverty became much less common and, where it continued, much less dire. The economic improvement was primarily the result of Government policy, particularly relating to social welfare and the timber industry, and therefore highly vulnerable to future policy changes. The hapu and iwi of Te Urewera had no more political power than they had possessed at the start of the century, as became clear when the Crown ignored their objections to restrictions on native timber harvesting. Their marginalisation also meant that the dominant property regime remained one based on English law, which failed to take Maori needs, culture, and aspirations into account. Indeed, local planning legislation and

the establishment of Urewera National Park meant that Maori landowners in Te Urewera lost even more control over their land in this period.

23.7.1 Introduction

This section looks at the period from about 1935 to about 1984. These dates mark the beginning and end of the period in which the Crown was heavily involved in nearly every aspect of New Zealand life. The first Labour Government, elected in 1935, dramatically expanded earlier piecemeal welfare provisions into an all-encompassing welfare state. While earlier welfare provisions had been based on giving limited aid to the ‘deserving’, the new system was based on the idea that everyone had a right to a decent standard of living, and that the nation had a duty to provide this to those who could not provide it for themselves.⁶²³ Underpinning the welfare state was an interventionist style of close economic management, in which the State nationalised or became involved in important industries such as forestry and the railways. The welfare state and managed economy were carried on and in many ways enlarged by subsequent governments, until the election of the fourth Labour Government in 1984. By this time, some regarded the managed economy as inefficient, the welfare state as wasteful, and both as doing more harm than good. The restructuring of the State, and its impact on the hapu and iwi of Te Urewera, will be addressed later in this chapter.

In this section, we look first at the Te Urewera economy and the place of Maori within it. We pay particular attention to the timber industry, which employed large numbers of Maori in Te Urewera during this period. We will show how the industry grew dramatically from the 1930s, creating thriving timber towns with full employment, and then how from the 1960s it suffered from an economic downturn and increased public opposition to the logging of native forests. As in earlier decades, the Te Urewera economy was very limited, with forestry dominating, farming coming a distant second, and other industries playing a very minor role. The economic capability of Te Urewera hapu and iwi remained low, as we can see from their dependence on paid work. We will look at farming and other industries in Te Urewera from the 1930s to the 1970s, and at attempts in the 1970s to diversify the regional economy. In the second half of this section, we examine the expanded welfare state and the extent to which it benefited Te Urewera hapu and iwi. In particular, we will look at social welfare, health care, housing, water supplies, and education, and assess how accessible each of these were for Maori in Te Urewera, and the extent to which the services provided met their needs.

23.7.2 The timber industry and the Te Urewera economy

During the twentieth century, Te Urewera communities, particularly those in the west of the inquiry district, became highly dependent on the timber industry. Crown and claimant counsel agreed on this point, although not on the causes of

623. McClure, ‘A Badge of Poverty or a Symbol of Citizenship?’, pp 143–144

the dependence.⁶²⁴ Counsel for Ngati Manawa, Ngati Whare, and Nga Rauru o Nga Potiki all submitted that Crown actions, particularly those leading to the loss of so much Maori land in the nineteenth and early twentieth centuries, meant that virtually the only opportunities for work or income in Te Urewera were through forestry. The Crown did not respond specifically to these allegations.

The claimants' submissions on tangata whenua dependence on the timber industry were made in relation to the 1980s, when the Crown withdrew its support for the Te Urewera forest industry, resulting in high levels of unemployment and poverty in the former timber towns. In order to assess the validity of these claims, however, we must examine the rise of the timber industry in Te Urewera, and show how and why hapu and iwi became dependent on it. As well as looking at the timber industry, we must also examine other industries and potential sources of economic capability in Te Urewera, and show how the Crown helped or hindered them.

23.7.2.1 *The rise of the timber industry*

Concerted Crown involvement in the timber industry began in 1919, with the foundation of the State Forest Service.⁶²⁵ Concerned about the dwindling base of native timber remaining in New Zealand, the Forest Service began planting exotic trees in State forests around the country, particularly at Kaingaroa, to the west of our inquiry district. From the 1930s onwards, the Forest Service had social as well as economic objectives, with large scale planting in that decade being partly a way to reduce unemployment. As we will see, it also provided its workers with a variety of benefits, including rental housing. In areas such as Kaingaroa, forestry was a way to make productive use of marginal land, stimulate the regional economy, and provide employment to locals, including Maori. To these ends, the Crown effectively subsidised private timber and timber processing companies, and encouraged Maori from Te Urewera and elsewhere to join the timber industry workforce.

In our inquiry district, the timber industry was mostly concentrated in and near the Whirinaki Valley, in the west of the district. It essentially began in 1928, when a private mill was established at Te Whaiti. The mill struggled at first, due to the onset of the Great Depression, but survived in part because Crown officials permitted the miller to pay less than the standard legal minimum for the timber, due to concern that the mill might otherwise close.⁶²⁶ Hutton and Neumann were unable to discover how many of twelve to fifteen people employed in the mill also owned the land, but assumed that there was some local involvement, since Ngati Whare rangatira Wharepapa Whatanui was a shareholder.⁶²⁷ The mill did

624. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), pp 11–13, 56; counsel for Ngati Manawa, closing submissions (doc N12), p 80; counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), pp 287–289; Crown counsel, closing submissions (doc N20), topic 38, p 4

625. All information in this paragraph is from Waitangi Tribunal, *He Maunga Rongo*, pp 1203–1206, 1209–1210.

626. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 308–315

627. Ibid, pp 310, 316

not eliminate unemployment in Te Whaiti, as residents there petitioned for relief work in 1932.⁶²⁸

The employment situation at Te Whaiti improved dramatically a few years later. Wilson's mill opened on the Kaitangikaka block in 1934, employing 75 men in the mill and the bush; it was said to be the fourth largest sawmill in New Zealand at the time.⁶²⁹ Other sawmills opened around the same time, providing employment and some royalties to the people of Te Whaiti. By 1935, the certifying officer of the Employment Bureau at Rotorua estimated that only 'one or two of the Natives at Te Whaiti would be eligible for relief'.⁶³⁰ More jobs were available once logging began in Whirinaki State Forest in 1938.⁶³¹ A housing shortage meant that outside workers could not be brought in, and for some mills this 'often meant working shorthanded'.⁶³² Since most of the jobs would have been classed as unskilled or semi-skilled, we can assume this meant the area had full employment.⁶³³ The Second World War intensified the labour shortage, with a 1943 report on the forest stating that 'owing to the scarcity of labour it has been necessary to curtail all operations not directly concerned with timber production'.⁶³⁴ The same year, a group of Ngati Whare landowners agreed to provide land for workers' housing to the Forest Service in return for the Service employing their relatives, presumably those from outside Te Whaiti.⁶³⁵ The local Conservator of Forests also reached a noteworthy agreement with Native Land Court Judge Harvey in 1944 that no outsiders should be hired to do work that could be done by Maori already living at Te Whaiti.⁶³⁶ In general, those Maori who migrated to the Whirinaki Valley at this time came from elsewhere in the inquiry district, particularly Ruatoki and Waimana.⁶³⁷

The Ruatahuna valley was brought into the timber industry in the early 1940s, when a mill was temporarily established there. In the mid-1950s, cutting rights were sold for most of the Ruatahuna blocks, and the Fletcher Timber Company built a mill and workers' houses. Some of the mill employees were from outside the valley, but others were locals, and by 1958, 35 per cent of employed adults in Ruatahuna were working either in the bush or at the mill.⁶³⁸ The Fletcher mill closed in 1975, after which the Forest Service employed nearly half of the town's paid workforce, either in Ruatahuna itself or in Minginui.⁶³⁹

628. Ibid, p 340

629. Ibid, p 311

630. Certifying officer, Employment Bureau Rotorua, to Commissioner of Unemployment, 29 January 1935, W1 35/237, vol 2 (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 337)

631. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 500

632. 'Annual Report: Whirinaki Forest Management, 31/3/39', BAFK 1466/37a (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 400)

633. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 403

634. 'Whirinaki Forest Management: Report for the Year Ended 31.3.43', BAFK 1466/37a (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 401)

635. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 401

636. Ibid, pp 484-485

637. Walzl, 'Maori and Forestry' (Wai 1200 RO1, doc A80), p 628

638. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1101

639. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 124-125, 205, 251

The timber industry also provided work in areas to the west and north of the inquiry district. To the west, the Crown-owned Kaingaroa forest was a major source of employment.⁶⁴⁰ Like the Te Whaiti mills, it suffered from a labour shortage during the Second World War, to the point where the value of the forest deteriorated because work such as thinning and pruning was not carried out.⁶⁴¹ Some jobs left by absent men were probably taken by Maori women.⁶⁴² To the north, there was also a paper mill in Whakatane and, from 1947, a sawmill at Waiohau, although we do not know if either of these employed Maori from the inquiry district.⁶⁴³ The expansion of the forest industry brought money into the area, which would have created a market for food suppliers and other small businesses. However, we do not know whether this resulted in further employment for Maori.

Many communities became highly dependent on the timber industry and, by extension, on the Crown. The most obvious example of this was Minginui. Most of the timber harvested and processed there, including that cut by private mills, came from Crown land. The Forest Service built Minginui as a 'model village' in 1947 and, in 1978, out of the 169 full time workers living there, 91 were employed by the Forest Service.⁶⁴⁴ Forest Service workers in Minginui generally lived in houses built and owned by the Forest Service, and their neighbours working for private sawmills also tended to live in employer-owned housing.⁶⁴⁵ The Forest Service also played a major role in non-work life. It provided a doctor's surgery for general practitioner visits, a fire station, and an ambulance service.⁶⁴⁶ It had a veto power over spending by the Minginui Workmen's Club and the hiring out of the community hall, and regulated the construction of residents' chicken-runs.⁶⁴⁷ One Minginui resident later recalled that 'If you had a leaking tap, the Forest Service fixed it'. Another described the Forest Service as being like a mother and father to the people of Minginui.⁶⁴⁸ In our inquiry, counsel for Ngati Whare submitted that the 'relationship with the Forest Service was, for Ngati Whare, the only tangible manifestation of its Treaty relationship with the Crown'.⁶⁴⁹ It was a relationship which, at the time, seems to have worked reasonably well for the people

640. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), pp 114, 138; Waitangi Tribunal, *He Maunga Rongo*, vol 3, pp 1205–1206

641. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 267

642. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 45

643. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 267; Rose, 'A People Dispossessed' (doc A119), p 222

644. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 508; Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 248

645. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 496. A 1984 breakdown of housing in Minginui reported that 51 were owned by the Forest Service, 40 by the sawmill company, 2 by the Education Department, and there was one privately owned dwelling. There was also a single men's camp in the village: Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 232.

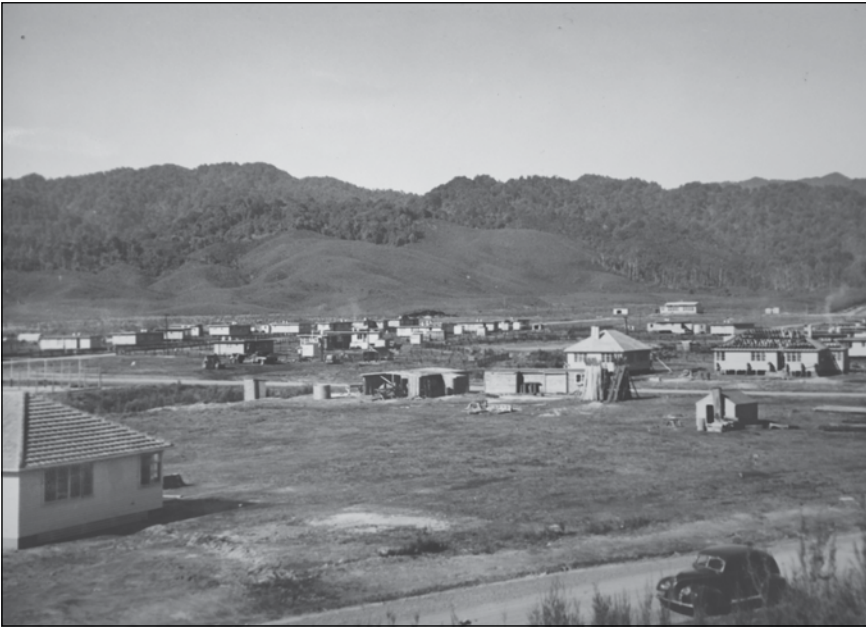
646. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 725, 745–746; Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 233, 252

647. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 511–514

648. *Ibid*, p 663

649. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), p 12

FHE King (Archives New Zealand, AAQA 6506 W3347 33/[12/24], print 1836)



Minginui, 1949. In 1947, the Forest Service established Minginui as a 'model village' for timber workers, who generally lived in houses owned by the service. It also played a major role in community life. While forestry provided much-needed employment for local Maori, it also made the community dependent on continuing State involvement in the industry.

of Minginui, but it made them enormously vulnerable to any shrinking of State activity. There was an ominous portent of this in 1957 when the log supply to the last Te Whaiti mill was cut off. The mill closed and the population dwindled, as we saw in our examination of living conditions.⁶⁵⁰ The example of Ruatahuna showed that reliance on private milling was no guarantee of job security either.

Further down the Whirinaki Valley, Murupara was dependent on the Kaingaroa Logging Company (KLC), which was originally co-owned by the Crown and Tasman Pulp and Paper. During the 1950s and 1960s, Tasman progressively took ownership of KLC from the Crown. Ben Mitai told us that when he started at KLC in 1970:

KLC was Murupara. Murupara lived for KLC and KLC lived for Murupara. The only other employer was the NZ Forest Service, but KLC was the place to be.

There was a virtual total dependence developed by the people of Murupara on KLC. KLC provided the housing at very low cost (lease to buy, or rental), provided transport

650. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 393–394; Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 228, 258

to and from work, provided you with firewood because it was freezing cold in the winter. Each worker was allocated a certain number of loads a year. KLC provided you with work clothing because the conditions were extreme. You had a summer set and a winter set.

The people had developed this dependency on KLC. They worked hard for the company. It was not an easy life in those days, they would leave in the dark and they would get back in the dark during winter. They enjoyed it, they loved it, they lived for the work, and the forest was like a second home.

The company did as much as it could to put things back into the people and into the community – they supported a lot of community activities in terms of playing fields, sponsorship, assisted the schools with transport and holiday work for students.⁶⁵¹

As Mitai suggests, the Forest Service was a relatively minor player in Murupara. At the start of the 1980s it employed a small minority of the town's forestry workers, and owned about a tenth of the houses, although it had built many of those owned by KLC.⁶⁵² Murupara was still dependent on the Crown, however, due to the generous deal the Crown had made with Tasman in the 1950s. Once the Forest Service chose to demand a market price for Kaingaroa's timber, then the profitability of KLC's operations, and its ability to maintain a large local workforce, would be significantly undermined.⁶⁵³

Other Maori communities tried to become involved with the timber industry, but were prevented from doing so. In chapter 18, we looked at how restrictions on timber milling affected the owners of Maori land in Te Urewera.⁶⁵⁴ From about the 1920s, the Crown considered that forests in most parts of the district were more valuable for water and soil conservation purposes, and for scenic preservation, than for timber. Consequently, it denied the majority of applications to mill timber on Maori land in Te Urewera. By 1953, Minister of Maori Affairs Ernest Corbett had accepted that it was unfair to prevent Maori land owners from utilising their timber resources, especially since no compensation was available, and they did not want to sell the land. Consequently, some limited milling was allowed. Even though Crown officials had recognised since the 1930s that Maori landowners ought to receive compensation for timber milling restrictions, and despite negotiations between Tuhoe and the Crown in the 1970s, no such compensation was paid.

From 1936, the owners of the Te Waiiti blocks near Ruatahuna began lobbying

651. Mitai, brief of evidence (doc F13), pp 2–3

652. Waitangi Tribunal, *The Tarawera Forest Report* (Wellington: Legislation Direct, 2003), p 49; Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 187. The 1981 census recorded that there were 876 Murupara residents with full-time employment, 54.51 per cent of whom were employed in the agriculture–fishing–hunting–forestry sector: *New Zealand Census of Population and Dwellings*, 1981, vol 4, p 232.

653. Andrew Kirkland and Peter Berg, *A Century of State-Honed Enterprise: 100 Years of State Plantation Forestry in New Zealand* (Auckland: Profile Books, 1997), pp 80–81, 85–86

654. All information in these paragraphs from chapter 18 unless otherwise specified.

the Government for a sawmill to provide employment in the area; owner representative Rewi Petera told Prime Minister Michael Joseph Savage that this was ‘the only avenue open to us to obtain a living.’⁶⁵⁵ Savage responded that the Government was making plans which would provide ‘plenty of work’ for the area, possibly in reference to road and development work recommended by Lands and Survey.⁶⁵⁶ However, this never went ahead, due to the expense involved, and no alternative employment was provided.⁶⁵⁷ Despite the lack of local employment, the Crown denied the owners a milling licence for the block. When limited milling was allowed in the 1950s, Te Waiiti was one of the areas which was allowed to be milled.⁶⁵⁸ In chapter 18, we found that the Crown is obliged to compensate Maori if it denies them the full use of their timber and the development of the underlying land, even if the restrictions are legitimately imposed for the public good. We found that, in failing to compensate Te Urewera Maori land owners for timber restrictions, the Crown breached the principles of partnership and active protection. We also found that these breaches were somewhat mitigated by the fact that some exceptions were made to the timber restrictions, and so some land owners were able to have their timber milled.

The owners of Te Waiiti and other areas initially under milling restrictions were eager to be involved in forestry partly because other Te Urewera landowners had been told that it had good long-term prospects and high levels of job security. As we noted in chapter 21, the Forest Service’s long-term plan was to mill all or most of the accessible timber in the Whirinaki Valley, and replace it with plantations of fast-growing ‘exotic’ trees such as pine. It did not intend simply to cut down all the good trees in the area and then leave, and its dialogue with Whirinaki communities reflected this. In August 1949, at a meeting between Ngati Manawa land owners and a ministerial delegation (including Prime Minister Peter Fraser), Assistant Director of Forestry Norman Dollimore told the owners that the Murupara scheme would ‘benefit the Maori people for generations.’⁶⁵⁹ Ngati Manawa considered that this meeting set up an agreement between them and the Crown, by which Ngati Manawa would give up land in Murupara in exchange for

655. Rewi Petera to MJ Savage, June 1936, English-language translation, MA 1 19/1/135, vol 1 (Klaus Neumann, “... That No Timber Whatsoever be Removed”: The Crown and the Reservation of Maori-Owned Indigenous Forests in the Urewera, 1889–2000’ (commissioned research report, Wellington: Waitangi Tribunal, 2001) (doc A10), p 91)

656. MJ Savage to Rewi Petera, 22 June 1936, MA 1 19/1/135, vol 1 (Neumann, “... That No Timber Whatsoever be Removed” (doc A10), p 92); Philip Cleaver, ‘Urewera Roding’ (commissioned research report, Wellington: Crown Forestry Rental Trust, 2002) (doc A25), pp 99–106

657. Cleaver, ‘Urewera Roding’ (doc A25), pp 99–106

658. Heather Bassett and Richard Kay, ‘Ruatahuna: Land Ownership and Administration, c1896–1990’ (commissioned research report, Wellington: Waitangi Tribunal, 2002) (doc A20), pp 185–186; Neumann, “... That No Timber Whatsoever be Removed” (doc A10), p 129

659. ‘Notes or Representations Made to Rt Hon P Fraser, Minister of Maori Affairs, at Murupara’, 14 August 1949 (Rachel Paul, ‘Murupara Log Yard & Rail Head Report’ (commissioned research report, no place: no publisher, no date) (doc A88), pp 26–27. This meeting was held on Rangitahi Marae: Maurice Toe Toe, brief of evidence, 9 August 2004 (doc F11), p 3.

ongoing timber industry employment.⁶⁶⁰ Two weeks after the Ngati Manawa meeting, Dollimore repeated his message to Ngati Whare land owners on Waikotikoti marae, telling them that they ‘had nothing to fear as regards employment’, as there was sufficient work in the Whirinaki Forest for the next 40 years.⁶⁶¹ Two years later, the Forest Service’s first Whirinaki Working Plan included permanent, rather than transitory, sawmill communities as one of its objectives.⁶⁶² This was in keeping with a general principle of Crown forestry administration, that the sector should meet social objectives as well as turn a profit.⁶⁶³ This principle was most clearly demonstrated in the deal between the Crown and Tasman Pulp and Paper in the early 1950s; in return for Tasman’s substantial investment in Murupara and Kawerau, the Crown would provide it with logs from Kaingaroa at the minimum stumpage rate.⁶⁶⁴ The future of the timber industry in Te Urewera seemed secure, and for this reason it was common for young men to follow their fathers and brothers into forestry work at the earliest opportunity.⁶⁶⁵

In the post-war decades, most forestry work required no formal qualifications and little training. Douglas Rewi told us that ‘The term “learn as you work” was the norm in those days with no questions asked provided you could swing an axe.’⁶⁶⁶ While this meant that the large numbers of Maori who had been unable to access much, or any, secondary education were fully employable, it created other problems. Rewi told us that the limited training led to some ‘dreadful work accidents’, some of them fatal.⁶⁶⁷ The lack of educational requirements also encouraged young Maori to leave school early, confident of a job in the forests. For a while this confidence was justified, but as work became harder to come by, those without formal qualifications had the most difficulty finding other work.

The ready availability of ‘unskilled’ forestry work from the 1940s to the 1960s led to high levels of migration. Many families and individuals from Te Urewera moved to towns just outside the inquiry district, such as Whakatane, Kaingaroa and Kawerau.⁶⁶⁸ Kaingaroa was even more of a Forest Service town than Minginui, as it lacked the latter’s private sawmilling enterprises.⁶⁶⁹ Kawerau, meanwhile, was dependent on Tasman’s pulp and paper mill. As Murton notes, the majority of people from Ruatahuna tended to move to the nearby timber towns of Minginui, Murupara, and Kaingaroa, while the majority from Waiohau, Ruatoki, and

660. Waitangi Tribunal, *He Maunga Rongo*, vol 3, p 1214

661. Hutton and Neumann, ‘Ngati Whare and the Crown’ (doc A28), p 505

662. *Ibid*, p 503

663. *Ibid*, pp 702–704

664. See Kirkland and Berg, *A Century of State-Honed Enterprise*, pp 79–86; Bassett and Kay, ‘Ngati Manawa and the Crown’ (doc C13), p 174

665. See, for example, Mason, brief of evidence (doc G41), p 3; Matekuare, brief of evidence (doc G40), pp 2–3

666. Rewi, brief of evidence (doc F18), p 7

667. *Ibid*

668. Waitangi Tribunal, *He Maunga Rongo*, vol 3, pp 1205–1206

669. Walzl, ‘Maori and Forestry’ (Wai 1200 ROI, doc A80), pp 673, 882; Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 270

Waimana tended to move to Kawerau and Whakatane.⁶⁷⁰ Many claimant witnesses spoke to us about this migration. For example, Te Tuhi Hune told us that many people moved from Ruatoki to Minginui in the 1950s for jobs, so that they could send remittances back home.⁶⁷¹ Mereru Mason spoke about her family's move from Te Whaiti to Kiorenu village near Murupara in the 1960s, where she met many people from Waimana and Ruatahuna, and her husband secured a Forest Service job at Kaingaroa. They lived at Kiorenu until 1988, but most of her children moved to Minginui to work after they left Rangitahi college.⁶⁷²

Migration was driven mostly by migrants' wishes for better standards of living for themselves and their families. It was also encouraged by Crown policy. In the early 1940s officials recommended that Ruatahuna's unemployed be relocated to Kaingaroa, and this policy was actively pursued by the Crown once Murupara began to be developed as a major sawmill site. In July 1949, the Assistant Director of Forestry had told Maori Affairs Undersecretary Tipi Ropiha that 'work can be provided for people from Ruatoki and Ruatahuna and from anywhere else if necessary', and in August all Maori Welfare Officers were instructed to survey individuals and whanau who were prepared to move to Murupara.⁶⁷³ It is evident that some officials adopted a dictatorial approach, with several forestry workers living in Te Whaiti being told that their jobs at Minginui would be given to others if they did not move there.⁶⁷⁴ From about 1956, the Department of Maori Affairs offered housing and other assistance to unemployed people in Te Urewera who wanted to move, whether to the timber towns or further afield.⁶⁷⁵ By about 1960 the Department of Maori Affairs officially adopted its 'relocation policy', noting that 'a more positive effort must be made to encourage Maori families to live where permanent work is available.'⁶⁷⁶ Officials promised housing loans, the prospect of forestry work, and secondary schooling.⁶⁷⁷ Assistance was provided to families who signalled their readiness to move, and to those who had already moved and were seeking help in finding suitable housing or employment.

We lack firm evidence on the effectiveness of this policy in relocating the peoples of Te Urewera, and how many whanau were specifically encouraged to move to timber towns or gain work in the timber industry. Only three applicants from

670. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1135

671. Hune, brief of evidence (doc G15), p 6

672. Mason, brief of evidence (doc G41), pp 2-3

673. Neumann, "'... That No Timber Whatsoever be Removed'" (doc A10), p 103 n 73

674. In 1949, a committee of Te Whaiti residents submitted the paper 'Te Whaiti and its Future' (which had been endorsed by a public meeting) to JH Grace of the Maori Affairs Department, in which it was stated that several workers had been informed that failure to occupy accommodation at Minginui would result in their replacement by workers from elsewhere: Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 517.

675. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1137-1140

676. 'Report of the Board of Maori Affairs Secretary, Department of Maori Affairs and the Maori Trustee for the Year Ended 31 March 1960', AJHR, 1960, G-9, p 16.

677. Jack Te Pihhi Hemi Kanuehi Te Waara, brief of evidence (English), 21 June 2004 (doc E23(a)), p 2; Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), pp 369-372, 408-409, 494-498

Te Urewera were relocated in 1961, for example, none of them to become forestry workers.⁶⁷⁸ Over 1962 and 1963, several dozen families were relocated with Government assistance to Taneatua, Whakatane, Kawerau and Rotorua. Of these, 27 were from Ruatoki, 10 from Waimana, three from Waiohau and three from Ruatahuna.⁶⁷⁹ In 1964, thirty families from the Waiariki district were relocated.⁶⁸⁰ Waiariki Maori Welfare Officer John Rangihau reported in 1967 that the relocation policy 'is starting to bear fruit in that young people show a keen desire to move', particularly to towns relatively close to their homes.⁶⁸¹ By 1970, the relocation policy was no longer seen as necessary, since people were moving to places such as Murupara and Te Mahoe of their own accord, lured by good pay and encouraged by relatives who had already moved.⁶⁸²

Overall, the causes of this migration are complex and multifaceted, involving push and pull factors from many different actors, private and State, as the Mohaka ki Ahuriri Tribunal has recognised.⁶⁸³ Most people moved of their own volition, in the sense that they made the decision themselves and were not aided by the State.⁶⁸⁴ However, the widening gulf between the timber towns and other Te Urewera settlements meant that the choice was heavily weighted, often by Crown policy and practice.⁶⁸⁵ Tame Iti said at our hearings that young Tuhoe people had two options: 'either work very hard on our papa kainga for no money and with little hope of a better future or move to the cities where you were guaranteed a job for your whole working lifetime and a better lifestyle for you and your family'.⁶⁸⁶ Similarly, Lenny Te Kaawa told us:

[Families] had to move out of Ruatahuna as there was no housing, no work and they had to move to put their kids through school. They had no choice and it was common to move out.

I remember when I was young there were many many houses around the marae

678. John Rangihau, Department of Maori Affairs, Rotorua, to head office, 'Maori Employment and Relocation', 28 July 1961 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(M)), p102)

679. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp1139, 1981-1982

680. John Rangihau, district Maori welfare officer, 'Annual Welfare Report – Waiariki District', 1964 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(K)) p197)

681. For example, people moved from Ruatahuna to Murupara and from Ruatoki and Waimana to Taneatua: John Rangihau, district Maori welfare officer, 'Annual Welfare Report – Waiariki District', 1967 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(M)), p43)

682. John Rangihau, 'Annual Welfare Report – Waiariki District', 1970 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(L)) p50); Anne Anitua Delamere, brief of evidence, 21 June 2004 (doc E15), pp5-6; Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p496

683. Waitangi Tribunal, *Mohaka ki Ahuriri Report*, vol 2, pp660-662

684. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p1135

685. Gallen to Minister of Lands and Maori Affairs, Matiu Rata, 7 March 1975 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(NN)) p21)

686. Tame Iti, brief of evidence, 10 January 2005 (doc J22), p7

in Ruatahuna and there were many families living there. Now there are few houses around most marae. Many families have moved out and had children who have no way back to their connections here.

This is particularly sad because their parents left because they had no choice.⁶⁸⁷

While there was pressure to migrate, it was not only the timber towns pulling workers and their families to new homes. Many families moved, and were helped to move, to towns not reliant on the timber industry, such as Taneatua, Rotorua, and Te Mahoe. While Maori Welfare Officers recognised that the timber and pulp and paper industries were the major employers in the area, they encouraged employment in any industry with permanent jobs available.⁶⁸⁸

To sum up, the emergence of the timber industry in and around the Whirinaki Valley had huge impacts on the hapu and iwi of Te Urewera. Most obviously, the industry created numerous jobs, most of them requiring no qualifications or prior experience. By the 1950s, western Te Urewera appears to have had full employment, or close to it. As we will see in more detail later in this chapter, the Forest Service and other employers also provided housing and other services to their workers, particularly in Minginui. All of this meant that the communities of Whirinaki enjoyed a much higher standard of living in the middle of the twentieth century than in earlier decades. The plentiful jobs and relatively good living standards drew individuals and whanau from communities all over Te Urewera, which in many cases depopulated the home kainga and ultimately left some migrants disconnected from their roots. In the long term, the dependence of the Whirinaki communities on the timber industry would also prove to be detrimental, as we will see later in this chapter.

23.7.2.2 Farming in the mid-twentieth century

Apart from forestry, how could Maori in Te Urewera gain employment and income? Between the 1930s and 1970s, farming seems to have been the second most important industry in Te Urewera, with other sources of employment lagging far behind. However, farm income, particularly on workers' own farms, was often inadequate to provide the necessities of life. In large part, this was because land loss, unworkable land title and land management systems, and difficulty accessing credit, meant that Te Urewera hapu and iwi had very little good land, and found it difficult to develop what land they had. The causes and effects of this limited economic capability have largely been set out above in section 23.6.2(3), above. Development difficulties continued in the period discussed here, as did land loss, particularly to the National Park.

687. Lenny Mahururangi Te Kaawa, brief of evidence (English), 21 June 2004 (doc E9(a)), pp 3–4; see also Joseph Takuta Moses, brief of evidence, 18 October 2004 (doc H15), p 2

688. See, for example, Samuel Jaram, welfare officer, Whakatane, 'Annual Welfare Report', 1969 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(L)), p 40); Samuel Jaram, welfare officer, Whakatane, 'Annual Welfare Report', 1968 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(L)), pp 33–34)

As we discussed in chapter 18, the land development schemes continued to provide some employment for Maori in Te Urewera; at the end of the 1930s, around 90 people had Crown-subsidised work on the development schemes, including about 40 unit occupiers whose farms were too small to fully support them. In some cases, the Crown paid all of their wages, while in other cases it paid a 75 per cent subsidy. The workers were chosen by the owners. Subsidised work was cut back to the essentials during the Second World War and was never restored to pre-war levels. We found that it was not unreasonable of the Crown to cut back on subsidies, since the schemes were intended to make communities self-sufficient, not to soak up local unemployment through subsidised jobs. By the 1960s or earlier, some of the schemes were able to hire permanent and casual workers, apparently without subsidies. The first development lands to be released back to the owners were the Waiohau A farms, released in 1941. The rest were gradually released over the next few decades, the last one in 1990.

Development scheme pay was quite low, similar to that of shearers. As a result, development scheme work was less appealing than labouring work elsewhere, even for those with farms in the scheme. On many schemes, farm income was not enough to provide even the basics, especially in the early years; Ani Hare's mother, for example, had to catch eels and 'work in as many jobs and as often as possible' in order to supplement the farm income.⁶⁸⁹ Noera Tamiana's parents caught eels, hunted pigs for food and deer for a cash bounty, and hired horses to other hunters.⁶⁹⁰

After the Second World War, the Crown enacted a rehabilitation scheme whereby returned servicemen were assisted into farming. The Servicemen's Settlement and Land Sales Act 1943 enabled the Government to compulsorily acquire land on which to settle ex-servicemen. The programme was designed to be an improvement on a similar scheme implemented after the First World War. In that scheme, many untrained men had struggled with, and eventually abandoned, their farms. To avoid this problem, applicants for assistance were now classified according to experience and ability, and training was provided where necessary.⁶⁹¹ Cheap loans or leases were provided to those who were allocated farms. Maori land was exempted from the Act and thus protected from compulsory acquisition, but some Maori voluntarily sold land for settlement purposes.⁶⁹²

Counsel for Ngati Manawa submitted that their returned servicemen were unable to enter the ballot for land developed for this purpose near Galatea. 'By what can only be described as a racist policy all Maori applicants, no matter how experienced at farming they might be, were ineligible.'⁶⁹³ It was evident during our

689. Anitewhatanga Hare, brief of evidence, 15 March 2004 (doc C17(a)), pp 23–24

690. Noera Tamiana, brief of evidence, 10 May 2004 (doc D15), pp 2–8

691. JVT Baker, *The New Zealand People at War: War Economy* (Wellington: Historical Publications Branch, Department of Internal Affairs, 1965), pp 513–515

692. Ashley Gould, 'Maori Land Development Schemes, Generic Overview, Circa 1920–1993' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004) (doc M7), p 222

693. Counsel for Ngati Manawa, closing submissions (doc N12), pp 72–73

hearings that this topic was a source of great anger and resentment in the claimant communities. Crown counsel acknowledged that resettlement schemes for returned servicemen were 'paternalistic' in relation to Maori, and that assistance 'may not have been provided in a timely and compassionate manner'. However, the Crown 'rejects claims that the rehabilitation policy in respect of land settlement for Maori returned servicemen was racist or separatist'. Instead, counsel submitted that most Maori were ineligible for general settlement schemes such as that at Galatea because of lack of training and experience. There was also a shortage of suitable land.⁶⁹⁴

The scheme used to grade returned servicemen was complicated. Pakeha applicants were graded 'A', 'B', or 'C' according to training and experience. Applicants graded A were given priority on available farms, while others were given training before being allocated a farm. Rehabilitation assistance for Maori returned servicemen was a separate system run by the Maori Rehabilitation Finance Committee, which consisted of a joint committee of the Rehabilitation Board and the Board of Maori Affairs.⁶⁹⁵ Due to widespread inexperience in financial management, some Maori 'A' applicants were required to be supervised by the Native Department, making the restricted A grade roughly equivalent to a B grading under the general system.⁶⁹⁶ It was still possible for Maori to qualify for an unrestricted A grading, without the supervision requirement, but this seems to have been rare.⁶⁹⁷ At the time, the confusing dual system led some officials to suspect that lower standards were being applied to Maori, but when all A-graded Maori applicants were regraded in 1952, none were downgraded and several had restrictions removed.⁶⁹⁸

Until 1954, Maori were ineligible to be balloted land in general farming schemes unless they had an unrestricted A grade. One such scheme was the former Galatea Estate, which the Land Development Branch of the Department of Land and Survey had taken over in 1941.⁶⁹⁹ At the end of the war, it became available for the settlement of returned servicemen.⁷⁰⁰ D Matthews from Tauranga was informed in 1946 that his application for a Galatea section could not be accepted because his rehabilitation grading certificate said he was eligible 'only if you are subject to the supervision of the Native Department. To participate in a ballot such as this one you must be eligible without restriction.'⁷⁰¹ After this, there is no evidence that other Ngati Manawa applied for Galatea farms, probably because no one was eligible.⁷⁰²

694. Crown counsel, closing submissions (doc N20) topic 39, pp 12–14

695. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 43

696. Gould, 'Maori Land Development Schemes' (doc M7), pp 224–226

697. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 43

698. Gould, 'Maori Land Development Schemes' (doc M7), p 225

699. Nicola Bright, 'The Alienation History of the Kuhawaea No 1, No 2A and No 2B Blocks' (commissioned research report, Wellington: Waitangi Tribunal, 1998) (doc A62), p 68

700. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 42

701. Commissioner of Crown lands to D Matthews, 18 November 1946 (Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 43)

702. Heather Bassett, under cross-examination by Crown counsel, Rangitahi Marae, Murupara, 18 August 2004 (transcript 4.9, p 88)

There were other barriers between Maori ex-servicemen and rehabilitation farms. The Rehabilitation Board initially had a policy of trying to settle Maori servicemen on Maori land, and most Maori applicants wanted to be settled in or near their own communities if possible. This meant that suitable land was hard to come by, since Maori land could not be compulsorily acquired, and the most suitable Maori land in areas such as Te Urewera was already involved in development schemes.⁷⁰³ From 1954, 'the shortage of Maori sourced land saw a widening of the farming scheme generally so that all categories of Maori returned servicemen could access all avenues provided under the Rehabilitation Board's farming schemes.'⁷⁰⁴ But this change came too late. By this time, most of the Galatea sections had been taken; the last ballot was held in 1958.⁷⁰⁵

We received little evidence on other opportunities in farming, but it seems likely that seasonal and casual work continued to be available on Pakeha farms, especially in the north of the inquiry district and on the Galatea plain. Maori landowners were running their own farms in those areas, but in the 1950s some gave up on farming because they could earn more money as labourers.⁷⁰⁶ This is shown in the occupations recorded in electoral rolls. In 1957, farmers made up 27 per cent of all Tuhoe, Ngati Manawa, and Ngati Whare men on the Eastern Maori roll, compared to just 9 per cent in 1969.⁷⁰⁷

Overall, farming Maori land in Te Urewera was difficult in the mid-twentieth century, despite some Crown assistance. The returned servicemen's resettlement scheme, which could potentially have helped some Maori farmers to become established on the land, does not appear to have helped anyone from Te Urewera. As we discussed earlier in this report, the development schemes enabled the farming of various parts of the inquiry district, but never delivered the benefits which the Crown and the land owners hoped for. The problems of marginal land and difficult access prevented either the development scheme farms or independent Maori farms from delivering much of a return. Many landowners found waged work, whether in the forests or for Pakeha farmers, to be a more reliable way of feeding their families.

23.7.2.3 *Other industries before 1970*

Te Urewera had some industries and sources of employment other than forestry and farming, but these were very limited in scope. Those which were available before 1970 were the armed forces during the Second World War, the tourist industry and the national park, public works, and processing and manufacturing. Department of Maori Affairs welfare officers assisted Maori, particularly school

703. Gould, 'Maori Land Development Schemes' (doc M7), p 222; Murton, 'Summary of Evidence of Brian Murton: Stage Three' (doc J10), pp 36–37

704. Gould, 'Maori Land Development Schemes' (doc M7), p 222

705. Bright, 'The Alienation History of the Kahuwaea No 1, No 2A and No 2B Blocks' (doc A62), p 68

706. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 91; Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 139–140

707. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1142–1143

leavers, into a variety of jobs. However, employment statistics for Te Urewera men indicate that they tended to be concentrated in a very narrow range of jobs and industries. In large part, the narrow range of economic opportunities was due to factors beyond the Crown's control, particularly the rugged terrain of our inquiry district and its distance from major transport hubs and centres of population. As we will see, even when the Crown gave its full support to an industry in Te Urewera, it was unable to overcome these problems.

During the Second World War, many men from Te Urewera enlisted in the armed forces. We do not know their numbers, but Murton writes that 'all communities contributed their share of men'.⁷⁰⁸ Some did not return, and several claimant witnesses told us that this deprived their iwi, hapu, and whanau of leaders.⁷⁰⁹ Maori were also mobilised to work in 'essential industries', mostly under the direction of the Maori War Effort Organisation, which ran from June 1942 until the end of the war.⁷¹⁰ However, most seem to have been directed into the forestry and farm work which already dominated Maori employment in Te Urewera.⁷¹¹ Because forestry was an essential industry, emergency regulations were used to prevent timber workers from leaving for higher paying jobs.⁷¹²

We received very limited information on the involvement of Maori in the Waikaremoana tourist industry between the 1930s and the 1970s. What we do know strongly suggests that the tangata whenua of the Waikaremoana area received little benefit from tourism, and that tourism failed to balance out the negative impacts of the park. Even if local hapu had played a more prominent role, however, it is not clear that there was much money to be made. Tourist numbers were reasonably good in the post-war years, but the Lake House continued to lose money due to the short tourist season and poor road access.⁷¹³ It closed in 1972 because of continuing losses, the fact that it no longer met Licensing Control Commission standards, and problems with its sewerage system.⁷¹⁴ We do not know if any Maori were employed there.

As we discussed in chapter 16, the tourist industry, and the national park more generally, did deliver some limited income, in a range of ways. Before the creation of the National Park, Maori around Lake Waikaremoana unlawfully leased land to visitors, who built huts and semi-permanent camps. The 'squatters' were evicted by the Crown in the late 1950s.⁷¹⁵ As we noted in chapter 16, there was some, generally casual, Maori employment in the park, mostly in the 1970s and early 1980s, peaking in 1982 with five permanent Maori employees and 75 casual employees. Pest control also provided some income. In 1950, the Crown introduced a one shilling

708. Ibid, p 1064

709. Cotter, brief of evidence (doc 125), p 23; Sarah Hohua, brief of evidence, 11 August 2004 (doc f32), p 3; Vera Teatuhirangi Hale, brief of evidence, 9 August 2004 (doc f15), pp 4–6

710. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1063

711. Ibid, pp 1066, 1068–1069

712. Ibid, p 1069

713. Walzl, 'Waikaremoana' (doc A73), pp 367–368

714. Cant, Hodge, Wood, and Boulton, 'The Impact of Environmental Changes' (doc D1), pp 90, 93

715. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 960–961

bounty on possums, soon raised to 2s 6d for skins.⁷¹⁶ There seem to have been fairly high levels of trapping in Te Urewera, presumably carried out at least partly, perhaps mostly, by Maori. From the 1960s, poison became the preferred method of control, and local Maori were sometimes employed to lay it.⁷¹⁷ This seems to have been less lucrative than shooting and trapping, and also affected food sources such as wild pigs.⁷¹⁸ Deer and pig hunting were important sources of food and supplementary income, partly through the Crown's deer control scheme. A few Maori were employed as professional deer cullers.⁷¹⁹

Public works employment continued to be available. Up until the late 1940s, it was used as a means of relieving local unemployment; after this, Crown policy was to encourage people to move to areas where ongoing work was available.⁷²⁰ According to Pari Winitana, heavy machinery was introduced to road work in the 1950s, reducing the need for labourers. 'The government stripped our Dads and korouas of their dignity, because now there was no more mahi for them.'⁷²¹ There was some railway construction work at this time, on the Murupara–Edgcombe railway.⁷²²

The biggest public works project was the expansion of the Waikaremoana hydro-electric system, which took place on and off from 1938 until the end of the 1950s.⁷²³ We do not know how many local Maori were employed on these construction projects, but Tahuri Tait told us that when he was a child in the 1940s, people from that area 'tended to work' for the New Zealand Electricity Department.⁷²⁴ It seems reasonable to assume that patterns of employment were similar at this time to the earlier period of construction in the 1920s: although there were significant job opportunities for local Maori, they tended to be in lower paid and insecure labouring jobs, while Pakeha had more skilled and better paid jobs. We also do not know what job opportunities were available once the works were completed. They were a significant employer in the early 1980s, but we do not know how many employees were Maori, or what sort of work they did.⁷²⁵ The inquiry district had a very small processing and manufacturing industry, which seems to have had a largely Maori workforce. As we saw in our discussion of living conditions, the Ruatoki dairy factory employed a number of Maori, but closed down in 1964, leading to local population decline as people left to find work elsewhere.⁷²⁶

716. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 946–947

717. Ibid, p 952

718. Te Waara, brief of evidence (English), 21 June 2004 (doc E23(a)), p 4

719. Ibid, p 2

720. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1089–1090

721. Paringamai O Te Tau Winitana, brief of evidence, no date (doc H24), p 10

722. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 104

723. Cant, Hodge, Wood, and Boulton, 'The Impact of Environmental Changes' (doc D1), pp 151–152; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1107, 1109

724. Tahuri o te Rangi Trainor Tait, brief of evidence, 18 October 2004 (doc H29), para 5

725. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 124–125

726. Oliver, 'Ruatoki' (doc A6) p 199; Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 118, 120, 125, 132, 144

	1957		1969	
	Number	Percentage	Number	Percentage
Farming	197	41	105	21
Forestry	86	18	152	30
'Labourer'*	122	25	80	16
Other	81	17	169	33
Total	486	100	506	100

* Workers who stated their occupation only as 'labourer'. The majority likely worked in forestry or agriculture.

Table 23.4: Tuhoe, Ngati Manawa and Ngati Whare men registered on Eastern Maori electoral roll, with stated occupations other than 'pensioner', 1957 and 1969, by industry

Source: Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1142–1143

The Crown did make at least one attempt, in the 1940s, to promote other industries in Te Urewera, by offering to build a factory in Ruatoki which could be rented out to a manufacturer. The possibilities included a clothing or shoe factory, a cannery, a concrete products plant, and a joinery factory, but no manufacturer took up the offer. After this, successive governments tended to be against Maori Affairs involvement in such projects, regardless of location.⁷²⁷

An important role was played by Maori Affairs welfare officers, who helped school leavers and other Maori in Te Urewera and surrounding areas into a range of careers and industries, including the police, office work, nursing, teaching, and factory work, as well as farming and forestry.⁷²⁸ The forestry work was not all manual labour; one Whakatane High School leaver became a laboratory technician for Tasman Pulp and Paper.⁷²⁹ Many of the jobs were outside the inquiry district, sometimes a long way from home.⁷³⁰ For example, young people from areas such as Ruatahuna were helped to get seasonal work such as fruit-picking in areas as far afield as Marlborough.⁷³¹ As we noted earlier, Maori Affairs staff also helped older Maori relocate to areas, inside and outside the inquiry district, where they could get jobs.

The Eastern Maori electoral rolls for 1957 and 1969 confirm that men from Tuhoe, Ngati Whare, and Ngati Manawa were mostly concentrated in a narrow range of occupations and industries, especially in 1957.⁷³² It is difficult to know

727. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1091–1098

728. Ibid, pp 1102, 1124–1133

729. Ibid, p 1124

730. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1133

731. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 407

732. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1142–1143

the exact nature of some of the stated jobs. For example, 'railway workers' could include engineers and administrators as well as labourers. However, nearly all the men appear to have been doing some kind of manual labour. Work which would seem to be classed as unskilled or semi-skilled manual labour made up 62 per cent of jobs in 1957 and 71 per cent in 1969.⁷³³ Nearly all the rest were in more skilled manual work or in jobs which could broadly be described as managerial, such as farmers or contractors. Only about 2 per cent each year were professionals or technical workers.⁷³⁴ Meanwhile the vast majority of women listed unpaid occupations such as housewife or widow. Interestingly, of the 51 women who listed paid occupations in 1969, just over a third had technical or professional jobs, mostly as teachers and nurses but also as laboratory workers.⁷³⁵ The 1966 census showed that, nationwide, 3.5 per cent of Maori workers of both sexes were in professional, technical, or related occupations, compared to 10.6 per cent of non-Maori workers.⁷³⁶ It must be remembered that the electoral rolls covered the entire Eastern Maori electoral district, which was much larger than Te Urewera.⁷³⁷ It is certain that, within the inquiry district, male workers were even more strongly concentrated into farming and forestry.

In summary, during the period from the mid-1930s to the 1960s, paid work outside of the timber industry seems to have been very limited in Te Urewera. There were very few permanent full-time jobs in industries other than farming and forestry. Farm work tended to be badly paid even for those few lucky enough to get a development scheme or rehabilitation farm, and uncertain and seasonal for everyone else. Dairy farming had led to an improvement in conditions in the north-eastern part of the inquiry district in the 1920s, but by the 1930s bad roads, land problems, and probably the general economic difficulties of the time had caused many to become uneconomic. The expansion of the Waikaremoana hydro-electric system almost certainly provided some full-time employment, but this did not last. The national park provided little in the way of work or income opportunities, and apparently none which was permanent. For most of the tangata whenua of Te Urewera, the realistic options were, quite simply: forestry or farm work, migration out of the rohe, or unemployment.

733. Labourers, mill hands, shed hands, bushmen, non-specific forestry, farming, timber and railway workers, roadmen, factory hands, hospital orderlies, watersiders, shepherds, stockmen, fencers, trappers, hunters, truck and bus drivers, machinists, heavy equipment operators, school caretakers, freezing workers, and quarrymen. The increase in unskilled and semi-skilled work came about through the decrease in the number of farmers, who have been classed as managerial workers.

734. In 1957, they comprised one welfare officer, six ministers, one teacher, and two surveyors. In 1969, they comprised one civil servant, four ministers, six teachers, and one surveyor.

735. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1144. There were 10 teachers, five nurses, one dental nurse, a laboratory assistant and a laboratory technician. There was also one post mistress.

736. Ibid, p 1151. It is not clear whether this included women in unpaid occupations.

737. It also excluded the Waikaremoana area.

23.7.2.4 *The end of native logging and the decline of the timber industry*

For most of the 1950s there was a ‘staggering’ amount of forestry work available in parts of Te Urewera.⁷³⁸ By the end of the decade, however, employment was already becoming less certain. Private employers were becoming ‘more selective’ in hiring workers, which seems to have been a problem mostly for school-leavers and those with a history of frequent moves from job to job.⁷³⁹ By the late 1960s, the economy was beginning to go into recession, and private mills had stopped creating new jobs.⁷⁴⁰ The economy, and the timber industry in particular, worsened over the next decade and a half.⁷⁴¹ This decline was caused primarily by international circumstances, including a worldwide rise in inflation, and the reduction in New Zealand’s trade with Britain following the latter’s entry into the European Economic Community. In the late 1970s, the large timber processing plants in Kawerau and Whakatane had stopped hiring, and there was no forestry work in Ruatahuna, where the mill had closed down. Unemployment was still low overall, however.⁷⁴² In the early 1980s there were large-scale redundancies in Kawerau, and mills were not replacing workers.⁷⁴³ Workers with limited skills and education, a disproportionately Maori group, were the most vulnerable to unemployment.⁷⁴⁴

Meanwhile, native timber milling was reduced. As we discussed in chapter 18, there were restrictions on the milling of native timber on and off for much of the twentieth century. Until the 1970s, however, these were imposed mostly to stop erosion, river silting, and similar problems, rather than in order to preserve native forest as an end in itself. Over the course of the 1970s and 1980s, public pressure led by environmental activists resulted in the end of native timber milling, in Te Urewera and most other parts of the country.

Counsel for Ngati Whare submitted that the Crown failed to adequately consult with Ngati Whare over the end of native logging, or ensure that the policy was not detrimental to Ngati Whare and the people of Minginui.⁷⁴⁵ Despite undertakings by both major political parties to the contrary, the claimants note that the Crown did not protect the forestry jobs affected by this change, or take steps to create alternative employment.⁷⁴⁶ Crown counsel acknowledged that Ngati Whare were not consulted over the 1979 management plan for Whirinaki State Forest, but have submitted that the New Zealand Forest Service advocated for itself and the communities that relied on it for employment and income. They also submitted that Ngati Whare were given the opportunity for input through the inclusion of a

738. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1103

739. Ibid, pp 1106–1108

740. Ibid, p 1109

741. Ibid, p 1161

742. Ibid, p 1155

743. Ibid, p 1156

744. Murton, summary of ‘The Crown and the Peoples of Te Urewera’ (doc J1), p 32

745. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), p 14

746. Ibid, pp 14, 19–20

Ngati Whare representative on the Whirinaki Forest Park Advisory Committee.⁷⁴⁷ Crown counsel also acknowledged that the cessation of native logging impacted negatively on the Māori community, but submitted that the Crown was duty bound to act in the national interest by balancing conservation with production needs, even if local communities sometimes suffered as a result.⁷⁴⁸

The first moves to curtail the logging of native timber in Whirinaki State Forest (State Forest 58) date from the mid-1970s. They came as a response to increased environmental activism beginning in the late 1960s, one strand of which focused on the preservation of New Zealand's native forests.⁷⁴⁹ Environmentalists and many of the general public were horrified by the rapid clear-felling of native forests, which occurred partly because the Government had maintained artificially low timber prices from the 1940s to the 1970s.⁷⁵⁰ In 1975, a new Forest Service policy, in the Whirinaki State Forest and elsewhere, replaced clear-felling with selective logging. This took trees which were nearing the end of their natural lives, and areas of forest which would be replenished, as far as possible, with new plantings.⁷⁵¹ As Crown counsel have acknowledged, there was no consultation with Māori about the general introduction of selective logging policy in 1975, or specifically with Ngati Whare with respect to its adoption in Whirinaki State Forest.⁷⁵² The change turned out to be mostly positive for the forest workers, as the new process was more labour intensive and more skilled.⁷⁵³ Sarah (Hera) Harris told us:

the skill of the forestry workers had to be seen to be believed. I remember seeing Tihema Ruri take out three trees in an area where there were many other trees nearby. Looking at it even I couldn't believe that those trees could be cut down without hitting and damaging the surrounding trees. However, after sizing up the job, Tihema cut down the three trees with perfect precision and ensured that they fell exactly between the other trees in the forest. The precision of his work was amazing and these were the skills that were held by men throughout the forest at Māori.⁷⁵⁴

However, the process could also be more dangerous than clear felling.⁷⁵⁵ The planting programme was another source of new jobs, with a women-only planting gang hired in 1977. According to Hutton and Neumann, this was the first time that

747. Crown counsel, closing submissions (doc N20), topic 31, p 21

748. Ibid, pp 21–22

749. Simon Nathan, 'Conservation – a History – Environmental Activism, 1966–1987', *Te Ara – the Encyclopedia of New Zealand*, <http://www.TeAra.govt.nz/en/conservation-a-history/page-8>, updated 13 July 2012

750. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 700

751. Ibid, pp 635–639; Brad Coombes, 'Cultural Ecologies of Te Urewera II, Preserving "A Great National Play Area" – Conservation Conflicts and Contradictions in Te Urewera, 1954–2003' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2003) (doc A133), p 303

752. Crown counsel, closing submissions (doc N20), topic 31, p 21

753. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 641–642; Coombes, 'Cultural Ecologies of Te Urewera II' (doc A133), p 335

754. Sarah (Hera) Harris, brief of evidence, September 2004 (doc G39), p 8

755. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 642

Minginui Residents Versus Environmentalists

Bob Collins was the Forest Service's District Ranger, based in Minginui and in charge of the Whirinaki State Forest in the 1970s. He was a strong advocate for the Whirinaki logging industry and the timber towns. This quote comes from his unpublished autobiography, *Who Dares Wins*, written in the early 1980s:

It is easy to hate the fanatics, the professionals, and the back stabbers in our own department, but what about the average person who was against us. They came into the forest in their droves throughout 1978/79, stayed a half day, perhaps a day, maybe even two or three days, professed a great love for the forest, looked upon us, who lived in the forest, as lepers, or butchers who did not love the forest. What do THEY know about the forest? What DO they know about the forest and about us?

Of course, we don't LOVE the forest, we are part of the forest, as much a part as the birds or the ferns. Does a man love his left hand, or his liver? . . . If they love the forest as much, why don't they live in it?¹

In 1979, the Forest Service called for public submissions on its Management Plan for Whirinaki State Forest. The Plan aimed to continue what the Forest Service regarded as sustainable native logging in Whirinaki, which it argued was crucial to the New Zealand economy as well as the Minginui community.² In response to a conservationist campaign against the Management Plan, Collins encouraged Minginui residents to make their own submissions in favour.³ A total of 12,497 submissions were made, about two-thirds in support of the plan.⁴ One of these submissions came from Catherine Tai, a young girl living in Tokoroa but with strong family links to Whirinaki:

My dads family live in Minginui. My Nana and Grandad lived there a long time ago. My dad and his sisters all lived and went to school there. I know that we have land there belonging to my dad and all our relations. Some of this land has been leased to the State Forest and will in time provide more and more work for my Generation and the Generation to come. I wouldn't like the Conservationists to get it because they will take all our land for nothing and my Auntie has told me that they have enough of our land . . . Don't let them have it 'PLEASE'. My grandad

1. John Hutton and Klaus Neumann, 'Ngati Whare and the Crown, 1880–1999' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2001) (doc A28), p 664. For more information on Collins, see p 638 n. Collins' superiors advised him to keep the autobiography 'under wraps' since if it 'got into the wrong hands it could bring trouble for you & the Dept'.

2. Ibid, p 666

3. Ibid, pp 670–672

4. Ibid, p 672

and Nana are buried up there in the Whirinaki Valley, and who will tend their graves. We all do when we go HOME. Tell them to leave the Valley alone and get out. Minginui belongs to us, our friend and tribe.⁵

Wakeley Matekuare was brought up in Te Whaiti in the 1940s and 1950s. Speaking before us at Murumurunga Marae at Te Whaiti, Mr Matekuare said that he, his father and all four of his brothers worked in forestry. He told us about the hardship caused by job losses, and contrasted it with the happier days of the 1970s:

Because of the Greenies, there were problems with not being able to log indigenous trees. However, by that time we were carrying out selective logging because it was more sustainable and there was less impact on the forest. This was supported by Ngati Whare. The selective logging involved logging about one in every ten trees. After that the ladies planting crew would go in and replant with natives the next year. However, the Greenies wanted all native logging to stop.

Minginui people felt like we were fighting for our survival because we could see the signs that we were going to lose our jobs. The Greenies were all from outside our rohe. They didn't understand what the forestry industry meant to people here.⁶

5. Catherine Tai to Conservator of Forests, Rotorua, 7 July 1979, BAFK 1537/8a, Archives New Zealand, Auckland (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 680)

6. Wakeley Matekuare, brief of evidence, September 2004 (doc G40), p 4

women had worked Whirinaki timber jobs since the Second World War, when they had replaced absent men.⁷⁵⁶

Although selective logging was a great improvement on clear felling from an ecological perspective, conservationists wanted an end to all logging of native trees. In 1977, the Native Forests Action Council presented Parliament with the 'Maruia Declaration', a 341,160-signature petition calling for an outright ban on all logging of native timber. The Labour opposition adopted a similar policy position, at least with respect to State forests such as Whirinaki, in the 1978 general election.⁷⁵⁷ The Muldoon Government meanwhile agreed to end logging in Pureora State Forest, west of Lake Taupo, which effectively spelled the end of the forestry communities of Barryville and Pureora.⁷⁵⁸ The Native Forests Action

756. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 642

757. Ibid, pp 645, 656; Coombes, 'Cultural Ecologies of Te Urewera II' (doc A133), p 303

758. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 646–648

Evening Post (ATL, Dominion Post Collection, EP/1977/2815/23a-f)



Organisers deliver the Maruia declaration to Parliament, 1977. The Native Forests Action Council sought an end to logging of native timber in New Zealand and the Maruia declaration was a widely signed petition calling for this. Ngati Whare were never asked for their views on the future of native logging at Whirinaki (though they supported selective logging), and the people of Minginui were scornful of 'Greenies', who they considered knew little about their forests or forestry. The logging of Whirinaki halted at the end of 1984.

Council followed up on its success by making a supplementary submission to the Maruia Declaration, calling for log production from Whirinaki to be restricted to exotics.⁷⁵⁹ In June 1978, a large party of conservationists visited Whirinaki Forest and were blockaded by angry Mingingui residents. The Mingingui community subsequently held a forum explaining their views to the Government and the general public. As a result, Cabinet decided in July 1978 that selective native logging would continue in Whirinaki, but with the annual cut steadily reduced from 30,000m³ to 5,000m³ by 1989. By this time, there would be sufficient mature exotic timber to sustain a local forest industry.⁷⁶⁰

The Forest Service based its Whirinaki forest management plan on the 1978 Cabinet decision, and the plan was released for public comment in May 1979.⁷⁶¹ As immediate conversion to exotic forestry was not financially viable for the Mingingui mills, it was clear that they would close if the management plan was not approved.⁷⁶² There was no consultation specifically with Ngati Whare, but the Forest Service encouraged individual iwi members to make submissions, to counter anti-logging submissions by conservationists.⁷⁶³ The submissions emphasised the threat to Mingingui, and to the ability of Ngati Whare to maintain ties to their rohe if there was no work there.⁷⁶⁴ Meanwhile, conservationists and the Urewera National Park Board persuaded the National Parks Authority to investigate, and then recommend, the incorporation of parts of Whirinaki State Forest into the park.⁷⁶⁵ Cabinet decided against this, primarily because of the 'adverse social and economic aspects, especially to the Mingingui community'.⁷⁶⁶ Indeed, the only significant change Cabinet made to the proposals was to bring the date when the native timber cut was reduced to 5000m³ forward from 1989 to 1985.⁷⁶⁷ With this amendment in place, the new management plan was issued in 1981.⁷⁶⁸

By the early 1980s, therefore, the Crown was moving towards a future for Whirinaki Forest that was not based on native logging. In late 1983, the Crown decided that the State Forest should be redesignated as a Forest Park, which meant

759. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 658–659

760. Ibid, pp 652–658; Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 233–237

761. This release of the proposals for public scrutiny fulfilled a commitment made by the Muldoon Government in 1978: Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 665–666.

762. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 675–676; Coombes, 'Cultural Ecologies of Te Urewera II' (doc A133), p 315. As Hutton and Neumann note, Forest Service staff felt that they had some obligation to ensure the viability of the sawmill, as only four years earlier the three Mingingui mills had amalgamated to form it at the Forest Service's behest: Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 667–668.

763. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 670–672

764. Ibid, pp 676–680, 683–685, 688; Coombes, 'Cultural Ecologies of Te Urewera II' (doc A133), pp 312–314

765. Coombes, 'Cultural Ecologies of Te Urewera II' (doc A133), p 326; Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 245

766. 'Whirinaki State Forest Management Proposals', Secretary of Cabinet to Minister of Forests, 11 December 1979 (Coombes, 'Cultural Ecologies of Te Urewera II' (doc A133), p 330)

767. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 687

768. Ibid, p 690

that the balance of uses in the forest shifted towards recreation.⁷⁶⁹ The transition to a Forest Park also saw the establishment of a Forest Park Advisory Committee, which gave the opportunity for more public input into park management. The 10-member committee had only two Maori representatives: Sarah (Hera) Harris, who had been a spokesperson for Ngati Whare in 1979, and Winiata Herewini from the Tuhoe Waikaremoana Maori Trust Board.⁷⁷⁰

Whirinaki Forest Park was officially opened on 28 April 1984.⁷⁷¹ Three months later, the fourth Labour Government was elected on a platform which included ending native timber logging on Crown-owned land.⁷⁷² The Forest Service halted the logging of native timber in Whirinaki in December 1984, despite a petition from Minginui residents the previous month asking Parliament to show 'as much regard for the people of Minginui and the future as it will have for the trees'.⁷⁷³ In May 1985, Cabinet decreed that the only native timber that could be removed from the Whirinaki forest was totara from dead trees, if needed for specific cultural purposes.⁷⁷⁴

During a decade of debate, Ngati Whare were never asked for their views on the future of native logging at Whirinaki. Contrary to the Crown's submissions, the Whirinaki Forest Park Advisory Committee (and indeed Whirinaki Forest Park) did not exist until 1984, and therefore could not have been 'consulted in the formulation of the 1979 management plan'.⁷⁷⁵ Ngati Whare had, however, received frequent assurances that jobs at Minginui, on which so many depended, would be protected. At the June 1978 forum held in Minginui, for example, the Minister of Forests, Venn Young, stated that 'No Government policy will destroy this village', while Labour's forestry spokesperson Richard Prebble and Eastern Maori member Paraone Reweti each gave 'an assurance that villagers at Minginui would not lose their jobs under a Labour Government's native forest policy'.⁷⁷⁶ A week earlier, Prebble had told Parliament that the Labour Party could give 'an unqualified assurance that it will not throw the workers on the scrap heap'.⁷⁷⁷ At the opening of Whirinaki Forest Park nearly six years later, Peter Tapsell, the Labour member for Eastern Maori, told the people of Minginui that no jobs would be lost as a result

769. Coombes, 'Cultural Ecologies of Te Urewera II' (doc A133), p 331

770. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 678–679, 688; Coombes, 'Cultural Ecologies of Te Urewera II' (doc A133), pp 332–333

771. The commitment to only salvaging timber from wind thrown and dying trees was reiterated at this time: Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 247.

772. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 696

773. *New Zealand Herald*, 7 November 1984 (Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 257)

774. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 258

775. Crown counsel, closing submissions (doc N20), topic 31, p 21

776. *Whakatane Beacon*, 23 June 1978 (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 657); see also *New Zealand Herald*, 23 June 1978, 10 November 1978 (Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 237, 241)

777. Richard Prebble, 14 June 1978, NZPD, vol 417, p 865 (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 656 n 93)

of his party's native forests policy.⁷⁷⁸ Indeed, Labour's 1984 election manifesto specifically stated that 'Sawmill employment at Minginui will be safeguarded using the State's available exotic timber resources, and Labour will guarantee the future of the forest work force'.⁷⁷⁹ The soon to be defeated Muldoon Government, meanwhile, promised to maintain the cut of native timber at a level that would sustain the Minginui sawmill.⁷⁸⁰

Despite the promises of both parties, the timber industry around Minginui had ceased to exist by the late 1980s. Ultimately, however, this was not because of the end of native logging, but rather because of the corporatisation of the Forest Service, to be discussed later in this chapter. As we discussed in more detail in chapter 21, the Crown's original plan for Whirinaki was that native logging would eventually be replaced by logging of non-native trees such as pine. This was also Labour's election promise in 1984; native logging would stop but the jobs would remain. Initially, this is what happened. It was a short reprieve, however, as the corporatisation of the Forest Service and the end of subsidies for private mills resulted in massive job losses in Whirinaki and elsewhere.

23.7.2.5 Attempts at diversification

During the 1970s and 1980s, Te Urewera communities attempted to diversify their local economy and thereby free it from its dependence on the faltering timber industry. Counsel for Tuawhenua submitted that the Crown failed to adequately support these initiatives, and Crown agents hindered some of them.⁷⁸¹ Crown counsel did not specifically respond to these submissions, but submitted more generally:

The rather brutal, but fundamental, reality is that employment opportunities in contemporary New Zealand are overwhelmingly located in urban areas. New Zealand is not alone in this regard. To create meaningful, alternative employment in new areas . . . presented and presents real challenges . . . In this context it needs to be acknowledged that Crown Treaty responsibilities do not extend to guaranteeing economic success for community-based initiatives and projects that the government might support, either in whole or in part.⁷⁸²

Crown counsel also stated that the Crown does not have any general duty 'to assist the economic development of remote areas'.⁷⁸³

778. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 700

779. New Zealand Labour Party, 'Environment Policy: Basic Principles/Native Forests/National Parks' (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 695)

780. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 695 n 216

781. Counsel for Tuawhenua, closing submissions (doc N9(b)), pp 28–29

782. Crown counsel, closing submissions (doc N20), topic 38, p 2

783. Ibid, topic 39, p 6

By 1967, unemployment was increasing, and the rate among Maori men was anywhere from four to six times that of non-Maori men.⁷⁸⁴ Unemployment increased further during the 1970s and 1980s; by 1981 the national unemployment rate for Maori was 14.1 per cent, compared to 3.7 per cent for Pakeha.⁷⁸⁵ As we noted earlier, people with limited education or work experience were particularly vulnerable.⁷⁸⁶ There was some limited diversification in Te Urewera in the 1970s; a shoe factory opened in Waimana in 1974, and in 1979 processing plants opened in Taneatua and Ruatoki. However, these new opportunities were not enough to counter the fall in timber industry jobs.⁷⁸⁷ In 1981, around half of all full time workers in Ruatoki, Waimana, Minginui and Te Whaiti were in farming, forestry, or hunting jobs.⁷⁸⁸ Rising unemployment, in combination with the decline of the timber industry, meant that there was an urgent need for economic diversification in Te Urewera. Welfare officers continued to play an important role, for example helping to get the Waimana shoe factory established.⁷⁸⁹

In chapter 16 we explored allegations relating to 1970s and early 1980s initiatives and income sources involving the National Park, namely Venturetreks, Te Rehuwai Safaris, Ruatahuna Fur and Game Products and the possum fur industry more generally, and pest control. Te Rehuwai Safaris survived in the long term, but this was no thanks to the largely uncooperative attitude of park management. We also discussed employment by park authorities, which tended to be casual and badly paid, and essentially a modern form of unemployment relief work. Although we did not find any Treaty breach in relation to these matters, we did find that the Crown could have done more to help tangata whenua benefit economically from the Park.

Outside of the national park, locals explored other economic possibilities, such as growing various fruits and vegetables, and farming deer and goats. They carried out their own research into the viability of these ideas, with positive results, and Department of Scientific and Industrial Research staff conducted trials which seemed to show that carrots and cherries could be commercially grown at Ruatahuna. However, no further support was forthcoming and, as the local communities had no start-up funds of their own, the projects never got off the ground.⁷⁹⁰ Neville Jennings was one of those leading the exploration of new

784. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1147, 1151. The differential was much higher for women (p 1151), but high rates of non-participation in the labour market make comparisons difficult.

785. Ibid, pp 1152, 1161

786. Ibid, p 1151

787. Ibid, pp 1155–1156, 1170

788. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 125

789. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1098

790. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), pp 542–543; Neville Maurice Jennings, brief of evidence, 21 June 2004 (doc E16), pp 6–7; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1170–1171

initiatives, and told us how the lack of support led to those involved becoming ‘burnt out financially, physically, mentally and emotionally’.⁷⁹¹ We did not hear enough evidence, unfortunately, to determine whether or not more Crown support would have been warranted.

We heard of three initiatives which did receive Crown support: Ruatahuna Fur and Game Products (briefly discussed in chapter 16), a seed potato venture in Ruatahuna, and a deer farming company in Ruatoki. These were all supported by the Department of Maori Affairs’ Maori Access Scheme (Maccess), introduced in 1977. The scheme aimed to help Maori communities to develop and manage their own economic opportunities and create local employment.⁷⁹² The only one of these enterprises on which we received substantial evidence was the seed potato venture.

In the late 1970s, the Department of Scientific and Industrial Research conducted trials which showed that, despite Ruatahuna’s short growing season, the land there could produce a commercially viable yield of quality potatoes.⁷⁹³ The trials were funded by a Department of Maori Affairs loan, which also paid for seed, fertiliser, and other supplies.⁷⁹⁴ The Department of Scientific and Industrial Research also provided helpful advice. The next step was to secure suitable land for a full-scale operation. It was estimated that 60 acres were required for the project to be commercially successful.⁷⁹⁵ The Ruatahuna community believed that the only suitable land in the area was on the Ruatahuna Farm, which was still being managed under the land development schemes initiated in the 1930s. It had 60 acres in one contiguous flat area, which would be easier to access and work on than the trial plots, which had been in five different places.⁷⁹⁶ In 1980, the Ruatahuna people applied to Noel Thomas, a Rotorua-based District Field Officer of the Department of Maori Affairs, to lease land on the Ruatahuna Farm for the potato venture. Thomas rejected the application, giving four reasons. First, it went against the objective of the Ruatahuna Farm; second, he did not want to set a dangerous precedent, and feared that much of the Ruatahuna Farm would end up leased out to its owners; third, he argued that there was a ‘considerable area’

791. Jennings, brief of evidence (doc E16), pp 3–8

792. Tuawhenua Research Team, ‘Te Manawa o te Ika, Part Two’ (doc D2), pp 542–543; Jennings, brief of evidence (doc E16), pp 6–7; Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), pp 1170–1172

793. Tuawhenua Research Team, ‘Te Manawa o te Ika, Part Two’ (doc D2), p 538

794. Brenda Tahi on behalf of the Tuawhenua Research Team, summary of ‘Ruatahuna, Te Manawa O Te Ika, Part Two: A History of the Mana of Ruatahuna from the Urewera District Native Reserve Act 1898 to the 1980s’, 22 June 2004 (doc E17), pp 11–12; Tuawhenua Research Team, ‘Te Manawa o te Ika, Part Two’ (doc D2), pp 537–539

795. When the potato seed project was revived, an anonymous Government report estimated that 15 hectares (37 acres) needed to be planted before economies of scale were satisfactory: ‘Ruatahuna Seed Potatoes’, [1990], BBF2, 4942/985a, 1989–90, p 7 (Murton, supporting papers to ‘The Crown and the Peoples of Te Urewera’ (doc H12(a)(E)), p 97).

796. Tuawhenua Research Team, ‘Te Manawa o te Ika, Part Two’ (doc D2), p 540

of 'suitable poorly utilised land' elsewhere in Ruatahuna; and fourthly, the area in question was needed to grow stock feed.⁷⁹⁷

The validity or otherwise of these arguments is not clear from the evidence we received. The farm's land was allowed to be partitioned for cropping and other purposes, but only if this did not interfere with the overall scheme. In 1987, there were 3,536 acres of the farm under grass, so it seems somewhat implausible that 60 acres could not have been spared.⁷⁹⁸ By 1982, the potato farm project had come to a standstill. H Pryor, a community officer for the Department of Maori Affairs, stated that the major reason for this was

the lack of a suitable area of land to plant potatoes in . . . The people of Ruatahuna who are involved in the project felt that 60 acres from the development [the Ruatahuna farm] could have been leased to them . . . but as it was pointed out to them all the flat land was required for the growing of supplementary food for Block stock.⁷⁹⁹

Pryor suggested additional reasons for the failure of the project: waning enthusiasm of the workers; poor supervision; high wage costs that exceeded returns; and their inability to sell their crop on the Auckland market.⁸⁰⁰ Neville Jennings, who had been involved in this venture, suggested to us an important reason for waning enthusiasm:

While it did create some employment it was of no real advantage to the local people because it was only seasonal work and they got little financial return from the project. Our full project was to grow horticulture products, for example cabbage, onions, carrot, cauliflower in conjunction with potatoes giving much longer employment opportunities.⁸⁰¹

Stokes, Milroy, and Melbourne also suggested that 'the caring, sharing, communal nature of the community' meant that 'too many potatoes were eaten locally and the profits were literally eaten into'.⁸⁰² The project was later revived in the late 1980s with assistance from the Government's Access and Community Employment Investigation Schemes, but still only provided seasonal employment for five to six people.⁸⁰³

Overall, the project proved to be a viable option that produced a good quality,

797. Noel Thomas to W Jaram, no date (Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), pp 540–541)

798. Alexander, 'The Land Development Schemes' (doc A74), p 329

799. Pryor to Nicklin, 2 August 1982 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(E)), p 63)

800. Ibid

801. Jennings, brief of evidence (doc E16), pp 7–8

802. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 201

803. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1196; Poulin and Tahi, *A Study on Community Services and Development for Ruatahuna*, p 57

high yield crop. It is too simplistic, however, to say that Crown action in itself was the only cause of its failure. It did not succeed for a variety of factors, outlined above. The main one was the lack of a suitable area of flat land. The crucial decision was the Department's refusal to lease 60 acres for the project on the grounds that it was needed for stock feed. We lack the evidence to assess whether this was essential for the functioning of the farm's operation, or whether 60 acres of flat land could have been found elsewhere. Ideally, some sort of balance between the farm scheme's operation and the potato seed venture ought to have been worked out, but we do not know whether this was possible. The crucial point, in our view, is that it was a Department official making the decision, not the owners. The limited success of the revived project later in the 1980s suggests, however, that even if the land had been made available, it would have done little to relieve Ruatahuna's economic problems. Indeed, the amount of attention paid in this inquiry to 60 acres of potatoes is, in itself, a strong indication both of the limited possibilities of the Te Urewera economy, and the determination of the Ruatahuna people to try and get an economic venture off the ground. Other initiatives had some success, but remained small scale and did little to relieve unemployment or revitalise the Te Urewera economy. More Crown assistance may have improved matters, but it is clear that the district had fundamental economic problems which could not easily be overcome.

23.7.3 The expansion of the welfare state

Earlier in this chapter, we saw that Maori living conditions in 1930s Te Urewera were extremely bad. There were numerous epidemics, although these were not as severe as in earlier decades, and high levels of chronic ill health. Housing and sanitary provisions were completely inadequate even by the standards of the time, and education was generally available only until the end of primary school. Education and other social services tended to be difficult to access, monocultural, and monolingual.

The elimination of conditions such as this was one of the motivations behind the welfare state built up from 1935. The Social Security Act 1938 was particularly important, progressively removing fees for hospital treatment and introducing a range of welfare benefits to which particular groups were entitled as of right. No longer were benefits limited to those who were both 'deserving' and completely without other options; instead social services and a basic standard of living became rights to which everyone was entitled. Spending on health, education, sanitation, and housing increased, and more effort was put into ensuring that services were available in rural areas.

In Te Urewera, Maori standards of living improved significantly in the mid-twentieth century, partly because of the welfare state but primarily because of the employment provided by the timber industry. Outside the timber towns and other areas with high employment, however, living conditions continued to be poor. Housing was particularly bad, with many people living in overcrowded, draughty and rundown houses with little or no sanitary facilities. There were substantial shifts of population from settlements in the heart of Te Urewera to the forestry

towns and further afield. Some areas saw major population decline and the abandonment of uneconomic farms, while others saw huge increases in population. Throughout the district, Maori health continued to be poor by comparison to that of Pakeha, although levels of infectious disease and premature death were far lower than in earlier decades.

From about the 1960s, Maori increasingly asserted the value of their language and culture, demanding that it receive more respect from the Crown, and occupy a more prominent place in New Zealand life, particularly in the education system. With very limited Crown support, they founded the kohanga reo movement and began making some primary schools bilingual. Te Urewera was at the forefront of this movement, with Ruatoki Primary School becoming the first in New Zealand to go bilingual, in 1977. Meanwhile, activists raised the profile of the Treaty of Waitangi and called on the Government to give effect to its guarantees. The third Labour Government and its Minister of Maori Affairs, Matiu Rata, were sympathetic, and in 1975 passed legislation to create the Waitangi Tribunal. At this stage, however, it was empowered only to investigate contemporary Treaty breaches, and it was little used until the appointment of Chief Judge Edward Durie as chair in 1980.

23.7.3.1 *Social welfare*

The Social Security Act 1938 introduced a range of benefit entitlements, removing the need for beneficiaries to prove themselves ‘deserving’. It also abolished differential provisions for Maori. However, the Act retained the possibility of paying lower benefit rates if the full amount was not ‘necessary for the maintenance of the beneficiary’.⁸⁰⁴ This meant that Maori could still be paid lower rates, as was explicitly laid out by the Minister of Social Security in 1939 in response to a letter from Judge Harvey of the Waiariki District Maori Land Court:

Having regard to the fact that most Maoris live in a Pa in communal fashion and have not the living expenses to meet as compared with Europeans, the Commission considers that it has authority to grant reduced benefits under Section 72 of the Social Security Act, and in view of all the circumstances it would seem that there is some justification for such a procedure. I may say that the policy as set out by the Commission appears to be a reasonable one to follow.⁸⁰⁵

McClure notes other contemporary justifications, such as the idea that Maori were used to a low standard of living, and therefore needed less money, and concern, from Apirana Ngata among others, that they would become dependent on welfare.⁸⁰⁶ The high cost of retail goods in rural areas was not taken into account. As

804. Social Security Act 1938, s72(2); McClure, *A Civilised Community*, p112

805. WE Parry, Minister of Social Security, to Judge J Harvey, 7 November 1939, ss w2756 9/9/2, Archives New Zealand, vol Q, pp 56–57 (Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1013)

806. McClure, *A Civilised Community*, p112

a result, many Maori were paid reduced pensions and widows' benefits until the passage of the Maori Social and Economic Advancement Act in 1945.⁸⁰⁷

Family allowances had always been paid equally to Maori and Pakeha, and over time such payments constituted an increasingly significant source of welfare assistance. When the allowance was introduced in the late 1920s, it paid two shillings a week for every child after the first two, in households with an income of less than four pounds a week. By 1938, 1,822 Maori families were claiming this allowance.⁸⁰⁸ In 1939, the rate was doubled, and in 1946 it was replaced by the Family Benefit. This was paid for all children, and no means test was applied.⁸⁰⁹ As a result, levels of uptake were extremely high.⁸¹⁰ Nine years later, the Chairman of the Social Security Commission attributed the improved health and well being of Maori children to the increase in family incomes brought about by the universal Family Benefit.⁸¹¹ The benefit was not adjusted for inflation, however, and by the 1970s was an 'insignificant' amount of money. It was abolished in the late 1980s.⁸¹² An emergency benefit for single-parent families was introduced in 1968, and expanded in the early 1970s to become the Domestic Purposes Benefit.⁸¹³

Another important provision of the Social Security Act was the unemployment benefit. This was not widely used at first, since by 1938 the mass unemployment of the Depression had passed, and there was close to full employment during the Second World War and the years afterwards. Even in the 1940s, however, the benefit was claimed in places such as Ruatoki, where there were few jobs.⁸¹⁴ When unemployment became common from the 1970s, and especially from the 1980s, the unemployment benefit meant that those without work, and their families, would not face complete destitution and near-starvation, as they had in earlier decades. In the 1970s and early 1980s, the Crown also subsidised short-term employment and provided training for people who would otherwise be unemployed. Most of these programmes were abolished in the mid-1980s.⁸¹⁵

The various welfare benefits available from around the late 1930s contributed to the mid-twentieth-century improvement in Te Urewera living conditions. The Family Benefit, which was not means tested and was particularly helpful to large Maori families, was probably the most important at this stage. Later, the unemployment benefit was probably crucial in keeping many families from complete

807. Whyte, 'Beyond the Statute', pp 134–135

808. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1031–1032

809. Ibid, p 1034

810. The only requirement was proof of birth registration, which had previously not happened for a significant minority of Maori children. After the new benefit was introduced, there were so many late birth registrations that they seriously distorted data for 1946: Ian Pool, *Te Iwi Maori: A New Zealand Population Past, Present and Projected* (Auckland: Auckland University Press, 1991), pp 107–108.

811. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1037

812. Ibid, p 1039

813. Ibid

814. Ibid, p 1096

815. Ibid, pp 1163–1164

destitution. Differential benefit levels for Maori were abolished in 1938, but discretionary provisions meant that some discrimination continued into the 1940s.

23.7.3.2 Health care

Apart from introducing a wider range of welfare benefits, the Social Security Act 1938 aimed to introduce free health care for all New Zealanders. Over the course of the late 1930s and the 1940s, charges were gradually abolished for all hospital treatment, prescription medicines, maternity care, district nursing services, dental treatment for under-16s, and a range of other health care needs. General practitioner (GP) services were subsidised, although most GPs continued to charge for visits. Throughout the 1935 to 1984 period, distance from health care was an ongoing problem for many Te Urewera communities, especially those such as Ruatahuna which lacked good road access. This problem will be addressed later in this chapter, with respect to the entire century.

The Crown's public health programme was also expanded in the mid-twentieth century. Most importantly for Maori health, the Health Department began a concerted campaign to eliminate tuberculosis. An early initiative was the provision of small huts for tuberculosis patients, so that they could be separated from uninfected whanau without having to be admitted to hospital. The first such huts in Te Urewera were erected in 1940. From the mid-1940s to the early 1950s, Murton states there were on average 'three to four huts in the Ruatoki area, two to three in the Tanatana-Waimana area, and one to two in the Murupara area.'⁸¹⁶ This worked around 'the disinclination of Maori for institutional care' in hospitals and sanatoria.⁸¹⁷ After this, effective drug treatments became available, and the huts became less necessary.⁸¹⁸ From 1953, vaccinations against tuberculosis were provided in Te Urewera and elsewhere.⁸¹⁹ As a result of the campaign, and the availability of effective medical treatment, rates of tuberculosis among Maori and the general population plummeted from the mid-1940s. What had once been the leading killer of Maori became a relatively rare disease, although it never entirely died out.⁸²⁰ As Ian Pool explains, the biggest decline in tuberculosis mortality pre-dated the introduction of the most effective drug treatments.⁸²¹ It was brought about through extensive screening, better Maori access to medical treatment, and 'a social welfare backup' which improved patients' living standards.⁸²²

Illness and death from other infectious diseases also decreased dramatically in the post-war years, thanks in large part to a comprehensive immunisation programme.⁸²³ In addition, in the late 1930s and 1940s the Crown continued to respond to outbreaks of disease in Te Urewera by sending in medical staff. In

816. Ibid, p1750

817. Ibid, p1749

818. Ibid, p1750

819. Ibid, p1756

820. Ibid, pp1755-1758

821. Pool, *Te Iwi Maori*, p149

822. Ibid, p151

823. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp1830, 1834

1939, for example, a medical officer was sent to deal with an outbreak of syphilis at Ruatoki.⁸²⁴ The Superintendent of Rotorua Hospital, Dr Bridgman, visited the Whirinaki valley four years later to treat another syphilis outbreak as well as other diseases.⁸²⁵ Bridgman visited Te Whaiti school about once a fortnight in the mid-1940s, treating skin and ear problems, and presumably other medical conditions. He also arranged for the entire rolls of Te Whaiti and Minginui Maori Schools to spend three weeks at a health camp at Waikato Heads.⁸²⁶

The visiting doctors were required because Te Urewera continued to lack adequate access to GP services. In 1938, Mrs R Barnes wrote to the Minister of Health on behalf the broader Te Whaiti area, requesting that a doctor be stationed there. She stated that the nearest doctors were in Rotorua and Whakatane, and in cases of serious accident, for example in the sawmills, 'any person could bleed to death' before help arrived.⁸²⁷ Shortly afterwards, Dr Golan Maaka was appointed as 'whole-time Medical Officer for Treatment of Maori' in Te Urewera, but only for about a year.⁸²⁸ Maaka was of Ngati Kahungunu and Ngai Tahu descent, and later became a GP in Whakatane.⁸²⁹ In 1947, Dr Allan North became the first doctor to be based in Te Urewera for any extended period of time, practising at Te Whaiti until 1971.⁸³⁰ He estimated that in 1947 he provided services to nearly 1,500 patients, of whom 64 per cent were Maori.⁸³¹ North's area initially included Galatea, Murupara and Waiohau, but the growth of the timber towns meant he could no longer visit these three settlements.⁸³² Another doctor set up in Murupara in 1954, but left two years later.⁸³³

North had been appointed by the Health Department, under a provision of the Social Security Act aimed at delivering medical services to isolated areas.⁸³⁴ This indicates that the Crown recognised the additional needs and difficulties faced by isolated rural communities such as those in Te Urewera. Labour had hoped to bring all GPs fully into the State health system, making them Crown employees who would treat patients free of charge.⁸³⁵ However, most doctors refused to accept this, and the result was a continued fee-for-service system whereby part of the patient's fee was paid by the Crown.⁸³⁶ This meant that patients still had to pay

824. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1736–1737

825. Ibid, p 1739

826. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 560

827. R Barnes to Minister of Health, 16 August 1938 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(RR)), p 118)

828. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1736–1737, 1764

829. Bradford Haami, 'Golan Haberfield Maaka', in *The Dictionary of New Zealand Biography*, Ministry for Culture and Heritage, <http://www.teara.govt.nz/en/biographies/4m1/maaka-golan-haberfield>, last modified 12 November 2013

830. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1769–1774

831. Ibid, p 1770

832. Ibid

833. Ibid, pp 1771–1772

834. Social Security Act 1938, s82; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1769–1770

835. Dow, *Safeguarding the Public Health*, p 122

836. Ibid, pp 122–123

Dr Golan Maaka

Dr Golan Maaka (1904–78) was a charismatic, colourful, and passionate doctor of Ngati Kahungunu and Ngai Tahu descent. He received his training at Otago Medical School in the 1930s, writing a dissertation on health practices at Ratana Pa. After treating syphilis in Taneatua and Ruatoki from 1939 to 1941, he was nicknamed the ‘pox doctor’, which he loathed. He was stationed in Kawakawa from 1941 to 1943, and then became a General Practitioner at Whakatane until his death. He was also known as the ‘cabbage doctor’ as he accepted food and drink as koha for his work in lieu of money. He often travelled by horse and canoe into the Urewera forest to visit isolated patients.¹

1. Bradford Haami, ‘Golan Haberfield Maaka’, in *The Dictionary of New Zealand Biography*, Ministry for Culture and Heritage, <http://www.teara.govt.nz/en/biographies/4m1/maaka-golan-haberfield>, last modified 12 November 2013

to see a GP, although fees were smaller than previously. Since the Native Medical Officer (NMO) service was abolished around this time, however, the changes may have made GPs less accessible to Maori who had previously used the NMO service.⁸³⁷ This did not affect patients in Te Urewera, since, as we have seen, there were never any NMOs stationed in Te Urewera.

Apart from North, the main GP for Te Urewera was Dr Maaka, who was based at Whakatane from 1944 to about 1978, but until the 1960s often visited patients in Waimana, Matahi, Ruatoki, Waiohau, Murupara, and Ruatahuna.⁸³⁸ Brandon Haami, Maaka’s grandson, states that Maaka became the doctor for the Tuhoe people after he removed a cyst from Takurua Tamarau, then considered to be the paramount leader of Tuhoe.⁸³⁹ He was popular with Tuhoe partly because he did not charge them for his services, and partly because he combined Western medicine with traditional Maori healing, including rongoa taught to him by Tuhoe elders.⁸⁴⁰ His unorthodox methods made him somewhat unpopular among the Whakatane medical community, and hospital staff were often suspicious of his diagnoses.⁸⁴¹

837. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), pp1615–1616

838. Ibid, p1764

839. Ibid, pp1764–1765; Wharehuia Milroy, foreword to *Dr Golan Maaka: Maori Doctor*, by Bradford Haami (North Shore: Tandem Press, 1995), p9

840. Bradford Haami, ‘Golan Haberfield Maaka’, in *The Dictionary of New Zealand Biography*, Ministry for Culture and Heritage, <http://www.teara.govt.nz/en/biographies/4m1/maaka-golan-haberfield>, last modified 12 November 2013

841. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p1765

Medical Services at Waikaremoana in the 1940s

I REMEMBER that there was always a District Nurse available here [at Waikaremoana]. However, there wasn't a doctor here all the time. From 1944, Doctor Acheson and Doctor Tate would visit from Wairoa once a fortnight, and if you had the money, you'd be able to see him. If you didn't have the money, you didn't go. There was a time during the 1940s when my mother in law Mereana was the midwife, and all babies were either born here in their homes or on the way to Wairoa. Without money, people would turn to the bush for their rongoa.'

Maria Waiwai¹

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1. Maria Waiwai, brief of evidence, no date (doc H18), p20

Maaka's efforts were extraordinary, but he and North could not cover the entire Te Urewera region. Doctors based in Wairoa served Te Kuha and Waimako, but it is unlikely that they visited often; Wairoa borough and county had only four GPs serving a scattered population of 12,000.⁸⁴² Many Te Urewera communities were 12 to 20 miles from the nearest doctor, and it was said that patients would lose a day's pay if they travelled to Whakatane to see a GP.⁸⁴³ The doctor shortage cannot be blamed entirely on the Crown, as there was a national shortage of doctors willing to work in rural areas, especially those lacking infrastructure or regarded as 'remote'.⁸⁴⁴ The Crown was certainly aware of the inadequate coverage; for example, Medical Officer W C Davidson noted in 1964 that the Matahi area 'gives most concern by reason of lack of medical facilities'.⁸⁴⁵ Some efforts were made in the 1950s to get a doctor for Taneatua, but nothing came of them.⁸⁴⁶

Partly because of the access difficulties, Maori in Te Urewera began to set up their own medical facilities, often incorporating Maori concepts of health and well-being, and traditional methods. The first of these, which opened in 1977, was Ruatoki's Maaka Clinic, named after Dr Golan Maaka. This arose out of discussions between the Western Tuhoe Tribal Executive, the local public health nurse, the South Auckland Education Board, the Whakatane Hospital Board, and the Department of Health.⁸⁴⁷ It was funded by the Government's Community Health

842. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1767

843. 'Resident Doctor wanted at Taneatua', *Bay of Plenty Beacon*, 25 May 1951 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(QQ)), p 128)

844. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1776

845. Ibid, p 1766

846. Ibid, p 1765

847. Oliver, 'Ruatoki' (doc A6), pp 193-194

Fund, while the Bay of Plenty Hospital Board agreed to maintain and staff the building.⁸⁴⁸

Communities without adequate access to doctors relied mostly on district nurses. In 1938, New Zealand's 49 district nurses treated 58,008 Maori patients and made 18,848 visits to Maori settlements.⁸⁴⁹ Around this time, all specialised nursing services, including the Native health nursing service, were folded into the general district nursing service which served everyone. The Crown also expanded nursing services, appointing new nurses to Rangitahi, just outside Murupara, in 1936, Taneatua in 1940 and Tuai in 1943. Second nurses were stationed at Whakatane and Opotiki in 1945.⁸⁵⁰ By this time, most Te Urewera communities had a nurse either living among them or nearby; the main exceptions were Ruatahuna and Maungapohatu.

The nearest nurse to Ruatahuna was based at Murupara. She had originally been appointed to Ruatahuna, on the basis that its Maori population of 459 had specifically requested a nurse, and was bigger than the Maori population of either Murupara (258) or Te Whaiti (220).⁸⁵¹ Ruatahuna was considered to be close enough to the latter areas for the new nurse to serve them too, even though the road between them was 'difficult'.⁸⁵² However, the Health Department changed its mind and stationed her in Murupara.⁸⁵³ The rationale for this was that the area was growing in population, and someone was needed to serve the local Pakeha population as well as Maori. The Director-General of Health, MH Watt, did explicitly state that the nurse's primary duties would be to Maori; but as long as 'the Urewera remains in its more or less undeveloped state and so long as it continues to be without adequate medical or nursing services,' the district nurse would have to treat Pakeha as well as Maori.⁸⁵⁴ Medical Officer Harold Turbott argued that Murupara was the best location because it had the largest total population, 'apparently the largest growth potentialities in the area,' and was central 'to the district as a whole,' being accessible to the Galatea area and Waiohau. 'Ruatahuna, on the

848. Puti O'Brien, 'Community Health Clinics in the Eastern Bay of Plenty: The Ruatoki-Maaka Clinic,' in *Hui Whakaoranga: Maori Health Planning Workshop* (Wellington: Department of Health, 1984), app 9, p 3

849. Hearn, 'Maori, the Crown, and Provision of Health Services' (doc M1), p 25; 'Annual Report of the Director-General, Health', AJHR, 1935, H-31, p 56; 'Annual Report of the Director-General, Health', AJHR, 1939, H-31, p 67; 'Annual Report of the Director-General, Health', 1949, AJHR, H-31, p 40

850. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1802

851. B Wyn Irwin, Medical Officer of Health, Gisborne, to Director-General of Health, 8 February 1936 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(RR)), p 103); Tuawhenua Research team, 'Te Manawa o te Ika, Part Two' (doc D2), p 303

852. B Wyn Irwin, Medical Officer of Health, Gisborne, to Director-General of Health, 8 February 1936 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(RR)), p 103)

853. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1801

854. MH Watt, Director-General of Health, to Medical Officer of Health, Hamilton, 7 December 1936 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(RR)), p 111)

other hand, is right on the extreme end of the district and there would be too much dead running and not enough population in the village to justify stationing the nurse there.’⁸⁵⁵ Meanwhile, according to Turbott, the Ruatahuna people were ‘certainly making a determined effort to get a nurse of their own, and apparently in their zeal are using every possible way of drawing attention to their request.’⁸⁵⁶ R Nattras of Ruatahuna objected to the nurse being stationed in Murupara: ‘She will be of little, if any, use to this district which is in urgent need of a fully qualified nurse.’⁸⁵⁷ Ruatahuna, along with Maungapohatu, Matahi and Waiohau, seems to have been served mostly by Presbyterian missionaries, although district nurses did visit on a weekly or fortnightly basis.⁸⁵⁸

In this instance no nurse was appointed to Ruatahuna because the Crown preferred Murupara as a base. However, there were more general problems in finding nurses willing to work in areas considered to be remote and isolated. Over the decades, this affected Te Whaiti, Murupara, and Taneatua.⁸⁵⁹ The Department of Health stated that it made every effort to fill these vacancies, but few nurses would apply for them.⁸⁶⁰ In order to fill the Murupara vacancy, the Department decided the nurse would be allowed to live outside the district.⁸⁶¹

The quality of nursing seems to have improved when their numbers were increased. In the mid-1930s, Te Whaiti was served only by an unqualified part-time nurse who also ran a store and raised a large family. In 1936, the Gisborne Medical Officer described her methods as ‘lax’ and ‘inadequate according to modern standards’; as a result, Te Whaiti had a ‘bad reputation for typhoid.’⁸⁶² In 1940, however, the Gisborne Medical Officer of Health reported that District Nurse Mackay was doing ‘excellent work’ in the greater Taneatua district, although she was working very long hours.⁸⁶³ In 1943, Mary Lambie, the director of the Division of Nursing, assessed Nurse Orbell in Murupara as being ‘very good,’ and Nurse Gill of Whakatane as having good potential.⁸⁶⁴

855. H B Turbott, Medical Officer of Health, Hamilton, to Director-General of Health, Wellington, 6 April 1937 (Murton, supporting papers to ‘The Crown and the Peoples of Te Urewera’ (doc H12(a)(RR)), pp 113–114)

856. Ibid, p 1 (p 113)

857. R Nattras to F Moncur, 8 March 1937 (Tuawhenua Research Team, ‘Te Manawa o te Ika, Part Two’ (doc D2), p 304)

858. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1837

859. Ibid, pp 1804–1807

860. R J Tizard, Minister of Health, to DE Beer, secretary, Taneatua Primary School Committee, 26 October 1973 (Murton, supporting papers to ‘The Crown and the Peoples of Te Urewera’ (doc H12(a)(ss)), p 66)

861. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1807

862. Medical Officer of Health, Gisborne, to Director-General of Health, 8 February 1936 (Murton, supporting papers to ‘The Crown and the Peoples of Te Urewera’ (doc H12(a)(RR)), p 103); see also R Barnes to Minister of Health, 16 August 1938 (Murton, supporting papers to ‘The Crown and the Peoples of Te Urewera’ (doc H12(a)(RR)), p 118)

863. L S Davis, Medical Officer of Health, Gisborne, to Director-General of Health, 4 April 1940 (Murton, supporting papers to ‘The Crown and the Peoples of Te Urewera’ (doc H12(a)(RR)), p 98)

864. Mary Lambie, director, Division of Nursing, to Dr Watt, 12 January 1943 (Murton, supporting papers to ‘The Crown and the Peoples of Te Urewera’ (doc H12(a)(RR)), p 122)

By the late 1970s, nurses' duties included maternal and child health; disease prevention through identifying tuberculosis cases, tracing sexually transmitted diseases, immunising children, and treating scabies and glue ear; some psychiatric and elder care; and the operation of Family Planning clinics.⁸⁶⁵ In the early 1980s the roles were revised, and a greater emphasis seems to have been given to working with Maori communities and community organisations such as the Maori Women's Welfare League.⁸⁶⁶

Access to hospitals continued to be difficult, as there were still none in the inquiry district, although a maternity annex was built in Murupara in 1956.⁸⁶⁷ Hospital fees were completely abolished in 1941, and so ceased to be a barrier to treatment.⁸⁶⁸ Until 1957, hospitals continued to be part-funded by local rates, however, and this meant that the difficulties relating to rating of Maori land continued to trouble hospitals.⁸⁶⁹ It is possible that this continued to affect the willingness of hospitals to treat Maori, although we received no evidence on this. The most important remaining barrier for Maori in Te Urewera was probably distance, although the monocultural and largely monolingual nature of hospitals doubtless also remained a problem.

By 1935, there were hospitals in Wairoa, Whakatane, Opotiki, and Rotorua. Road access between the hospitals and Te Urewera improved in the middle of the century, but even today many settlements are still a long car journey from the nearest hospital. Then as now, this created practical difficulties and could also be very expensive, particularly if a taxi was required.⁸⁷⁰ Around 1950, Horomi Williams was 'born in Ruatoki, I think under a tree', because 'in those times there was no adequate transport to convey expectant mothers to the hospital'.⁸⁷¹ As Stokes, Milroy, and Melbourne commented in the mid-1980s, 'for those who require regular check ups or a course of treatment as an outpatient, factors of time and distance discourage full use of existing health services'.⁸⁷² This would have been the case in earlier decades as well. Until the 1960s, the only access to Maungapohatu was by horse track.⁸⁷³ Some communities, such as Murupara, had a volunteer ambulance service (see the sidebar over), which must have aided access. However, we do not know what services other communities had, or whether the Murupara ambulance was available for non-emergency travel such as outpatient visits.

We saw earlier in this chapter that the peoples of Te Urewera experienced huge health improvements in the mid-twentieth century. This change had two main

865. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1811

866. Ibid, p 1812

867. Ibid, p 1784

868. Fees for basic hospital care were abolished in 1939, but fees for services such as x-rays were not abolished until 1941.

869. Dow, *Maori Health and Government Policy*, p 166; Murton, 'Summary of Evidence of Brian Murton: Stage Three' (doc J10), p 42

870. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 319

871. Horomi Williams, oral evidence, Tauarau Marae, Ruatoki, 21 January 2005 (transcript 4.13, p 125)

872. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 319

873. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1781

The Decline of Community Health Organisations in Murupara

‘WHEN Murupara was bustling and it was really community minded they had St Johns and the Red Cross. They also had the fire brigade and all those kinds of organisations. Everyone belonged to them. If people got sick the doctor would refer you to the hospital in Rotorua, and people could access that health care because there was the St Johns Ambulance. Many people in the community were on the roster to volunteer for the St Johns Ambulance.

‘Today you have got only two people running that service, and that is a big difference from what it was. The real effect of that is that people who live in Murupara have a lot more difficulty accessing healthcare.’

Margaret Herbert¹

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1. Margaret Herbert, brief of evidence, 11 August 2004 (doc F30), p 5

drivers: the reduction of poverty, mostly as a result of increased employment, and improvements to the health system. From the late 1930s, medical services such as hospital treatment became free of charge, and the health system in general was expanded and better funded, allowing nurses and GPs to be sent into Te Urewera. Maori in the inquiry district did benefit from these initiatives; most notably, tuberculosis ceased to be a significant cause of death. There was, however, still much room for improvement. There were never enough medical professionals to properly address the poor health conditions in Te Urewera, and some smaller communities continued to have difficulty accessing medical aid. Distance to hospitals remained a significant problem, although much less so than in previous decades.

23.7.3.3 Housing

We saw earlier in this chapter that Maori housing in Te Urewera was generally inadequate and unhealthy in the 1930s. Between then and the 1980s there were significant improvements, especially in the timber towns, but substantial problems remained. Claimant counsel submitted that, in general, the Crown’s housing policies at this time were ‘attuned to the needs of suburban New Zealand and not rural Urewera.’⁸⁷⁴ The Crown responded that some housing improvements were made in this period, but conceded that houses provided under the development schemes were often regarded as substandard.⁸⁷⁵ In the period covered here, the

874. Counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), p 356

875. Crown counsel, statement of response to stage 3 claims (statement 1.3.7), p 33

Crown provided housing assistance in a range of ways: through the development schemes, State-funded loans, ex-service rehabilitation schemes, State housing, and timber industry employee housing. In general, housing policy tended to focus on urban areas and was premised on cost-recovery, both of which factors made it difficult or impossible for many Maori in Te Urewera to access help.⁸⁷⁶

The main way in which the Crown helped Maori in Te Urewera into new owner-occupied housing was through the development schemes. Unit occupier housing was one of the expenses for which schemes could borrow money, and this was done on the Ruatoki, Waiohau, and Ngati Manawa schemes. Between 1930 and 1940, 131 houses were built as part of the Ruatoki development, while 21 were built in Waiohau and 11 as part of the Ngati Manawa development.⁸⁷⁷ It seems that more would have been built if not for the Second World War, which caused a shortage of materials and labour, and increased costs.⁸⁷⁸

Because the houses created debt on the development schemes, landowners and the Crown wanted to keep costs down. Ngata was aware that the available funding was quite limited and felt it should be focused on farm development rather than housing; he also argued that 'Maori settlers did not need housing of a standard comparable to Pakeha farmers'.⁸⁷⁹ As a result, the development scheme houses were extremely basic. Most were quite small, despite the large whanau common at this time, and lacked basic amenities such as running water, toilets and bathrooms.⁸⁸⁰ One Maori critic called the cottages 'little more than glorified cowsheds'.⁸⁸¹ The Health and Public Works Departments were also concerned, wanting a minimum standard including 'a bath, laundry tubs, kitchen sink, copper, toilet, and effective plumbing'.⁸⁸²

The new houses were still an improvement on previous housing, at least initially.⁸⁸³ In 1937, two students from the Otago School of Medicine, Allan North (later the Te Whaiti GP) and Lester Suckling, commented favourably on the standard of housing in the Ruatoki scheme:

In Tanatana, Tawera, Ruatoki and Waiohau, largely owing to the Ngata Scheme the houses were well built four roomed wooden cottages, with wooden floors, ample light

876. Gael Ferguson, *Building the New Zealand Dream* (Palmerston North: Dunmore Press and Department of Internal Affairs, 1994), pp 59–176

877. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p1934

878. Alexander, 'The Land Development Schemes' (doc A74), p 95

879. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p1935; Ferguson, *Building the New Zealand Dream*, pp99–100; Mark Krivan, 'The Department of Maori Affairs Housing Programme, 1935 to 1967' (MA thesis, Massey University, 1990), p 21

880. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p1934; Rose, 'A People Dispossessed' (doc A119), p 214

881. Claudia Orange, 'A Kind of Equality: Labour and the Maori People 1935–1967' (MA thesis, University of Auckland, 1977), p 94

882. Krivan, 'The Department of Maori Affairs Housing Programme', p 43; Ferguson, *Building the New Zealand Dream*, p 100

883. Rose, 'A People Dispossessed' (doc A119), p 214

and ventilation, grates or open fireplaces, wash-houses and privies, though baths were rarely seen. Some had tanks, gardens and electricity, while furniture and cleanliness were much more in evidence than elsewhere.⁸⁸⁴

The development scheme houses, unlike most previous accommodation in Te Urewera, were weatherproof, lined, had iron roofs, were on pilings rather than the ground, had bedrooms and kitchens, and, from the late 1930s, bathrooms.⁸⁸⁵ However, many quickly deteriorated, especially at Ruatoki. By the mid-1940s, reports stated that many were in an 'extremely dilapidated' and 'deplorable' condition.⁸⁸⁶ In 1945, the Farmers' Union wrote to the Government that 'Some of them are said to be literally worse than pig houses and are described as simply terrible places to live in.'⁸⁸⁷

No houses were built as part of the Ruatahuna development scheme, as it was felt it could not stand the additional debt. Landowners were, however, encouraged to build their own homes.⁸⁸⁸ Noera Tamiana, whose whanau worked on the scheme, told us that

Whilst we were developing the other side of the farm, my father built temporary housing for us at Parekaeaea. He built two shelters for us there at different times. They were made from kaponga trees and a tin roof and he did a good job. They had a window and a door. They were lined with chaff bags from the horse feed. We also used the chaff bags for flooring . . . There was a natural spring there across the river that we used as a fridge.⁸⁸⁹

Her brother, Korotau Tamiana, recalls that they lived in a cave for a month while their father built a 'little house' for his whanau. 'It was part of our survival, and the conditions that the old man had to put up with to be able to develop the land, in order to get ahead.'⁸⁹⁰ As on the other schemes, the houses were an improvement on what had gone before; a 1938 report stated that the Ruatahuna houses were 'clean and comfortable inside . . . It is a pleasing feature to note the improvement in the health and dress of the children of this district.'⁸⁹¹ Here too,

884. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 430

885. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 689–691, 1747

886. Secretary, New Zealand Farmers' Union, Auckland, to Minister of Native Affairs, 1945 (Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1949); *Bay of Plenty Times*, 27 August 1945 (Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1950)

887. Secretary, New Zealand Farmers' Union, Bay of Plenty sub-province, to Minister of Native Affairs, 1945 (Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1950)

888. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 686

889. Tamiana, brief of evidence (doc D15), pp 4–5

890. Korotau Tamiana, brief of evidence, 10 May 2004 (doc D20), p 2

891. Board of Native Affairs, 'Report on Native Land Development and the Provision of Houses for Maoris, Including Employment Promotion', AJHR, 1938, G-10, p 47 (Alexander, 'The Land Development Schemes' (doc A74), p 275)

the houses had deteriorated by the 1940s.⁸⁹² A visiting overseer requested immediate Departmental action to improve them, but it appears that nothing happened.⁸⁹³

Maori could also borrow money for housing through the Native Housing Act 1935, which was the first legislation specifically designed to provide housing loans to Maori. Previous Tribunals have found that few Maori qualified for these loans, because they required a secure land title and the ability to make repayments.⁸⁹⁴ According to Murton, this was also the situation in our district; he was unable to find evidence of anyone in Te Urewera being able to borrow money under the Act.⁸⁹⁵ Another problem with the Act was that it allowed the Crown to take the land in the event of default.⁸⁹⁶

We know that some Maori from Te Urewera applied for loans under the Act.⁸⁹⁷ In 1937, the Under Secretary of the Native Department refused the applications of four people from the Te Kopani Reserve near Waikaremoana on the grounds that 'the applicants' means of repayment were slight and insecure, and that the proposed site of the dwellings was a Native Reserve, and was inalienable.'⁸⁹⁸ The land therefore could not be used as security. The Registrar of the Gisborne Native Land Court pleaded for assistance, saying: 'There is no doubt that the housing conditions there are worse than in any other part of this District but their hopes of improvement are only debarred by the fact that no security can be taken over the title.'⁸⁹⁹ The Government offered a compromise agreement to build 'simple houses' on the reserves if the applicants had enough income to repay loan advances, and would allow the Government the right to remove buildings on the reserve in the event of non-payment. However, it appears that the houses were never built. An application in 1948 from settlers on the Ruatoki scheme, supported by the Rotorua Native Land Court registrar, was deferred, apparently because of a shortage of skilled labour to build the houses.⁹⁰⁰

892. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 687; Alexander, 'The Land Development Schemes' (doc A74), p 285

893. Alexander, 'The Land Development Schemes' (doc A74), p 285

894. Waitangi Tribunal, *The Hauraki Report*, vol 3, pp 1185–1186; Waitangi Tribunal, *Te Tau Ihu Report*, vol 2, p 998

895. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1937; Murton, 'Summary of Evidence of Brian Murton: Stage Three' (doc J10), p 44

896. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1936

897. O'Malley, 'Waikaremoana' (doc A50), pp 148–149

898. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1940. O'Malley, in 'Waikaremoana' (doc A50), p 152, also claims that some of the reasons given for rejecting the application were not financial: 'Yet despite this concession, it appears to have been these doubts as to the "economic justification" of providing housing at Waikaremoana which resulted in little being done. One official, for example, queried whether providing housing for old age pensioners would be "unwisely encouraging young people to return to the settlement."'

899. Registrar, Native Land Court, Gisborne, to Native Under-Secretary, 4 August 1938 (O'Malley, 'Waikaremoana' (doc A50), p 151)

900. Alexander, 'The Land Development Schemes' (doc A74), pp 113–114; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1963

In general, few Maori were able to access loans under the Act. By 1940, only 171 homes had been built, purchased or renovated nationwide under the original provisions of the Act, and by 1948, 13 years after the Act was passed, only 742 had been built, purchased or renovated.⁹⁰¹ By comparison, by 1940, 1,224 houses had been built, purchased or renovated as part of development schemes.⁹⁰² Between 1938 and 1941, in the entire Waiariki Maori Land Board District, which included most of the Bay of Plenty, and all of Te Urewera apart from land south of Waikaremoana, just 33 applications were approved under the original Act.⁹⁰³ Unfortunately, we received no evidence on how many of these, if any, were in Te Urewera. A report on housing in the Waiariki District noted that 'the need for improved housing conditions in the district is very great, particularly in areas not affected by the Native land development policy'. Where the need was greatest, people had insufficient security or income to obtain a loan.⁹⁰⁴ They were caught in a cruelly ironic situation whereby the poverty which forced them to live in substandard housing also prevented them from getting help.

The Government was aware of these problems, and consequently amended the Act in 1938 to establish a special fund for Maori who could not give security or make payments required under the parent Act.⁹⁰⁵ The fund was, however, far too small. The Under Secretary of the Native Department admitted in 1939 that about three million pounds was required to provide adequate housing for all Maori, but only £100,000 was available.⁹⁰⁶ By mid-1939, the money had run out.⁹⁰⁷ Despite the stated purpose of the fund, the Government preferred to loan the available money to applicants who had paid a deposit of £50, and could repay the loan, since they had 'made an effort to help themselves'.⁹⁰⁸ As a 1941 report on Maori housing in the Waiariki District noted:

The great majority of the Maoris in this district who have already applied for assistance have little or no security to offer. How to build a house for a large family with a limited capacity to repay is the ever-present problem. The deplorable living conditions under which a large number of Natives are still living in this district are of such extent that neither the present funds nor the existing organization can hope to satisfactorily meet the position in the near future. Years of unrelenting effort lie ahead.⁹⁰⁹

901. Orange, 'A Kind of Equality', pp 89, 93

902. Ibid, p 93

903. Board of Native Affairs, 'Report on Native Land Development and the Provision of Houses for Maoris, Including Employment Promotion', AJHR, 1938, G-10, p 10, AJHR, 1939, G-10, p 9, AJHR, 1940, G-10, p 7, AJHR, 1941, G-10, p 8

904. Board of Native Affairs, 'Report on Native Land Development and the Provision of Houses for Maoris', 1938

905. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1937, 1941; Native Housing Amendment Act 1938, s 18

906. Orange, 'A Kind of Equality', p 91

907. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1938

908. Orange, 'A Kind of Equality', p 88; Ferguson, *Building the New Zealand Dream*, p 164

909. Board of Native Affairs, Report on Native Land Development and the Provision of Houses for Maoris 1941

By 1940, 197 houses nationwide had been built, purchased or renovated under the amendment, and by 1948 the number was 555.⁹¹⁰ In the Waiariki District between 1938 and 1942, there were 121 successful applications.⁹¹¹ As with the original Act, we do not know how many such loans were granted to Maori in Te Urewera, but it is clear that there were not enough to meet the urgent need.

The ex-servicemen's rehabilitation scheme offered housing loans on similar terms to the Native Housing Act.⁹¹² As with that Act, most Maori were unable to access rehabilitation loans, as their land was multiply owned and they lacked sufficient income to afford repayments. The Board of Native Affairs was involved in administering the rehabilitation loan process, and seems to have required larger deposits and shorter repayment times than were required for Pakeha applicants. For example, John Waiwai from Te Kuha-Waimako applied for a loan in 1946, and was told he would be required to repay five pounds per month over 20 years. He stated he could only afford to pay 10 shillings per week, less than half the amount stipulated. Pakeha applicants were usually given 30 years to repay their loans.⁹¹³ Overall, 44 rehabilitation scheme houses were built in the Waiariki Maori Land Board District from 1945 to 1948.⁹¹⁴ The Waiariki District was much larger than Te Urewera, and it seems that few of the 44 houses were in our inquiry district.⁹¹⁵

Other steps were taken in the post war decades. From the late 1940s, Maori Welfare Officers played 'crucial roles' in helping people to apply for home loans.⁹¹⁶ From 1959, families were enabled to capitalise future family benefits to provide mortgage deposits; this was reported as being of 'tremendous assistance' to Maori.⁹¹⁷ A decade later, 100 per cent (no deposit) loans specifically for rural housing improvements were made available through the Department of Maori Affairs. However, applicants did need to have an undivided interest in the mortgaged land.⁹¹⁸

Building a home in many rural areas posed additional challenges for Maori. In 1956, the Department of Maori Affairs announced that it would now only help provide housing in areas where there were 'normal employment opportunities', and where 'educational and other amenities were within reasonable reach'.⁹¹⁹ It later explained that in isolated areas the cost of building a house was 'well above its market value'. According to Murton, the Department 'acknowledged that there

910. Orange, 'A Kind of Equality', pp 89, 93

911. Board of Native Affairs, Reports on Native Land Development and the Provision of Houses for Maoris, 1938, 1939, 1940, 1941

912. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1943

913. Ibid, pp 1967-1968

914. Ibid, p 1968

915. Ibid, p 1966. For the boundaries of the Waiariki district, see map of pre-1961 Maori Land Board Administrative Districts in Krivan, 'The Department of Maori Affairs Housing Programme', between pp 35-36. The district also included most of Bay of Plenty, the Western part of the East Cape, Taupo and a small part of the Eastern Waikato.

916. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1946, 1969

917. Ibid, pp 1946, 2005

918. Ibid, p 2007

919. Ibid, p 1971

were excellent reasons for people not leaving particular areas, and pointed out that it was not its intention to use housing policy as a measure to induce Maori families to leave their ancestral areas.⁹²⁰ This was, however, the inevitable effect. In 1959, Tuhoe representative Parimi Rangi told the Minister of Maori Affairs that many people did not want to relocate, but wanted better housing in their home kainga. In response, the Minister simply reiterated the need for people to live where there were jobs, schools, and services.⁹²¹ By 1960, the Department was asking its welfare officers to 'do everything they could' to encourage Maori to move away from places such as Matahi and Ruatahuna.⁹²²

Building houses in 'isolated' areas was also made difficult by the Town and Country Planning Act 1953. This encouraged local authorities to control the size, land use, and housing density of rural land blocks, in order to properly coordinate infrastructure and utilities, and avoid indiscriminate building over productive farmland.⁹²³ Initially, most local bodies were fairly flexible where Maori land was concerned, but by the early 1960s the Whakatane County Council tightened up its policies and now refused to consent to partitions which created sections smaller than five acres in rural areas.⁹²⁴ Wairoa County Council, which covered the Waikaremoana area, had a similar attitude.⁹²⁵ This made it difficult for Maori to subdivide their land holdings and thereby gain access to housing assistance.⁹²⁶ Even where land had already been subdivided, planning rules often prevented the construction of new houses.⁹²⁷ The Department of Maori Affairs initiated talks with councils and with other departments, but it took a Planning Tribunal Appeal decision in 1985 to make Whakatane County Council change its policies.⁹²⁸ This was despite the Town and Country Planning Act 1977 stating (in section 3(1)(g)) that the 'relationship of the Maori people . . . with their ancestral land' was a matter of national importance, and should be provided for in regional and district planning schemes. Awhina Rangiaho told us that her whanau's homes were unjustly condemned as unsanitary, and the whanau could not get permission to build new houses because they did not have enough land to meet the subdivision requirements. It was made clear to her whanau that they should leave the Waiotape Valley, near Ohiwa, and move to Rotorua:

Our parents were offered state homes in the city (Rotorua) and were told they had to go and work in the big city. Bulldozers were sent to destroy our homes. They left only two for the koroua and kuia who could not have survived relocating to the city

920. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p1972

921. Ibid

922. Ibid, p1973

923. Ibid, p1996; Town and Country Planning Act 1953, s3

924. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp1996–1998

925. Ibid, p2024

926. Ibid, p1999

927. Ibid, pp2025–2028

928. Ibid, pp2026–2030

and were far too old to be productive in a factory environment. This was the early 1960s.⁹²⁹

It should be noted at this point that county councils have never been part of 'the Crown', and we therefore lack jurisdiction over their activities. However, the Crown did set the rules by which local authorities could operate, including the Town and Country Planning Act. It could have modified this Act, or in some other way compelled county councils to allow Maori to build homes on their own land.

Murton states that between 1935 and 1967, the number of permanent private dwellings owned by Maori increased by about 23,000. Of this total, about 64 per cent were built with the help of the Department of Native / Maori Affairs. Another 20 per cent were built with other financial aid from the Crown, such as the State Advances Corporation.⁹³⁰ In his study of Maori housing policy in this period, Mark Krivan stated that Crown provision of houses to Maori fell well short of what was needed; population growth and the need to replace existing substandard houses meant that in the 1960s around 4,200 new houses were needed each year.⁹³¹

By the early 1980s, around 90 per cent of Maori housing finance was provided by the Crown, through either the Department of Maori Affairs or the State Advances Corporation.⁹³² Even this, however, was nowhere near enough to meet the huge demand.⁹³³ Moreover, most of these houses were built in urban areas. Murton states that 'the [Maori Affairs] department allowed Maori rural housing stock, much of which was already poor quality, to deteriorate even more.' He suggests that this was part of the general policy of amalgamating Maori into Pakeha culture; the provision of housing was a 'reward for adopting a Pakeha way of life.'⁹³⁴ In practical terms, it was partly the result of new rural planning regulations, and partly because of the Crown's cost-recovery policy for housing, which meant it preferred to lend to those in areas with a reasonable supply of jobs. The mass urban migration of the post-war years was both a cause and an effect of the Crown's focus on urban housing: Maori migrated partly in search of better housing, and the Crown provided housing in cities and towns because that was where Maori were finding steady work.

The Crown was also involved in providing rental housing for Maori. In Te Urewera, this mostly occurred through employee housing in the timber industry. One of the reasons behind the establishment of Minginui was the substandard housing in Te Whaiti; Minginui was designed to be a 'model village' where forestry and sawmill workers could be properly housed.⁹³⁵ By 1950, the Forest

929. Rangiaho, brief of evidence (doc J15), p 4

930. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1947

931. Krivan, 'The Department of Maori Affairs Housing Programme', pp 107–108

932. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 2008

933. Ibid, pp 1946–1947

934. Ibid, p 1947

935. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 483, 484–485, 496

Service owned 32 houses in the village.⁹³⁶ By the 1980s, it also owned 62 houses in Murupara, and all the housing stock in Kaingaroa, where significant numbers of Maori from Te Urewera had migrated.⁹³⁷ The Crown also built houses in Murupara and leased them to the Kaingaroa Logging Company, which sub-let them to its employees. KLC purchased the houses from the Crown in the early 1960s.⁹³⁸ It became apparent in the late 1980s that some of these Forest Service houses were not well constructed, but while the Service was maintaining the buildings there seem to have been few problems. In 1972, DS Cowbourne of the Forest Service's Rotorua office observed that Minginui 'in its present form has a life of perhaps another 10 years, by which time the bulk of the houses will be well past their useful life.'⁹³⁹ In response, the Crown built 18 new houses and purchased one private house in the village.⁹⁴⁰

Elsewhere in New Zealand, the Crown provided State rental houses, but for several decades this was of no benefit to Maori in Te Urewera because the houses were built only in cities and towns.⁹⁴¹ It was not until the 1970s that the Crown began building rural State houses, despite high levels of need in rural areas.⁹⁴² The first rural State housing initiative was the kaumatua flats scheme, begun by the Department of Maori Affairs in 1965. This initially provided rental flats for Maori pensioners in urban areas. In 1971, the Government allowed these flats to be built near rural marae (often called papakainga zones) or on Maori-owned land. In Te Urewera, two single-bedroom and two double-bedroom kaumatua flats were built at Ruatoki in 1974.⁹⁴³ The budget for the flats was derisory, allowing only about three per year to be built nationwide from 1965 to 1975.⁹⁴⁴ Funding seems to have increased significantly by the 1980s, and flats were built at Te Kuha-Waimako (six units of two flats each), Ruatoki (four units, built in 1985), and Ruatahuna (four units completed in 1988).⁹⁴⁵ The Ruatoki flats came about through three years of Ngati Rongo lobbying, while the Te Kuha-Waimako flats were the result of two

936. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 508

937. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 187

938. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1985, 1988

939. DS Cowbourne, 'Minginui Village and HQ', 22 November 1972 (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 520)

940. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 232

941. Ferguson, *Building the New Zealand Dream*, p 137

942. Murton writes that some houses built in Murupara in the 1950s were technically State houses. However, they were leased to the Kaingaroa Logging Company, which sub-let them to its employees, so they were not State houses in the usual sense: Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1985.

943. Ibid, pp 2006, 2059

944. Krivan, 'The Department of Maori Affairs Housing Programme', p 125

945. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 2060–2068; Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 551; Planning Committee minutes, 3 October (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a) (PP)), p 12)

years of lobbying by a Wellington-based Ngati Ruapani group, which also provided free building labour.⁹⁴⁶

In summary, Crown aid for Maori housing in Te Urewera during the period 1935 to 1984 was limited, and based mostly on loans. Credit was available through the development schemes, the Native Housing Act 1935 and its 1938 amendment, and the ex-service rehabilitation scheme, and these mechanisms allowed some improvements in Maori housing in Te Urewera. Of these, the development schemes were the most effective means of housing improvement, but excluded those who had no scheme lands, and those on the Ruatahuna scheme, whose lands could not take more debt. The desire to save money, on the part of both owners and the Crown, also meant that many development scheme houses were substandard and lacking in basic amenities. People without individual land titles or sufficient income were usually unable to get loans, which ironically meant that those most in need of aid were the least able to access it. The Crown provided some rental housing, mostly through the Forest Service but later also the kaumatua flats. As we have seen, the provision of Forest Service housing in Minginui and elsewhere led to a significant improvement in standards of living in the timber towns, but only in those towns. The 1938 amendment to the Native Housing Act, which provided financial aid to those who could not qualify for other loans, improved the lives of those few lucky enough to receive help, as did the kaumatua flats, but as we have seen their numbers were very small.

23.7.3.4 Water supplies

Throughout the period covered by this chapter, various Te Urewera communities had persistent difficulties in accessing reliable and safe supplies of drinking water. As we noted earlier, there were widespread problems with water supplies in the early twentieth century, and Crown efforts to improve them were fairly limited. Water supplies in Te Urewera were mostly the responsibility of the Department of Health and the Department of Maori Affairs until the mid-1960s, when ownership and responsibility was shifted to county councils.

When water supplies were improved, it was generally through community initiatives, with the Crown usually providing half the funds. At Umuroa, for example, the water supply was condemned by the Department of Health in 1937. The local komiti marae responded by buying materials, raising money, and lobbying the Government. Komiti secretary Sonny Kameta wrote to the Health Department requesting some financial assistance to build a new water system, stating:

For a number of years there was a serious epidemic of typhoid fever and through this the water was considered to have caused this out-break. The water has been

946. Ben Couch to chairman, Cabinet Committee on Expenditure, July 1982 (Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 2064–2065)

condemned by the Health Authorities from time to time but no improvements have been made.⁹⁴⁷

The Native Department agreed to use Civil List money to pay £23 of the estimated £37 cost. After some delays, and further inquiries from Kameta, the system was built in 1938.⁹⁴⁸ In the late 1930s the Department of Health established a fund for improving Maori water supplies and constructing pit toilets. About £10,000 per year was set aside for water supplies, with the money being made available on a pound-for-pound basis.⁹⁴⁹ Over the next few years, water supply systems were built at other settlements around Ruatahuna, namely Mataatua, Tatahoata, and Kakanui, with a combination of local and Crown funds.⁹⁵⁰ Supply systems were also built at Waikotikoti kainga in Te Whaiti in 1943, Waimako in 1944 (after war-related delays) and at Otekura in 1945.⁹⁵¹ By 1950, previously installed systems had been extended at Ruatahuna, and a new system installed at Uwhiarae. At Te Kuha, the old supply system was found in 1950 to be silted and contaminated by animal waste, and so a new water system was installed in 1952.⁹⁵²

The Crown did not always respond favourably to requests for help. In 1939, the Department of Health turned down an application from Otekura on the basis that no suitable source of water could be found. Residents promptly took matters into their own hands and dug a well for themselves.⁹⁵³ In 1940, the people of Waimako raised half the funds for a new water tank, in the expectation the Government would pay the other half. However, the request was shelved, apparently because it was felt the community could afford to pay for the entire project themselves.⁹⁵⁴ Both kainga did get water supply systems in the mid-1940s, with the Health Department paying half the costs and the community the other half.⁹⁵⁵

Water supply systems could also be funded through the development schemes. In chapter 19, we discussed the Ruatoki water scheme, which was constructed in the late 1930s and early 1940s as part of the development scheme there. Its primary purpose was to serve the development farms and, as with other development scheme work, the money had to be repaid.⁹⁵⁶ In 1947, the Department of

947. Sonny Kameta, secretary, Umuroa Committee Marae, to Maori Hygiene Department, 24 April 1937 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(HH)), p 132)

948. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1866–1867

949. Ibid, pp 1863, 1876

950. Ibid, pp 1867, 1877

951. Ibid, pp 1878–1879, 1881–1882

952. Ibid, pp 1883–1884

953. Ibid, pp 1877–1878

954. Ibid, p 1868; Watt, Director-General of Health, to Under-Secretary, Native Department, 17 December 1936 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(HH)), p 155)

955. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1881, 1882

956. Oliver, 'Ruatoki' (doc A6), pp 150–152; Alexander, 'The Land Development Schemes' (doc A74), p 92; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1894

Health improved the Tatahoata supply, which served the Ruatahuna development scheme.⁹⁵⁷

In 1964, Whakatane County Council became the principal rating authority for Te Urewera. Within a year it had taken over the maintenance and provision of the vast majority of water supplies in Te Urewera from the Departments of Health and Maori Affairs. The Crown financed upgrades to the water systems at Ruatoki and Ruatahuna before they were handed over.⁹⁵⁸ In chapter 19, we found that the transfer of the Ruatoki water system to the Council was a Treaty breach and possibly also unlawful; the Ruatoki community had contributed most of the funding for the system and the Crown therefore had no right to give it away. We also saw that Ruatoki experienced ongoing problems with the quality of their water, and that it was deemed unfit for human consumption throughout the 1970s and 1980s. We found in that chapter that these problems were a prejudice arising from the Crown's actions in depriving the community of control of the water system which they had largely paid for.

Improvements were made to the water supplies of several Te Urewera communities in the middle of the twentieth century. In most cases, these were paid for partly by the Crown and partly by the community, although at least part of the Crown's contribution generally had to be repaid. Several communities experienced ongoing problems with water quality, and there were ongoing conflicts between local and central government and the local communities over who should be responsible for the considerable upkeep costs of water supply systems.

23.7.3.5 Education

As in earlier periods, the claimants' allegations about education can be grouped into two basic categories: those relating to the monocultural and monolingual nature of State education, and allegations of inadequacy, specifically in terms of access and career preparation. For this period, we had the benefit of many of the claimants' personal recollections of their school years.

We saw earlier in this chapter that native schools tended to promote Pakeha culture and to regard Maori culture, implicitly or otherwise, as inferior and unworthy of a place in the school system. New leadership in the native schools branch of the Education Department led to Maori arts and crafts being introduced into the curriculum from the early 1930s.⁹⁵⁹ In Te Urewera, elements of Maori culture were taught at Huiarau, Rangitahi, and Ruatoki Schools from the mid- to late 1930s, and Kokako School from 1946.⁹⁶⁰ Murton writes that 'an extensive range of Maori arts and crafts were offered in most schools. These included wood carving, design,

957. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p1883

958. Bassett and Kay, 'Ruatahuna' (doc A20), p 335; Oliver, 'Ruatoki' (doc A6), p186. The Tuawhenua Research Team claim that the Ruatahuna supply was not handed over to the Whakatane County Council until 1971: Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 474.

959. Simon and Smith, *A Civilising Mission?*, pp 115, 174

960. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p1384, 1384 n 4781

tukutuku and taniko work, games, song and dance.⁹⁶¹ Local and Maori history was also taught at Kokako School in 1939.⁹⁶² Acting Inspector T A Fletcher commended the teachers at Rangitahi School for their 'encouragement given to Maori arts and crafts, singing . . . rhythmic dancing, pois and other features of the revised curriculum.'⁹⁶³ Fletcher reported in 1938 that the pupils at the same school had constructed a model carved meeting house, which was opened with 'due ceremonial function', and noted that the school had excellent relations with parents and the community.⁹⁶⁴ In the 1950s and 1960s schools all over Te Urewera received positive reports on their Maori culture programmes.⁹⁶⁵ The wider community sometimes benefited as well. Te Whaiti Maori School offered adult education classes in Maori arts and crafts and te reo, and in 1950 these were attracting up to 70 students from around the Whirinaki valley.⁹⁶⁶ The school also organised a trip to Auckland, where pupils took great interest in the museum's collection of taonga.⁹⁶⁷

Much of the Maori cultural content was taught by Maori teaching assistants, especially in the early years of the Maori culture policy. Local speakers were also brought in to instruct in areas such as carving and local history. At Huiarau in Ruatahuna, for example, 'the old chief, Te Whenuanui' gave lessons in carving, and an 'old Maori man called Rehua' gave lessons in Maori knowledge and histories, which the children had to translate into English and sometimes turn into a play.⁹⁶⁸ In general, Maori cultural content was more likely to be taught where Maori junior assistants were employed. Simon and Smith note that Pakeha teachers were often reluctant to take up such activities because they were unfamiliar with them, or their workloads were already too high.⁹⁶⁹ In Te Urewera, it appears that Maori junior assistants were only consistently employed at the Ruatoki and Rangitahi schools in the 1930s and 1940s, hence their stronger programmes. Other schools that lacked Maori junior assistants, such as Waiohau, seemed to have taught less Maori cultural content at this time.⁹⁷⁰

By the 1950s and 1960s, most Te Urewera primary schools seem to have had a Maori culture element to the curriculum.⁹⁷¹ In part, this was because there was an increasing number of Maori teachers, some of whom were outstanding. Minginui

961. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1384

962. Ibid, p 1386

963. T A Fletcher, acting Inspector of Native Schools, 'Inspection Report Rangitahi Native School', 13 October 1936 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(x)), p 156)

964. T A Fletcher, acting Inspector of Native Schools, 'Inspection Report Rangitahi Native School', 22 September 1938 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(x)), p 158)

965. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1473

966. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 556

967. Ibid, p 559

968. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1385

969. Simon and Smith, *A Civilising Mission?*, pp 175–176

970. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1374, tbl 65

971. Ibid, p 1473

Maori School was particularly fortunate, successively employing Merimeri Penfold, Hirini Moko Mead, and Paki Harrison from the late 1940s to the early 1960s. Mead and Penfold also taught at Te Whaiti, which had 'a strong focus on tikanga Maori'.⁹⁷² Ruatoki and Huiarau Schools both had Maori head teachers in the 1960s.⁹⁷³ Pou Temara has said that when Maurice Bird became head of Huiarau in 1958, 'ka Maori te ahua o te kura' ('the school changed to be Maori in nature').⁹⁷⁴

At most schools, however, the Maori aspects of the curriculum seem to have been minor additions to a school system which was still overwhelmingly Pakeha, especially in the 1940s. Te Tuhi Hune, who went to Tawera Native School in that decade, said:

The only rules were Pakeha, there was no consideration given to our ways . . . Had it not been for a complete denial of my Tuhoetanga or of a total rejection of those things most important to me and my Maori world at Te Whaiti, I would have happily participated in school.⁹⁷⁵

Kaa Kathleen Williams told us about her monocultural experience at Waiohau school:

During my years of schooling at Waiohau, not one topic of Maori was ever studied. There was a clash of cultures.

For example:

- (a) We learnt songs like 'Do ye Ken John Peel'; 'British Grenadiers'.
- (b) We flew the union jack. But because it was flown on the flag pole of one of our ancestors respect was paid not so much to the flag, but to our ancestor who stood beneath it. There was also a form of sport which conflicted badly with Maori tikanga. It was a sport called 'Leap Frog'. There were two lines. One formed stones, the others leaped over the stones with legs straddled. If the stones were boys and the girls frogs then no one jumped. We pretended to be sick, to go to the toilet, or to sit and not jump. The teachers got very angry until the old people and parents explained to them that girls must 'never jump over boys'.⁹⁷⁶

Even in 1983, the focus of Rangitahi District High School was almost solely on western academic achievement; there was little Maori content, despite Maori pupils making up 81 per cent of the roll.⁹⁷⁷ The Maori cultural elements were never intended to be a major part of the curriculum at any school; a 1934 memorandum stated that the first aim of the schools remained a higher standard of attainment

972. Ibid, pp 1474–1475

973. Ibid, p 1475

974. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), pp 478–479

975. Hune, brief of evidence (doc G15), pp 5–6

976. Williams, brief of evidence (doc C16), p 44

977. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1452

in oral and written English.⁹⁷⁸ A report from the following year stated that the new Maori cultural elements were, and would remain, 'subsidiary to the main task of the Native primary school'. This was 'to give the Native children a thorough training and facility in all branches of English, writing, and arithmetic'.⁹⁷⁹ While there was clearly some intention of making native schools less monocultural, most pupils' experiences were still of an alien environment.

The monocultural nature of the State school system was shown most clearly in the ban on te reo, which continued in Te Urewera until the 1940s or 1950s, and which was enforced with a range of degrading punishments.⁹⁸⁰ We received a wealth of evidence from claimant witnesses on the te reo ban, and how it made them feel humiliated, belittled, and ashamed of being Maori. For example, Mrs Williams recalled traumatic experiences at Huiaarau and Rangitahi Native Schools in the 1940s:

I was five when I started at Huiaarau school in Ruatahuna. It was my first contact with the English language. Maori was my first language or mother tongue. My older brother warned me at the gate '*Don't you speak Maori beyond this gate.*' This was an established rule in all schools . . . Without a voice, I couldn't enunciate my thoughts. How could I express my simple wants and desires? How could I express my feelings? How could I laugh and sing? Tears poured down constantly. I wet myself. I couldn't ask to go to the toilet. I sat silent. For one whole year I was silent and unhappy. Not a sound came out of my mouth while I was at school.⁹⁸¹

She then moved to Waiohau, where punishments for speaking Maori continued:

In Waiohau the children and the adults still spoke Maori but at school it was a hidden language. If caught, we were strapped, hit with a length of supple jack, or sent to collect firewood from amongst the gorse. We tiptoed trying to dodge the prickles because of our bare feet.⁹⁸²

James Doherty spoke to us about being punished at Te Whaiti school around the same time, saying that 'Most days I was strapped, because I could not spell and for not speaking English, I didn't know any English at all'.⁹⁸³ Mr Hune told us about Tawera Native School in the 1940s and early 1950s:

978. Education Department, 'Memorandum for Headteachers of All Native Schools', 19 January 1934 (Simon and Smith, *A Civilising Mission?*, p 115)

979. 'Education of Native Children', AJHR, 1935, E-3, p 5 (Simon and Smith, *A Civilising Mission?*, p 115)

980. There was disagreement on exactly when it ended; it probably differed between schools. Counsel for Tuawhenua and Ngati Hineuru submitted the general prohibition ended in 1946 and counsel for Tuawhenua submitted that it did not end until 1959 at Huiaarau School in Ruatahuna: counsel for Tuawhenua, closing submissions (doc N9), p 296; counsel for Ngati Hineuru, closing submissions (doc N18), p 40; counsel for Tuawhenua, closing submissions (doc N9), p 263.

981. Williams, brief of evidence (doc C16), pp 39-40

982. Ibid, p 41

983. Doherty, brief of evidence (doc D27), pp 9-10

In the school, the only language used was reo Pakeha. The only rules were Pakeha, there was no consideration given to our ways. We were forbidden from speaking Reo Maori. If the teacher heard us speak Maori, we were sent to the Principals office. I was often sent to the office. I recall vividly being whipped with rakau. I couldn't understand the reason for being punished, it made me want to learn English just to avoid being whipped.⁹⁸⁴

At Ruatoki School in the 1940s, pupils were strapped or made to write 'I will not speak Maori' over and over.⁹⁸⁵ Gladys Colquhoun, who went to Kokako School in the 1940s, recalled that male pupils were 'thrashed' with bamboo, and had a rolled-up strap thrown at them for speaking te reo. She stated that the teacher, Miss Harvey, said that she had been told by her superiors from the Education Department to 'knock the Maori out of us' at school.⁹⁸⁶ Another Kokako pupil, Pari Winitana, told us that a new teacher started when he was there:

He had been teaching at Ruatahuna, and boy, was he strap happy. He used the same strap as [the previous teacher], but also introduced the eating of the taniwha soap.

I had to eat a block of soap 2 inches by 6 inches by 1 inch thick. Each time he caught me korero Maori, he took me to the cloakroom and made me eat that soap. I had to swallow all the soap, then he'd get me to drink water so the soap would go down my throat. I can still taste the soap today.⁹⁸⁷

Matekino Hita also referred to soap being used as punishment at Kokako.⁹⁸⁸

Because te reo was still the dominant language in Te Urewera, most pupils from the 1930s and 1940s grew up fluent in the language despite the schools' policy. Terry Firkin said that in Ruatoki he was expected to speak Maori when he came home from school.⁹⁸⁹ A pupil at Ruatoki School in the 1940s said that English was banned at home:

When [the strap] stung your hands and legs you knew you had to try hard not to speak the Maori language. Then when you go home and you have picked up that foreign language that is going to be your scholarship for the next five or six years . . . and drop all these beautiful English words, you get another walloping and you would get a good dressing-down. 'Who do you think you are – you come back here, you speak your own Maori language. You are Maori, you belong here. You speak your language. You respect your grandparents'. . . My parents . . . made sure the speaking of the English language was done at school, not at home.⁹⁹⁰

984. Hune, brief of evidence (doc G15), p 5

985. Terry Ferkin, brief of evidence, 10 January 2005 (doc J32), p 2; Simon and Smith, *A Civilising Mission?*, pp 96, 290

986. Colquhoun, brief of evidence (doc H55), pp 8–9

987. Winitana, brief of evidence (doc H24), p 8

988. Hita, brief of evidence (doc H58), p 3

989. Ferkin, brief of evidence (doc J32), p 2

990. Simon and Smith, *A Civilising Mission?*, p 290

Nina Buxton, who went to Kokako School from 1945 to 1953, informed us that

The original aim of the Native Schools was to assimilate Maori pupils, who were expected to respect and honour Her Majesty the Queen and 'Mother England'. Because our kuia, koroua were still numerous in our formative years the impact on the language and tikanga was minimal.⁹⁹¹

For most children, the te reo environment at home made up for the English-only environment at school, allowing most to retain their reo and become bilingual.

Around the middle of the century, English became stronger in Te Urewera. The ban on te reo in schools seems to have done the most linguistic damage not on those who experienced it, but on their children. Rangimarie Paku, who attended both Huiarau and Kokako Schools from about 1945 to 1953, told us that the use of te reo declined because parents did not want children to be punished for using it in the classroom. 'Our elders were scared that their children would be hit . . . To me that is when the language started to die, as the elders felt for their children and grandchildren so they turned to learn to speak English.'⁹⁹² As we noted earlier in this chapter, some who were punished for speaking te reo in the 1930s did not pass the language on to their own children for fear of their children being punished. Other parents spoke English at home because they thought English fluency would help their children progress in life.⁹⁹³ There were other factors at work, however, such as the growth of the timber towns. These attracted Maori and Pakeha workers, and meant that more Maori grew up in mixed settlements. By the 1940s, most children at Rangitahi were speaking English as their main language.⁹⁹⁴ In the less mixed settlements of Tawera and Ruatoki, reports from the early 1960s stated that many pupils had limited English fluency, and at Ruatoki 'the only English spoken was in the classroom', which inspectors felt was a cause of poor School Certificate results.⁹⁹⁵

By this time, most schools were beginning to accept te reo, especially outside of the classroom. Jack Ohlson was invited to teach Maori at Te Whaiti Native School in 1947 or 1948, assisting a Pakeha teacher who was a poor speaker of Maori but 'a gun' at writing it.⁹⁹⁶ Another claimant witness, Maria Waiwai, was a teaching assistant at Ruatahuna, Mangamuka and Rangihau-ua schools in the 1940s, transferring to Kokako School in 1945.⁹⁹⁷ A Maori teacher at Ruatoki School from 1947 to 1949 allowed children to speak Maori in the playground, and did not strap them for speaking Maori in class. The teacher spoke te reo to the children in the

991. Buxton, brief of evidence (doc H54), p 7

992. Rangi Paku, brief of evidence, 18 October 2004 (doc H37), pp 5–6; see also Doherty, brief of evidence (doc D27), pp 9–10

993. Doris Rurehe, brief of evidence, 22 June 2004 (doc E24), p 2; Hale, brief of evidence (doc F15), p 3

994. Williams, brief of evidence (doc C16), p 40

995. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1432, 1476–1477

996. Jack Tapui Ohlson, brief of evidence, September 2004 (doc G36), paras 5–7

997. Maria Waiwai, brief of evidence, no date (doc H18), pp 18–19

playground, but on moving into the classroom said ‘Ko inaianei te Pakeha taatou reo.’ (Now our language is English).⁹⁹⁸ In the early 1950s, Merimeri Penfold began teaching some of her classes at Te Whaiti in te reo, to the disapproval of the school inspector.⁹⁹⁹ Inspectors also disapproved of Ruatoki pupils being allowed to speak Maori ‘at all times’ in 1962.¹⁰⁰⁰ At Huiarau, Maurice Bird allowed te reo in the playground and other informal situations.¹⁰⁰¹ Later teachers at Huiarau played records in te reo in the classroom.¹⁰⁰²

The secondary schools began to offer te reo as a subject; it was available at Rangitahi High School as early as 1950.¹⁰⁰³ Te reo Maori was also offered along with Maori studies at Ruatoki District High School, and in 1970 six pupils from the school passed School Certificate Maori.¹⁰⁰⁴ Outside te reo class, however, pupils in the 1960s were still punished for speaking te reo on school grounds, by being made to write ‘I will not speak Maori’ a hundred times or collect horse or cowpats for an hour.¹⁰⁰⁵ Tame Iti told us that ‘The only lingering memories of the state school system I have are of the stench of cow shit that I was made to carry from one paddock to the other for speaking my native tongue.’¹⁰⁰⁶ When Ruatoki High School closed in 1972, the community made it clear they wanted te reo and Maori studies to be available at Whakatane’s Trident High School, to which most pupils transferred. Although the programme initially flourished, the Maori studies and te reo roll dropped by the end of the decade, and seems to have received limited support from the school.¹⁰⁰⁷

The decline in te reo fluency appears to have occurred in the 1970s. In 1963, a study by Richard Benton found that Maori was the sole medium of communication in the playgrounds of Ruatoki and Tawera schools.¹⁰⁰⁸ However, a follow-up study at Ruatoki and Tawera schools in 1977 showed that the use of Maori by the children had declined considerably. Testing by school staff at Ruatoki found that only about 30 per cent of the children were fluent in Maori.¹⁰⁰⁹ Benton thought that one important factor was urbanisation, since Ruatoki children would often spend part of each school holiday with relatives in centres where English was the predominant language.¹⁰¹⁰ Television was another key influence, according to the head teacher at Ruatahuna from 1976 to 1981, Kevin Lawson.¹⁰¹¹ When interviewed

998. ‘Maori Teacher, 1947–49’ (Simon and Smith, *A Civilising Mission?*, pp 290–291)

999. Hutton and Neumann, ‘Ngati Whare and the Crown’ (doc A28), p 559

1000. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), pp 1474–1476

1001. Tuawhenua Research Team, ‘Te Manawa o te Ika, Part Two’ (doc D2), pp 478–479

1002. Rurehe, brief of evidence (doc E24), p 2

1003. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1442

1004. Ibid, p 1434. These were the school’s only School Certificate passes that year.

1005. Iti, brief of evidence (doc J22), p 5

1006. Ibid

1007. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), pp 1435–1436

1008. Ibid, p 1481

1009. Ibid, p 1496

1010. Ibid, pp 1481–1482

1011. Tuawhenua Research Team, ‘Te Manawa o te Ika, Part Two’ (doc D2), p 554; Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1482

in 1991 he said that when he first arrived at the school ‘TV had come and the kids had really stopped speaking much Maori. But the group who were a bit older who had not had TV, they all spoke exceptionally well.’¹⁰¹² This evidence suggests that although the ban on te reo in schools was psychologically scarring, it was only one of several factors contributing to the decline of the language in Te Urewera.

Once the decline in children’s te reo usage became obvious in the 1970s, communities in Te Urewera responded quickly. Ruatoki, Tawera, and Huiarau Schools had bilingual pre-school units from as early as 1973.¹⁰¹³ In 1977, Ruatoki became the first bilingual school in the country, and nearby Tawera School followed suit in 1981. Huiarau School in Ruatahuna did not become bilingual until 1985, primarily because existing staff were not sufficiently fluent in te reo.¹⁰¹⁴

The move to bilingualism came about mainly through community initiative, with largely passive support from education authorities. Funding for the bilingual programmes initially came from sources including Telethon, the Golden Kiwi, the Maori Education Foundation, and the Rural Education Activities Programme. The Education Department also provided some additional funding.¹⁰¹⁵ The Government became more supportive during the 1980s, and from 1986 bilingual schools were given regular grants for the development of resources and materials.¹⁰¹⁶ During the 1980s, numerous kohanga reo were established in Te Urewera, at Huiarau, Te Kuha–Waimako, Minginui, Waiohau, Te Whaiti and Waimana.¹⁰¹⁷

We now turn to the question of whether the education provided to Maori in Te Urewera was adequate in more general terms. Specifically, how easy was it for children in Te Urewera to access primary and post-primary education, and was it a good education by standards of the time?

By about the 1940s, primary education was reasonably easy to access from most Te Urewera settlements. In the 1950s, for example, there were three primary schools in the Whirinaki valley.¹⁰¹⁸ There were, however, still some areas without easy access. After a road was built from Waimana to Tawhana, the lower Waimana River valley was repopulated, and whanau dairy farms established. By the mid-1940s, there were at least 30 children in the Tauwharemanuka area, and the community requested a native school. This was approved by the Inspector of Native Schools and a site found. ‘But owing to the state of the road no tenders were received for the construction of the one-roomed school or the teacher’s residence. It was apparently impossible even for a light truck to get closer than 12 miles to the site.’¹⁰¹⁹ It appears that the school was never built.

1012. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1482

1013. Ibid, pp 1494, 1524, 1528, 1558

1014. Ibid, pp 1483, 1500, 1525

1015. Ibid, pp 1501–1502, 1527

1016. Ibid, pp 1527–1528

1017. Ibid, pp 1559–1560; Tuawhenua Research Team, ‘Te Manawa o te Ika, Part Two’ (doc D2), pp 557, 573

1018. Hutton and Neumann, ‘Ngati Whare and the Crown’ (doc A28), p 555

1019. Cleaver, ‘Urewera Roading’ (doc A25), p 98

From most parts of Te Urewera, access to secondary schools has always been difficult. Things improved slightly in 1936, when the proficiency examination was abolished.¹⁰²⁰ Secondary schools were generally still out of reach geographically, but students who could get to them at least did not have to pass an exam to get in. That year also saw the opening of an agricultural high school at Te Whaiti, run by the Presbyterian church. This had a small roll, however: only eight in the first year, and only 20 by 1948, many of whom came from outside Te Urewera.¹⁰²¹ It closed in 1967, after enrolments fell.¹⁰²²

The school leaving age was raised from 14 to 15 in 1943, but few Te Urewera children would have remained in school for this long. The primary school at Tuai briefly became a secondary school, but reverted in 1942.¹⁰²³ Around this time there were third and fourth form classes at Ruatoki and Tawera primary schools, but the few children in them 'were not getting the attention they deserved'. At Ruatoki, a formal secondary programme was established at the start of 1947, and enrolments quickly increased.¹⁰²⁴ Rangitahi District High School opened the same year, with a mostly Maori roll of 23.¹⁰²⁵ Ruatoki's secondary section was closed in 1972, and pupils bussed to Whakatane.¹⁰²⁶ Students from Kokako, Waimana, Matahi, Waiohau, Minginui, and Te Whaiti were also bussed long distances to school.¹⁰²⁷ Trainor Tait remembers living at Waikaremoana and going to school in Wairoa; the bus would arrive at school at 10.30 in the morning and leave at two in the afternoon, which he found deeply embarrassing.¹⁰²⁸ Students living in Waimana and attending school at Opotiki faced a round trip of over 60 kilometres, which for many years included patches of very bad road and two river fords, that were sometimes impassable.¹⁰²⁹

Even when all the secondary schools were open, students from Ruatahuna were reliant on boarding or correspondence, as they lived too far from the nearest high school to travel there daily.¹⁰³⁰ Pupils from Waiohau also boarded or studied by correspondence until 1962, when a secondary school opened in Edgecumbe.¹⁰³¹ In the mid-1950s, it was found that, of the 58 Ruatahuna children who had finished

1020. Nancy Swarbrick, 'Primary and Secondary Education – Standards and Examinations', *Te Ara: The Encyclopedia of New Zealand*, <http://www.TeAra.govt.nz/en/primary-and-secondary-education/page-4>, updated 13 July 2012

1021. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 474–475

1022. Ibid, p 477

1023. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1235

1024. Ibid, p 1424

1025. Ibid, p 1425

1026. Ibid, p 1237

1027. Ibid, p 1462

1028. Tait, brief of evidence (doc H29), para 6

1029. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1454. Murton states that the journey from Waimana to Opotiki was 'just over 30 miles' (about 50 kilometres), but it appears that he meant to write kilometres rather than miles.

1030. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 480

1031. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1455

primary school, only 40 per cent had gone on to secondary school, either through boarding or correspondence, 17 per cent were in work or apprenticeships, and the remaining 43 per cent were not in work or school.¹⁰³² The possibility of opening a secondary school at Ruatahuna was discussed in the early 1960s, but officials felt that there were too many practical problems. In the end it was decided that parents could apply to the newly established Maori Education Foundation for funding to assist with boarding, or continue to rely on correspondence.¹⁰³³

Boarding was not always an adequate solution. The Tuawhenua Research Team reported: 'Some clearly bright children could not stand to live away from family and home, finding the boarding and secondary school a foreign and alienating environment, and they ran away from boarding school forsaking their secondary education in the process.'¹⁰³⁴ Cost was a major problem. Several claimant witnesses told us of their families' struggle to afford boarding fees.¹⁰³⁵ In the early 1960s, boarding fees were £180 per year, while boarding assistance was only £75.¹⁰³⁶ The shortfall was extremely hard for many parents to meet, and families often ended up in serious debt.¹⁰³⁷ Boarding school was still putting a serious strain on family finances into the 1980s.¹⁰³⁸

Generally speaking, the quality of education at mid-twentieth-century Te Urewera schools seems to have been well-regarded at the time, although the evidence we received was limited. Harata Williams spoke highly of her time at Ruatoki School.¹⁰³⁹ The pre-war inspection reports on Rangitahi School were almost universally favourable.¹⁰⁴⁰ At Maungapohatu, all the reports cited by Murton were positive, including the school's final report in 1950.¹⁰⁴¹ Waiohau School received good reports in the 1940s, with the 1944 report stating that it was 'one of the best in the Native School's service'.¹⁰⁴² At Minginui Maori School, the temporary building initially provided by the Forest Service was too small and badly constructed, and a new building erected in 1950 was not much better.¹⁰⁴³ Former pupils remembered a good standard of teaching, however, considering the difficulties under which the teachers worked.¹⁰⁴⁴

1032. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 480

1033. Ibid, pp 481–483. The Maori Education Foundation (now Toitu Kaupapa Maori Matauranga: Maori Education Trust) was founded in 1962 with the objective of encouraging Maori into tertiary education through grants and scholarships, evidently at secondary as well as tertiary level: 'About Us', Toitu Kaupapa Maori Matauranga, <http://maorieducation.org.nz/index.php/about-us->, accessed 2 February 2015.

1034. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 408

1035. Williams, brief of evidence (doc C16), p 44; Te Kaawa, brief of evidence (English) (doc E9(a)), p 2; Paki, brief of evidence (doc H37), p 4; Buxton, brief of evidence (doc H54), p 4

1036. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 484

1037. Ibid, pp 484–485

1038. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1561–1563

1039. Harata Williams, brief of evidence, 10 January 2005 (doc J31), p 7

1040. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1353–1357

1041. Ibid, pp 1368–1369

1042. Ibid, pp 1369–1371

1043. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 544, 547

1044. Ibid, p 545

Secondary schools were more uneven. There were persistent staffing problems at Ruatoki District High School, which meant a limited range of subjects was offered.¹⁰⁴⁵ Some pupils had to take correspondence courses, and School Certificate marks were poor.¹⁰⁴⁶ Ongoing problems led to the school being closed in 1972.¹⁰⁴⁷ Rangitahi District High School seems to have provided a better standard of education, although it was reported that it had little meaningful connection with its wider community.¹⁰⁴⁸ In 1969, its School Certificate pass rate for Maori students was 43 per cent, compared to the national figure of 20 per cent, and a third of Maori sixth formers achieved University Entrance.¹⁰⁴⁹ Figures were similar a decade later.¹⁰⁵⁰

Claimants have alleged that the schools did little to prepare students for anything more than a life of unskilled labouring work. Drawing on Murton's research, counsel for Tuawhenua argued that there was

an emphasis on manual, technical and domestic training rather than academic or intellectual development. Education policy up to 1945 was based on the assumption that Maori would be farmers and farmers' wives. Educational planners did not recognise that Maori were rapidly urbanising and that young people needed to be educated to participate in a different kind of world.¹⁰⁵¹

Likewise, counsel for Ngati Ruapani submitted that the 'education supplied to Te Urewera Maori was not of sufficient quality to lift most of the people from the lower end of the socio-economic scale.'¹⁰⁵² They quoted Murton's statement: 'Under-achievement was the norm, and the schools did not do a good job in preparing children to further their education and participate in the world of business, the professions, education, the trades, and more skilled employment.'¹⁰⁵³ In response, Crown counsel acknowledged that many Maori were employed on public works and nearby forest industries, but noted that 'there is also considerable evidence of local communities ensuring their young people were sent to secondary schools, training institutions, colleges and universities to further their education.'¹⁰⁵⁴

One way in which Te Urewera school children became involved with the forest industry was through a partnership project between the Forest Service and Minginui, Te Whaiti, and Huiarau Primary Schools. The project, which began in

1045. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1421

1046. Ibid, p 1427

1047. Ibid, pp 1426–1434

1048. Ibid, pp 1442–1452

1049. Ibid, p 1450

1050. Ibid, p 1451

1051. Counsel for Tuawhenua, closing submissions (doc N9), p 296

1052. Counsel for Ngati Ruapani, closing submissions (doc N19), app A, p 187; see also counsel for Ngati Hineuru, closing submissions (doc N18), p 40

1053. Counsel for Ngati Ruapani, closing submissions (doc N19), app A, p 188; see also counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), p 359

1054. Crown counsel, closing submissions (doc N20), topic 39, p 21

the early 1980s, had pupils planting and perhaps maintaining pine saplings near Minginui. According to claimants, the schools were supposed to get the profits when the trees were eventually harvested, but after the Forest Service was corporatized later in the decade, the partnership was forgotten.¹⁰⁵⁵ We covered this issue in more detail in chapter 22, focusing on the claim for those profits.

We received limited evidence on the curriculum of Te Urewera schools in the middle of the century. Murton states that Ruatoki District High School had an emphasis on practical subjects, but that this was ‘in addition to core subjects’.¹⁰⁵⁶ The curriculum was similar at Rangitahi.¹⁰⁵⁷ In the Waiariki district more generally, Maori pupils tended to be streamed into the lowest, non-academic classes.¹⁰⁵⁸ Murton concludes:

The curriculum at all of the schools, with perhaps the exception of Ruatoki in the late 1940s and 1950s, and at Rangitahi up until the late 1950s, was oriented toward passing school certificate, or at least providing sufficient academic background to get boys into apprenticeships and girls into clerical work, nurses’ training and the like.¹⁰⁵⁹

These were reasonable goals for the time, as long as they were not considered the upper limit of what Maori might be expected to achieve. However, for reasons which we discuss below, the rates of Maori educational achievement were very low. A major cause of the low success rate was the scaling system in School Certificate, which gave much higher pass rates to academic subjects than to practical subjects.¹⁰⁶⁰ As the Te Reo Tribunal found, the pass rate for te reo was also set very low, further depressing overall Maori pass rates.¹⁰⁶¹ Another factor was the disengagement of many Maori parents from the education system. Murton records that some Maori parents placed limited value on secondary school, sometimes seeing it only as ‘a European institution which takes care of their youngsters until the age of 15’.¹⁰⁶² Many had a limited understanding of the school system, and so could not help their children to understand and thrive in it.¹⁰⁶³ All of this doubtless reflected the parents’ own experiences of school.

Another major problem was the limited opportunities for tertiary education in or near Te Urewera. In order to advance beyond secondary school, Te Urewera students had to travel long distances to an alien environment in which there were few Maori and almost none from Te Urewera. The Crown did provide assistance for those who wanted to access training outside Te Urewera, especially in the trades. Carpentry training was made available as part of the ex-servicemen’s rehabilitation

1055. Eketone, brief of evidence (doc G29), pp 3–4

1056. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1427

1057. Ibid, pp 1442, 1448

1058. Ibid, p 1438

1059. Ibid, p 1462

1060. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1463

1061. Waitangi Tribunal, *Report on the Te Reo Maori Claim*, p 29

1062. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1451

1063. Ibid, p 1477

scheme, for example, and was taken up by some Tuhoe men. Murton states that rehabilitation training was 'the first instance of any government directly preparing young Maori for a future other than rural wage labour or farming'.¹⁰⁶⁴ Another form of assistance was the Department of Maori Affairs' Trade Training Scheme, initiated in 1959, in order to overcome the lack of training opportunities in rural areas.¹⁰⁶⁵ Hostel accommodation was provided, mostly in Auckland, Christchurch and Wellington, for those enrolled in training schemes. One of the trainees was Tame Iti, who recalled at our hearings that in Christchurch, where he was sent,

we were subject to overt racism, were unfamiliar with the lifestyles of a city, and there was no support for us within the time of transition . . . The new social living situations and industries which we were forced into were devoid of any tikanga, let alone Tuhoetanga.¹⁰⁶⁶

Some trainees were also placed in Whakatane and at the Presbyterian agricultural school in Te Whaiti. Overall, few Te Urewera students were accepted into trade training and pre-employment programmes. Between 1963 and 1969 a total of about 40 boys and girls from the Maori Affairs department's 'Zone 11' attended such programmes. The zone covered most of the inquiry district, but most attendees were from Whakatane.¹⁰⁶⁷

There were a few training opportunities in and near Te Urewera. There were some apprenticeships, such as the New Zealand Forest Service's Junior Woodsman training programmes.¹⁰⁶⁸ There were some trade training schools, but in the 1960s many potential trainees were reluctant to enrol or stay on, because their friends who were not in training were often earning relatively good money in unskilled labouring jobs. As a result, many parents preferred to send their children out of the district, where their friends were less likely to tempt them to drop out.¹⁰⁶⁹ The first tertiary institution anywhere near Te Urewera was the Waiariki Community College, established in Rotorua in 1978. It became a polytechnic in 1987 and an Institute of Technology in 1998.¹⁰⁷⁰ During discussions over the future of Whirinaki forest, proposals were made for a Maori-oriented training centre at Minginui. However, these were caught up in rancour between local residents and environmentalists, and never eventuated.¹⁰⁷¹

Overall, the State education system of the mid-twentieth century failed the hapu and iwi of Te Urewera in many ways. Perhaps most importantly, it marginalised

¹⁰⁶⁴. Ibid, p 1088

¹⁰⁶⁵. Ibid, p 116

¹⁰⁶⁶. Iti, brief of evidence (doc J22), pp 6–7

¹⁰⁶⁷. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1116. For a discussion of zone boundaries, see page 1113.

¹⁰⁶⁸. Ibid, p 1130

¹⁰⁶⁹. Ibid, p 1117

¹⁰⁷⁰. 'Waiariki Institute of Technology', Archives New Zealand, <http://thecommunityarchive.org.nz/node/67743/description>, last modified 2 June 2009

¹⁰⁷¹. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 694–695



Unknown

Wairere Tame Iti. At Ruatoki, Mr Iti spoke about his memories of high school at Ruatoki in the 1960s: 'the stench of cow shit that I was made to carry from one paddock to the other for speaking my native tongue'. When he left school, he was moved with other young rural Maori to Christchurch, to serve a three-year apprenticeship in the Trade Training scheme, with official promises of a lifetime job and escape from the papakainga, where there was little hope of a better future. The reality, however, was cultural dislocation, young people severed from their Tuhoetanga, and persecution in the cities. From such experiences of urbanisation, he said, and from the rise of Tuhoie and Maori consciousness, Nga Tamatoa was born.

Maori language and culture, with many pupils being subject to harsh punishments for speaking their own language. Such practices alienated many Maori students from the education system, and, in the long term, jeopardised the survival of te reo. Secondary education was difficult to access from many parts of the inquiry district, and was largely unsuccessful at preparing young Maori for higher education or skilled work. Primary education was also difficult to access from some areas, although overall the quality of Te Urewera primary schools seems to have been good by the Education Department's standards of the time.

The concentration of Maori, in Te Urewera and elsewhere, in low paid and low skilled jobs is sometimes blamed on the shortcomings of the education system.¹⁰⁷² While these were certainly a cause, there were also other factors in play. In the 1950s and 1960s there was an abundance of work available which required no school qualifications or prior skills, and this combined with the many obstacles to secondary education to make early entry to the workforce very attractive.¹⁰⁷³ It is also clear that prejudice also contributed to Maori being over-represented in low paid jobs. In 1948, for example, a Forest Service paper written for the Maori Education and Employment Committee claimed that Maori in general were 'not fitted to embark on any enterprise which involves continuous responsibility and sustained effort'.¹⁰⁷⁴ Such attitudes – especially from a major employer of Te Urewera Maori – meant that Maori were less likely to be hired in positions of responsibility, regardless of education.

23.7.4 Conclusions

In Te Urewera, the period between 1935 and 1984 was characterised by a huge expansion of the Crown's role and presence in Te Urewera, initiated by the first Labour Government during its decade and a half in power, but continued and built upon by subsequent National and Labour governments. The Crown became heavily involved in the district's timber industry: opening its own mills, assisting private mills, and creating and running Minginui village. Its service provision role also expanded significantly: new schools were opened, the health system was expanded and made somewhat more accessible, assistance was provided for housing and water supplies, and the social welfare system was expanded on the basis of the Labour Government's underlying philosophy that all were entitled to a decent standard of living. No longer were benefits provided only to those deemed to be deserving. Instead, nearly everyone unable to support themselves was now covered.

To use the framework proposed by Professor Murton, in this period the Crown's political power and economic capability expanded; it took on new tasks and roles and became more involved in industry and the wider economy. Through this

1072. For example, counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), p 359

1073. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1427–1428

1074. 'Notes by State Forest Service for its Second Meeting concerning Maori Education and Welfare', 27 May 1948, L1 30/1/28, pt 4 (Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 46); see also Waitangi Tribunal, *He Maunga Rongo*, vol 3, p 1211

expansion, it became more heavily involved in the lives of Maori in Te Urewera, employing them, housing them, educating them for longer, and helping them to improve their health. Maori political and economic agency became inextricably connected with the Crown. Many whanau were completely dependent on the Crown for their income, whether through employment, benefits, Crown forestry leases, or development scheme farming. Opportunities for hapu and iwi, or Maori individuals, to have input into political decisions which deeply affected them were extremely limited, and largely controlled or facilitated by the Crown. In chapter 21 we saw that proposed changes to the Whirinaki State Forest would have greatly affected Maori in that area, and yet much of the lobbying was led or guided by the Forest Service and its senior staff. This lack of Maori political power was also one of the reasons why the property regime went largely unchanged, and the Town and Country Planning Act now allowed local authorities to regulate what Maori could do with their own land, even at the cost of preventing them from living on their turangawaewae.

The expansion of the Crown's role had many positive effects for the peoples of Te Urewera. Their economic capability improved significantly, although mostly on an individual level rather than collectively. Individual improvement may have led to collective improvement, however, as relatively well-off individuals were able to give financial support to marae and whanaunga. The Crown's substantial presence in Te Urewera resulted in Maori there becoming more prosperous, healthier, better educated, and better housed. Most importantly, the Crown's support for the timber industry created steady employment for many Maori in the inquiry district, boosting their economic capability and allowing a higher standard of living and consequently better health and other socio-economic markers. Most whanau still had less economic capability, and their standards of living remained below those of the average Pakeha family of the time, but still greatly improved on those in previous decades. Maori health continued to be poorer than that of Pakeha, on average, and some people probably found it difficult to afford a healthy diet. Drinking water was not always safe and, in at least one community, remained unfit for human consumption into the 1980s. But famines, food shortages, and devastating epidemics had become a thing of the past. By about the 1950s, virtually all Te Urewera children had at least a primary education, and increasing numbers received a secondary education as well.

The employment, education, housing and health care available to Maori in Te Urewera was mostly provided by the Crown or in accordance with its rules. This meant that, although these policies and practices were probably beneficial overall, they were generally monocultural and monolingual, and served the Crown's purposes at least as much as they served Maori. Nowhere was this more obvious than in the education system. The hapu and iwi of Te Urewera largely accepted the need for Pakeha-oriented education, including learning the English language. However, they had no real influence and certainly no control over how this was delivered; this power imbalance resulted in an education system in which Maori culture played a token and peripheral role, when it was present at all. Te reo Maori was excluded from the State education system, with many children physically

punished for speaking their own language. We realise that corporal punishment of children was widely accepted in past decades, but the forced eating of bars of soap, and any punishment of new entrants for speaking the only language they knew, was brutal and went beyond contemporary norms. Such punishments helped alienate Maori from the education system, and eventually had a devastating effect on te reo. As we have seen, many parents refused to pass the language onto their children for fear they would be subject to the same kinds of punishment which they themselves had endured. As a result, many young and middle aged people now speak little or no te reo. Crown control over other matters had less negative results, although Crown policy effectively compelled many whanau to leave their homes in order to access employment, education, health care, and better housing. Te Urewera Maori who wanted to improve their economic capability could only do so by engaging with Crown-controlled systems, and this came at a terrible cultural cost.

Another downside of the Crown's interventionist role at this point was that it fostered heavy dependence on the State. The Crown's dominance of the health and education sectors meant that Maori communities had no real opportunities to set their own priorities and determine how the systems would work. The Forest Service's management of Minginui was highly paternalistic, which meant that when the Crown later withdrew from the village the residents had no experience of leadership, local government or running their own affairs. Most importantly, though, the hapu and iwi of Te Urewera, especially in the west of the district, were highly dependent on the Crown's support for the timber industry. Not only did the State Forest Service supply the Whirinaki timber towns with jobs, housing, and other services, but it also allowed private sawmillers to harvest trees from Crown forests at prices below market rates. As we will see, this meant that there would be devastating consequences when the Crown decided to reduce its involvement.

23.8 WHAT WERE THE EFFECTS OF STATE SECTOR RESTRUCTURING ON MAORI COMMUNITIES IN TE UREWERA FROM 1984?

SUMMARY ANSWER: The fourth Labour Government, elected in 1984, introduced a new and minimalist concept of the State to New Zealand. Crown involvement in industries such as forestry was now seen as inefficient and a waste of taxpayer money. Government departments such as the Forest Service and the Post Office were transformed into State Owned Enterprises and required to act like private corporations, focused on maximising profits and acknowledging only limited social obligations. In Te Urewera, this meant massive job cuts in the former Forest Service, the sale of the Forest Service's housing stock, post office closures, and withdrawal of public transport. Ngati Manawa, Ngati Whare, Tuhoe, and other Te Urewera iwi experienced high levels of unemployment and poverty as a result. In 1987, the Court of Appeal ruled that the Crown could not sell assets which might be subject to Treaty claims, which ultimately led to Minginui being transferred to the Ngati Whare Trust rather than being sold on the open market. Regaining Minginui was not all good news for Ngati Whare, however, as the village was in

urgent need of housing and infrastructure repairs and upgrades. The cumulative effect of all these changes was devastating to the Te Urewera economy.

Meanwhile, social services such as health and education were also overhauled to make them more cost-effective and responsive to local needs. The drive for greater efficiency resulted in the withdrawal of some services, particularly in health, from Te Urewera. However, the shrinking of the State, along with greater recognition of the Treaty of Waitangi, also allowed for greater participation by iwi and communities in the provision of services. The specific health needs of Maori were recognised, and partnerships established between iwi and health authorities. Maori-medium education also expanded significantly in Te Urewera, led by tangata whenua but supported by the Crown. This meant that around the time of our hearings the majority of children in Te Urewera were being taught at least partly in te reo. Living standards remained low, however, and there were ongoing problems with water supplies and housing which the Crown did little to alleviate.

The greater recognition of Treaty of Waitangi obligations by the Crown gave Maori communities in Te Urewera increased political agency. However, they had not yet achieved real clout, and were not able to protect themselves from State sector restructuring, and the economic and social devastation it caused. Te Urewera hapu and iwi gained some economic capability as the Crown began to involve them more in the delivery of social services such as health and education. However, this was more than offset by the dramatically decreased economic capability of whanau in the inquiry district, who faced the consequences of extremely high unemployment as a result of timber industry restructuring. The property regime remained largely Pakeha-oriented, although there was now some limited and long overdue recognition of Maori needs and values, for example in local Government planning policy.

23.8.1 Introduction

This section begins with the election of the fourth Labour Government in 1984, and covers the period from then until our hearings 20 years later. These decades saw the Crown reduce its involvement in the economy and provision of social services, sharing some power with Te Urewera hapu and iwi and allowing them a greater role in the delivery of services such as health and education. Overall, however, the reduction of the Crown's role had a devastating effect on the peoples and communities of Te Urewera, severely reducing their economic capability. This came primarily as a result of the Crown's restructuring and privatisation of the Forest Service, which resulted in massive job losses in our inquiry district, and the near-destruction of several once-thriving communities.

The many changes made by the Crown at this time were largely motivated by neo-liberal ideology, which held that the State was inherently inefficient compared to the private sector, and that 'big government' caused more problems than it solved. It was felt that generous social service provision created a culture of dependence, and that State ownership and State support for industry wasted taxpayer money on inefficient ways of doing business. While this ideology underlay

most of the changes affecting Te Urewera communities at this time, individual decisions were usually made independently, by different people in different parts of the State sector, often without communicating with each other. For the people of Te Urewera, however, the changes and their effects were inter-connected and often exacerbated and compounded one another. The widespread unemployment and consequent poverty resulting from the corporatisation of the Forest Service, for example, made the loss of district nurses and local post offices harder to cope with. Withdrawal of public transport services made the loss of local services even more difficult for communities hard pressed to afford petrol. Although we largely address the different kinds of change separately, we acknowledge that Maori experienced all of them simultaneously, and that their negative effects were often compounded.

Concurrent with the shrinking role of the Crown was the increased political and legal influence of the Treaty of Waitangi. As in earlier decades, activists demanded justice for historical Treaty breaches, although in the early 1980s many considered that, in a words of an activist slogan of the time, 'the Treaty is a fraud'. Public servants, Labour Party members of Parliament, and legal theorists were becoming increasingly sympathetic, and in 1985 the Waitangi Tribunal was given jurisdiction to investigate and make findings on Treaty breaches going back to 1840. The same year, the Court of Appeal ruled in the New Zealand Maori Council's 'lands case' that the Crown could not dispose of lands which might be subject to Treaty claims. The Treaty also became increasingly important in statements of public policy in a range of areas. In Te Urewera, all this resulted in hapu and iwi lodging historical claims with the Waitangi Tribunal, and becoming involved in the delivery of social services, which were now more bicultural and bilingual. Also, Minginui village was returned to Ngati Whare ownership and control. Such changes marked the beginning of a return to the exercise of tribal tino rangatiratanga.

In contrast to our examination of earlier periods, we rely here much less on written and archival historical evidence and much more on claimant oral evidence. Claimant testimony has allowed us to get a much better idea of the social and psychological impacts of Crown policy and practice, but at times the paucity of professional research has led to gaps in the evidence. We received no specific evidence, for example, on the welfare benefit cuts of the early 1990s, even though they must have had a strongly negative effect on poverty-stricken and largely unemployed communities in our district.¹⁰⁷⁵

We turn first to look at the economic restructuring carried out under the fourth Labour Government, focusing on the Forest Service but also looking at the restructuring of other commercial Government departments such as Electricity, Railways, and the Post Office. We also look at Forest Service housing, particularly Minginui Village and the nature and context of its eventual transfer to the Ngati Whare Trust. We then examine restructuring and other developments in the

1075. Although Murton's report covers the period up to the year 2000, his chapter on social welfare stops at the late 1980s: Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1039–1041.

provision of social services, specifically health care, housing, water supplies, and education. We will look both at the withdrawal of State services and the increasing involvement of Maori and iwi organisations in their delivery.

23.8.2 Corporatisation and its effects

For nearly 50 years after the election of the first Labour Government in 1935, the State played a strong role in New Zealand's economy. It restricted imports, strictly controlled currency trading, and provided tax breaks, subsidies, and other benefits for various industries. It also created Government departments which took on roles otherwise filled by private business. For the purposes of this inquiry, the most important of these was the Forest Service, which owned, grew, and milled vast forests of native and exotic timber, and employed a significant proportion of the Te Urewera population. Other such departments included the Post Office, which until the 1980s also controlled telecommunications and included a savings bank; the Electricity Department; and the Railways Department.

The first Labour Government saw these departments not just as a means to make money, but as part of their wider plan to improve the lives of ordinary New Zealanders, particularly those on low incomes. This meant that departments responsible for essential goods or services, such as electricity or mail delivery, tried to make these available to as many people as possible, even if it was not cost effective. This might mean keeping prices low, or providing services to isolated areas even when it cost more money than it brought in. The provision of post offices and banks to places such as Te Urewera was one such example. Another role of these departments was to provide jobs, particularly in areas which would otherwise have high unemployment. The departments were also used to support the wider economy, including private industry. One example of this, discussed earlier, was the Forest Service supplying private mills with cheap timber. This ensured that New Zealand had a good supply of timber, and also helped the mills to employ people in areas such as Te Urewera. As well as all this, the departments were supposed to deliver a surplus to the State. In practice, however, the demands of the other roles meant that most ended up running at a loss.

The managed economy initially seemed to work well, with New Zealanders enjoying nearly full employment and high standards of living in the decades after the Second World War. As we saw earlier in this chapter, Maori in Te Urewera benefited even though their living standards generally remained below those of Pakeha. By the 1970s, however, international factors such as rising oil prices and Britain's entry into the European Economic Community fuelled inflation and led to worsening terms of trade, which in turn led to increased unemployment and heavy pressure on Government finances. Successive governments, particularly the 1975 to 1984 National Government led by Robert Muldoon, responded mostly with even closer economic regulation. By the early 1980s, neo-liberalism was gaining adherents in politics and Treasury, with the most important convert being Roger Douglas, the Labour Party's finance spokesman from 1983. Douglas was appointed Minister of Finance after Labour's landslide victory in the 1984 election, and attempted to revitalise the economy by drastically reducing the State's

role. This policy was taken up by the subsequent National Government, and has not been substantially reversed or altered since. Government departments with commercial roles were ‘corporatized’ by being transformed into State Owned Enterprises (SOEs), which were intended to behave like private companies, and some were then sold. Although those that remained in Crown ownership retained some social obligations, they were required to prioritise profit.

Once a Government department became an SOE, it was no longer part of ‘the Crown’ and therefore not within our jurisdiction. As such, we cannot make findings on their actions or omissions. However, we can make findings on the Crown’s activities in setting up the SOEs, and in particular its setting of priorities.

Ngati Whare, Ngati Manawa, Nga Rauru o Nga Potiki, and Tuhoe Tuawhenua claimant counsel submitted three key grievances in relation to corporatisation. These were that:

- The Crown did not consult with the hapu and iwi of Te Urewera in a meaningful way.¹⁰⁷⁶
- The Crown implemented corporatisation without sufficient regard for the timber town communities.¹⁰⁷⁷
- The Crown’s responses to the adverse effects of corporatisation in Te Urewera were inadequate, in both the short and long terms.¹⁰⁷⁸

Claimant counsel also stated that the privatisation and closure of Government services, particularly banks, post offices, and bus services, caused unnecessary hardship for, and imposed high costs on, the peoples and communities of Te Urewera.¹⁰⁷⁹

Crown counsel accepted that ‘the predominantly Maori communities of Minginui, Te Whaiti and Murupara suffered significantly as a result of the corporatisation of the NZFS.’¹⁰⁸⁰ Counsel nevertheless maintained that the Crown took appropriate action in relation to potential impacts, particularly through the Social Impact Unit.¹⁰⁸¹ They also submitted that ‘genuine attempts were made by the Crown to ease the impact of the structural changes on the most vulnerable communities.’¹⁰⁸² Counsel asserted that ultimately the communities of Te Urewera

1076. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), p 33; counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), pp 293–295; counsel for Nga Rauru o Nga Potiki, submissions by way of reply, 8 July 2005 (doc N33), p 17

1077. Counsel for Ngati Whare, closing submissions (doc N16), p 161; counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), pp 56, 60; counsel for Ngati Manawa, closing submissions (doc N12), p 80; counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), pp 297, 300

1078. Counsel for Ngati Whare, closing submissions (doc N16), p 161; counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), pp 29, 36, 42–43, 56–57; counsel for Ngati Manawa, closing submissions (doc N12), pp 80–81; counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), pp 296–299; counsel for Tuawhenua, closing submissions (doc N9), p 278

1079. Counsel for Tuawhenua, synopsis of submissions (doc N9(b)), pp 29–30; counsel for Ngati Ruapani, closing submissions, 2 June 2005 (doc N19), app A, pp 179–80; counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), p 354

1080. Crown counsel, closing submissions (doc N20), topic 38, p 2

1081. Ibid, pp 10–11

1082. Ibid, p 2

could not escape the global downturn in the forestry sector. In this regard, they pointed to the more recent receivership of another significant player in Bay of Plenty forestry, the privately owned Fletcher Forests.¹⁰⁸³ Overall, Crown counsel acknowledged that attempts to mitigate the effects of corporatisation were unsuccessful, largely due to the general downturn of the forestry industry and the dependence of Te Urewera on that industry.¹⁰⁸⁴ They accepted that 'closure of banks and post offices have created inconvenience and difficulties for some, especially in terms of transport and associated costs.'¹⁰⁸⁵ However, they submitted that this has been the case for all rural communities, Maori and Pakeha alike, and has been mitigated somewhat by the use of electronic services and the establishment of a Heartland Centre and Work and Income Centre in Murupara.¹⁰⁸⁶

23.8.2.1 *Corporatisation of the forest service*

Once the fourth Labour Government's policy of corporatisation was decided, the Forest Service became an obvious target. Despite theoretically being a profit-making arm of the State, it had made a loss of more than \$200 million, before depreciation, in the three years prior to 1985.¹⁰⁸⁷ In addition, conservationists felt that no organisation should be both a timber producer and a Conservator of Forests, as the Forest Service was at this time.¹⁰⁸⁸ On 16 September 1985, Cabinet voted to dismantle the Forest Service, with production forestry being handed over to a new Forestry Corporation, and conservation forestry becoming the responsibility of the new Department of Conservation.¹⁰⁸⁹

The Forestry Corporation was designed by a specially constituted Establishment Board and came under the State-Owned Enterprises Act 1986. Section 4 stated:

- (1) The principal objective of every State enterprise shall be to operate as a successful business and, to this end, to be—
 - (a) as profitable and efficient as comparable businesses that are not owned by the Crown; and
 - (b) a good employer; and
 - (c) an organisation that exhibits a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage these when able to do so.

1083. Crown counsel, closing submissions (doc N20), topic 38, pp 2, 12

1084. Ibid, p 12

1085. Ibid, topic 39, p 14

1086. Ibid, topic 39, p 14; Crown counsel, statement of response to stage 3 claims (statement 1.3.7), pp 23–24. Heartland Centres are offices in rural centres such as Murupara and Kawerau which provide services and information from a range of Government agencies, including ACC; Child, Youth and Family; Housing New Zealand; Inland Revenue; the Maori Land Court; StudyLink; and Te Puni Kokiri. 'Our Services', Heartland Services website, <http://www.heartlandservices.govt.nz/our-services/index.html>, accessed 2 April 2015.

1087. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 707–709; Kirkland and Berg, *A Century of State-Honed Enterprise*, p 135

1088. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 709–710

1089. Ibid, p 710

Over the course of 1986, the Forestry Corporation Establishment Board decided that the new SOE could only become profitable if staff numbers were drastically reduced, and that productivity could be increased if wage workers were replaced by contractors.¹⁰⁹⁰

Ngati Whare, Ngati Manawa, and Nga Rauru o Nga Potiki claimants alleged that the Crown failed to adequately consult with them on the corporatisation policy.¹⁰⁹¹ Counsel for Ngati Whare acknowledged that there was some consultation, but only on how to manage the changes and to inform the communities about what was happening, not on what form the changes should take or whether they should happen at all.¹⁰⁹²

Crown counsel accepted that 'Ngati Whare, Ngati Manawa and other Urewera Maori were not consulted over the policy of corporatisation'.¹⁰⁹³ However, they submitted that the Crown did consult with Maori and others over broader SOE policy, and that the Crown has no duty to consult with every community affected by its macroeconomic policies.¹⁰⁹⁴ In doing so they drew upon the *Lands* case, in which the Court of Appeal found that, under the Treaty, there was no 'absolute open-ended and formless duty to consult'.¹⁰⁹⁵ The Crown's duty is rather to make well-informed decisions which have proper regard to the Treaty. Although becoming well-informed might require consultation, the Court found, this is not necessarily the case.¹⁰⁹⁶ We note that Crown counsel did not mention that the Court also found that the Crown policy at the centre of the *Lands* case was 'such a major change that, although the Government is clearly entitled to decide on such a policy, as a reasonable Treaty partner it should take the Maori race into its confidence regarding the manner of implementation of the policy'.¹⁰⁹⁷

Between February and May 1986, Forestry Corporation Establishment Board members visited almost all of the Forest Service's plantations, and met with representatives of a wide range of groups, including the Timber Industry Federation, New Zealand Pulp and Paper Industry Association, Institute of Foresters, New Zealand Workers' Union, Timber Workers' Union, Forest Owners' Association, Forest Service staff, Public Service Association, Treasury, State Services Commission, and environmental organisations.¹⁰⁹⁸ There is no evidence that it met with representatives of the peoples of Te Urewera, or with any Maori organisation. It is possible, however, that the Timber Workers' Union provided an indirect voice

1090. Kirkland and Berg, *A Century of State-Honed Enterprise*, pp 123–127

1091. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), p 33; counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), pp 293–295; counsel for Nga Rauru o Nga Potiki, submissions by way of reply (doc N33), p 17

1092. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), p 33

1093. Crown counsel, closing submissions (doc N20), topic 38, p 7

1094. *Ibid*, pp 7–8

1095. *New Zealand Maori Council v Attorney-General* [1987] 1 NZLR 641 (CA)

1096. *Ibid*, p 683; Crown counsel, closing submissions (doc N20), topic 38, pp 8–9

1097. *New Zealand Maori Council v Attorney-General* [1987] 1 NZLR 641 (CA) at p 665

1098. Walzl, 'Maori and Forestry' (Wai 1200 RO1, doc A80), p 743; Reg Birchfield and Ian Grant, *Out of the Woods: The Restructuring and Sale of New Zealand's State Forests* (Wellington: GP Publications, 1993), p 54

for the peoples of Te Urewera, as it represented the largely Maori workforce of the Kaingaroa Logging Company, based in Murupara.¹⁰⁹⁹

In 1986, the Crown established the Social Impact Unit to find out how particular communities would be affected by corporatisation, and develop means to assist them.¹¹⁰⁰ The Department of Maori Affairs was given responsibility for the unit in regions with high percentages of Maori; one such region was the Bay of Plenty, which included the Te Urewera timber towns. The unit's regional coordinator for the area was Rotorua Maori Affairs Director Kim Workman.¹¹⁰¹ Almost immediately after its formation, the unit received a Forest Service report which identified Minginui as one of the communities which would be most severely affected by corporatisation.¹¹⁰² In late 1986, Workman and other civil servants from various departments visited the timber towns, finding that the towns would be left with much greater problems than the 'short term disruption' which the State Services Commission had predicted for the country as a whole.¹¹⁰³ Workman wrote that the impact on the Ruatahuna and Te Whaiti communities had already been 'devastating'.¹¹⁰⁴ All of this makes it clear that the Crown was well aware of its policies' likely impact, and indeed the establishment of the Social Impact Unit indicates that it had some idea of this right from the start.

The Forestry Corporation officially came into being on 1 April 1987, with a much smaller staff than that employed by the Forest Service. Nationwide, Forestry Corporation staff numbers were just 39 per cent of commercial forestry staff numbers in the Forest Service. We do not have figures for our inquiry district, but at Murupara, staff numbers went from 25 to seven.¹¹⁰⁵ Te Urewera tangata whenua living and working in Kaingaroa also saw huge numbers of jobs disappear. At Kaingaroa, a total of 627 permanent and contractor jobs were lost in the 12 months from October 1986, reducing the workforce from 682 to just 55.¹¹⁰⁶ It had been expected that the Department of Conservation would create a number of jobs but, as we have noted in chapter 16, these estimates were very optimistic. What few jobs the Department of Conservation offered have also tended to be in the Waikaremoana region rather than the former timber towns.¹¹⁰⁷ Douglas Rewi told us:

1099. Bassett and Kay, 'Ngati Manawa and the Crown' (doc c13), p176

1100. Ibid, pp 178–179

1101. Ibid, p184

1102. S Wilson, comp, 'Social Impact of Forestry Corporatisation (Draft)' (Bassett and Kay, supporting papers to 'Ngati Manawa and the Crown' (doc c13(a)), pp 532–534)

1103. Director, Maori Affairs, Rotorua, to Deputy Secretary of Maori Affairs, 7 October 1986 (Bassett and Kay, supporting papers to 'Ngati Manawa and the Crown' (doc c13(a)), p 569); Bassett and Kay, 'Ngati Manawa and the Crown' (doc c13), pp 182–183; chairman, State Services Commission, to Ministerial Co-ordinating Committee on State Owned Enterprises, 19 August 1986 (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 715)

1104. Director, Maori Affairs, Rotorua, to Deputy Secretary of Maori Affairs, 7 October 1986 (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 721)

1105. Walzl, 'Maori and Forestry' (Wai 1200 RO1, doc A80), p 746

1106. Ibid, p 838; Bassett and Kay, 'Ngati Manawa and the Crown' (doc c13), p 210

1107. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 740

A number of ex Forest Service personnel joined the Department of Conservation and the incoming Forest Corporation, many of them holding top managerial positions. However, there was little employment available for the forestry and mill workers further down the chain, many of them Maori.¹¹⁰⁸

The conservation and tourism jobs which did exist made little or no use of forestry workers' skills. The Conservator of Forests at Rotorua had pointed this out in 1984, saying that 'the head faller of the indigenous logging gang at Whirinaki has every bit as much prestige in the Minginui village as a professor on a university campus', and that telling such a man to get a tourism job would be like telling a professor to become a bus driver.¹¹⁰⁹

Forest Service workers deemed surplus to requirements were given two options: they could have either a year's employment with the Forestry Corporation from 1 April 1987, at the end of which no redundancy payment would be made, or a redundancy payment equivalent to their previous year's earnings.¹¹¹⁰ Most workers accepted the Corporation's recommendation to take immediate redundancy but, as the Murupara Forestry Housing Committee observed, it was 'not viewed with any great favour – even by those who chose to take it'.¹¹¹¹ The extent of payments to Te Urewera Forest Service personnel is not known, but nationally 3,762 people, just over half of all staff, chose redundancy and received an average payment of \$17,500.¹¹¹²

In 1986, the Forest Service at Kaingaroa had nearly twice as many permanent staff as contractors. The Forestry Corporation aimed to have most of its work carried out by contractors, with very few permanent staff. In response, many redundant workers invested their payments into setting up contracting firms. This required expensive equipment; the Forest Service's eight-man Gang 42 at Kaingaroa, for example, set themselves up as Fast Logging Ltd, with \$350,000 worth of equipment.¹¹¹³ We note that even if all eight men had received the average redundancy payout and put all of it into the new company, they still would have had to borrow a further \$210,000 to get their business started. Because there were more contractors than work, the contracting system pitted former workmates against each other. As Grace Dorset, a liaison officer for Internal Affairs put it:

people saw the selection process of who would get jobs as a process of vying with each other so that neighbour would vie with neighbour, brother against brother, race against race. This to them was unacceptable destroying both the bonds that exist

1108. Douglas Rewi, brief of evidence, 9 August 2004 (doc G37), p13

1109. Elliott to Cullen, 17 May 1984 (John Hutton and Klaus Neumann, comps, supporting papers to 'Ngati Whare and the Crown', various dates (doc A28(a)), p132)

1110. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p177

1111. Murupara Forestry Housing Committee to Timberlands – Kaingaroa, February 1987 (Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p177)

1112. The total paid out in redundancy was \$65.7 million: Birchfield and Grant, *Out of the Woods*, p73; Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p712.

1113. Walzl, 'Maori and Forestry' (Wai 1200 ROI, doc A80), pp847–848

among them as well as the strength of the fabric of community closeness of caring and sharing being torn to shreds.¹¹¹⁴

Another problem was that, according to Kim Workman, few forestry workers felt able to successfully establish themselves as private contractors.¹¹¹⁵ The Social Impact Unit's coordinating committee at Rotorua expressed concern in early 1987 at 'the number of people who are submitting contracting proposals which are reckless in nature. People have opted to mortgage assets or redundancy payments, and take foolish risks to join the private enterprise thrust'. In the words of the regional coordinating committee, these proposals were being made by people in 'a state of panic'.¹¹¹⁶ Aspiring contractors were given some assistance and training, but it does not seem to have been enough.¹¹¹⁷ As we will discuss below, some redundant workers were unable to make any sort of business investment, as their homes had been put up for sale and so the redundancy money was needed to buy them.

In 1996, the Crown sold its Kaingaroa Forest cutting rights to Fletcher Challenge Paper. Fletcher was initially committed to using Murupara-based contractors in its Bay of Plenty operations, but subsequently threw its contracts open to all-comers, so that just two contracting gangs were left in Murupara, where previously there had been more than 20.¹¹¹⁸ Ben Mitai and Douglas Rewi told us that the competitive contracting process led to further job losses in Murupara.¹¹¹⁹ Mitai said that many highly skilled contractors from Murupara had invested significant money in equipment, but could not then get enough work, became indebted to banks, and had to sell their equipment at below market value. 'They were worse off than when they started.'¹¹²⁰ The business practices of private organisations such as Fletchers are outside our jurisdiction. However, in selling its cutting rights, the Crown could have required the purchaser to give preference to local or tangata whenua contractors, thereby aiding their continued employment in their rohe.

Work in the private forestry sector became harder to find because the Forestry Corporation, unlike the Forest Service, did not provide logs at artificially low prices.¹¹²¹ As we noted earlier, Tasman Forestry and its Te Urewera employees at Kaingaroa Logging Company had been key beneficiaries of the Service's policy. After it came to an end, Tasman announced that it would lay off 70 workers from the Murupara area.¹¹²² By 1987, the real unemployment rate in Murupara was

1114. [Grace Dorset], liaison person, ministerial task force, to national coordinator, 15 September 1986 (Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), pp 181–182)

1115. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 182

1116. Ibid, p 186

1117. Ibid, pp 195–196, 205–206

1118. Waitangi Tribunal, *Tarawera Forest Report*, p 52; Rangi Anderson, brief of evidence, 18 August 2004 (doc F29), pp 5–6; Mitai, brief of evidence (doc F13), p 6

1119. Rewi, brief of evidence (doc F18), p 13; Mitai, brief of evidence (doc F13), p 6

1120. Mitai, brief of evidence (doc F13), pp 6–7

1121. Kirkland and Berg, *A Century of State-Honed Enterprise*, pp 80–81, 85–86, 137–138

1122. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 194

estimated at 30 per cent, around four times the national unemployment rate.¹¹²³ Minginui's last significant employer, the Carter Holt Harvey mill, was meanwhile struggling to compete against larger, less isolated mills.¹¹²⁴ It closed in 1988 with the loss of about 40 jobs, causing the Minginui unemployment rate to reach 94 per cent.¹¹²⁵

It was clear to the Crown that corporatisation was going to have negative impacts on the Te Urewera timber communities, and it did make some attempts to alleviate them. In particular, the Social Impact Unit, as well as having a consultative purpose, was intended to help reduce the negative effects of corporatisation. However, this was difficult in practice because of uncertainty about what form the changes would take.¹¹²⁶ It was not until November 1986 that the Forestry Corporation Establishment Board revealed that there would be massive staff cuts, and a redundancy package was not produced until 'well into 1987'.¹¹²⁷ The Forest Corporation housing policy, which would be crucial to the futures of Minginui and Kaingaroa in particular, was not announced until 24 February 1987.¹¹²⁸ Consequently, when the final Social Impact Unit regional report was released in February 1987, it stated that the employment and housing situation was still undetermined.¹¹²⁹

The Social Impact Unit encouraged communities affected by corporatisation to form community groups, such as the Minginui Development Council, which could provide leadership and lobby on the communities' behalf. Such lobbying was largely ineffective, however. For example, after visiting Te Urewera in October 1986, officials recommended proposals to alleviate unemployment in Minginui, which were ignored.¹¹³⁰ The Mayor of Murupara also led a delegation to the Minister of Forests, and Kaingaroa residents submitted a housing plan to members of Parliament, only to be told that the Forestry Corporation's decisions, including those involving residents' homes, were commercial matters.¹¹³¹ Workman complained in his May 1987 report that the Corporation ought to have consulted affected communities on options which might meet both parties' needs.¹¹³²

Practical help for communities affected by corporatisation mostly took the form

1123. The recorded unemployment rate in Murupara was lower than 30 per cent because of the number of people living off redundancy payouts rather than the unemployment benefit: Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 205; *New Zealand Official Yearbook, 1990* (Wellington Department of Statistics, 1990), pp 359, 370.

1124. In relation to the prospects of the Minginui sawmill, see Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), pp 230–232.

1125. M James, for Secretary of Treasury, 'The Future of Minginui', 22 September 1988 (Hutton and Neumann, supporting papers to 'Ngati Whare and the Crown' (doc A28(b)), pp 186–188)

1126. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), pp 184–186

1127. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 710; Birchfield and Grant, *Out of the Woods*, p 70

1128. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), pp 189–190

1129. *Ibid*, pp 190–191

1130. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 723–724, 730

1131. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), pp 186, 205–206

1132. *Ibid*, p 206

of job training, and support for small businesses. Schemes such as the Project Employment Programme and the Maori Access (Maccess) scheme provided work experience and new job skills, as well as short-term employment. These were operating in Te Urewera even before corporatisation, but expanded significantly once redundancies began.¹¹³³ Substantial funding was provided; in 1990, for example, the Tuhoe Waikaremoana Maori Trust Board received \$796,042 from Maori Access and \$311,091 from General Access to fund its programmes. This included the allowances paid to trainees, which typically accounted for around half of expenditure.¹¹³⁴ At Murupara the training modules consisted of basic accounting, typing, reception work, computer skills, general management, te reo, first aid, and small business management.¹¹³⁵ At Ruatahuna, meanwhile, a further Maori Access scheme on possum hunting was added to the Project Employment schemes run through two Ruatahuna marae and a training course in weaving.¹¹³⁶

In addition, and in order to deal with general unemployment rather than that caused specifically by corporatisation, a Kokiri Skill Centre was established in Ruatoki in 1986. This provided short training courses at Ruatoki, Ruatahuna, Waiohau, Waimana, Waikaremoana, and Rotorua.¹¹³⁷ Courses included business and office practices, primary health, horticulture, forestry, driver education, Maori arts and crafts, music, bush craft, carving, motor mechanics, waitressing, Maori tourism, and clerical and computer skills.¹¹³⁸ In 1990 and 1991, 150 Maori, three Pakeha and one Pacific Islander attended 22 courses offered by the Ruatoki Kokiri Centre in Ruatoki, Taneatua, Waimana, Waikaremoana and Ruatahuna.¹¹³⁹ These schemes came to an end shortly afterwards, mostly because of Government cost-cutting.¹¹⁴⁰

Even before the programmes ended, people in Te Urewera had lost faith in their usefulness; they were regarded as temporary stop-gaps which did not lead to permanent employment.¹¹⁴¹ Mereru Mason explained that there was little benefit for the Minginui trainees who gained computer skills from a course run at Ruatahuna, as there were no businesses which needed computer skills in Minginui, and this in turn meant that at the end of the course the trainees could not build up the

1133. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1178; Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 176

1134. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1182–1183

1135. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 196

1136. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1180; Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 560

1137. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1179, 1181–1183

1138. Ibid, pp 1180, 1183, 1209

1139. Ibid, pp 1208–1209

1140. Ibid, p 1209

1141. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 565; Tuhoe Waikaremoana Maori Trust Board, 'Tuhoe Waikaremoana Maori Trust Board 1989 Annual Report', BBF2, A1115/97c (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(o)), p 59)

experience needed to get a job elsewhere.¹¹⁴² She told us: 'People lost faith in any schemes and lost motivation to support any kind of work, because they knew that at the end of the day it would all amount to nothing and they would be going back to the dole again.'¹¹⁴³ Similarly, a Ruatahuna submission to the Royal Commission on Social Policy stated in 1987:

Most of our young people and older unemployed are willing to work and they appeal for the creation of job opportunities in our area. They do not want to leave Ruatahuna nor do they want to be professional ACCESS trainees or PEP [Project Employment Programme] workers. They want real jobs right here.¹¹⁴⁴

Murton summarised the problems with the training programmes:

First, there was no guarantee of employment for trainees who successfully completed a course. Most went to other schemes or went back on unemployment. Second, many of the young people in the programs had already been labelled as failures, and they continued to have low expectations of themselves and their job prospects. For many, it seemed, the prime motivation for attending a course was to get the stipend. Third, many of the tutors and training providers were of the opinion that trainees felt that there was no difference between being on the dole and receiving a stipend on a training program. Fourth, many programs were under funded and there was great uncertainty about the ongoing availability of funds. Fifth, criteria for programs, both in terms of funds and types of courses, were often inflexible, even when courses were based on community needs and had commercial potential.¹¹⁴⁵

The contestability of funding for such schemes also had the potential to create division within communities, as it did in Minginui, where the Minginui Community Services Trust, set up by the Te Arawa Trust Board, fell out with the Ngati Whare-based Minginui Development Council.¹¹⁴⁶ We note that some programmes, such as te reo, bush craft, and traditional arts, were at least culturally beneficial. In general, though, it is clear that there was little or no point in providing job training when there was no realistic prospect of work at the end of it. It is not clear that the Crown realised this at the time.

As well as providing job training, the Crown helped Te Urewera communities to create new businesses. The Adjustment Assistance Contingency Fund and the

1142. Mason, brief of evidence (doc G41), p 4

1143. Ibid, p 5

1144. Tuhoe, submissions to Royal Commission on Social Policy (Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 563)

1145. Kath Boswell and Denise Brown, with Jo Maniapoto and Tamati Kruger, *At the Grassroots: Community Responses to Unemployment* (Wellington: New Zealand Planning Council, 1990), pp 25–26 (Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1215)

1146. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1184–1186

Mana Enterprises scheme both provided grants to new enterprises, and business development teams provided advice. In May 1987, for example, a visiting development team discussed funding options for computer training, eel farming, a hot bread shop and a weed spraying business.¹¹⁴⁷ A report later that year listed 16 businesses in the Bay of Plenty set up following feasibility studies, including a silvicultural contracting firm working in the Minginui-Kaingaroa area, and three Murupara businesses, one doing landscape gardening, one weed spraying, and the third doing general contracting work.¹¹⁴⁸ Short term funding was also available from 1987 through the Community Organisation Grants Scheme and the Community Employment Investigation Scheme. This enabled the appointment of a Community Development Co-ordinator in Ruatahuna, and provided \$105,000 to promote job creation projects. A total of twelve projects were investigated, five of which were ongoing businesses in 1991.¹¹⁴⁹ In addition, the Forestry Corporation and the Enterprise Opportunity Scheme helped former forestry workers set up as contractors.¹¹⁵⁰

Despite the efforts of the Crown and local communities, these schemes created few jobs, and fewer small businesses which were successful in the long term.¹¹⁵¹ In 1991, Brenda Tahī, the Community Development Coordinator at Ruatahuna, hoped that at least two or three of the Ruatahuna enterprises would survive beyond a few years, which would result in employment for five people.¹¹⁵² We have also seen that numerous ex-Forest Service workers set up as contractors, but few were successful in the long term. As we saw earlier in this chapter, unemployment has consistently been very high in Te Urewera since the mid-1980s. Residents of Te Urewera feel that the Crown has failed to capitalise on opportunities to create work there; for example Jack Te Waara has asked why the Crown has not employed local people in possum and deer control, and in recovering windfall timber from Te Urewera National Park.¹¹⁵³ Unfortunately we did not receive enough information to determine why so few businesses survived, but it is likely that the general poverty in Te Urewera made it difficult for them to prosper.

The effects of corporatisation on the Māori communities of Te Urewera went far beyond the economic impacts of job loss. There was also a heavy psychological toll, not only on those who lost their jobs but also on their whānau. For decades, forestry had provided both income and a sense of security and identity. Many families had successive generations of forest workers.¹¹⁵⁴ Once corporatisation

1147. Bassett and Kay, 'Ngāti Manawa and the Crown' (doc C13), pp 184, 194–195

1148. Regional liaison officer to regional coordinator, 22 October 1987 (Bassett and Kay, supporting papers to 'Ngāti Manawa and the Crown' (doc C13(a)), pp 488–489)

1149. Tuāwhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 561; Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1195–1196; Poulin and Tahī, *A Study on Community Services and Development for Ruatahuna*, pp 56–59

1150. Bassett and Kay, 'Ngāti Manawa and the Crown' (doc C13), pp 205–206

1151. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1192

1152. Poulin and Tahī, *A Study on Community Services and Development for Ruatahuna*, pp 56–59

1153. Te Waara, brief of evidence (English) (doc E23(a)), p 4

1154. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 233

began, depression, anxiety and anger became widespread, often preventing people from planning for the future, or taking advantage of what little help was available.¹¹⁵⁵ There was an increase in drug and alcohol abuse, and social disorder ranging from school truancy to violent assaults.¹¹⁵⁶ Gang membership rose, as did the crime rate.¹¹⁵⁷ Ben Mitai told us that these problems in Murupara were the direct result of the town having its economic base stripped away:

When there are no jobs people get a little edgy and I believe that is why Murupara is in its current situation. It has no economic base. It does not have any now. It has all been stripped. The whole economy is downscaled. I could see the changes because I would come back probably every second year [Mitai left in 1986] and it was just startling the way things were moving backwards there. There are major social problems developing out of lack of activity, lack of opportunity. The people don't have the means to move out and start over again somewhere else.¹¹⁵⁸

Numerous claimant witnesses told us of the ill effects corporatisation had on Te Urewera marae. Sarah (Hera) Harris of Ngati Whare said that, due to mass unemployment, 'the marae which had also been so vibrant began to struggle because people no longer had the spare cash to contribute to the upkeep of the maraes and other community facilities.'¹¹⁵⁹ Likewise, Anaru Te Amo said to us that after the downturn in the forestry industry, the marae 'could no longer rely on koha from Ngati Whare iwi members given the sudden loss of jobs among the local community.'¹¹⁶⁰ Marae and community groups also suffered as iwi and hapu members left the rohe in search of work. Numerous claimant witnesses told us about this unwilling migration.¹¹⁶¹

In summary, the transformation of the Forest Service into the Forestry Corporation had dramatic negative effects on the timber towns of Te Urewera, severely reducing the economic capability of those communities. Most importantly, the new Corporation drastically cut staff numbers, creating very high rates of unemployment in Minginui and elsewhere. When the Corporation ceased to

1155. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 721–725, 734–735; Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), pp 182–183; Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), pp 560–562

1156. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 183

1157. Director, Rotorua Maori Affairs, to Deputy Secretary, Maori Affairs, 7 October 1986 (Bassett and Kay, supporting papers to 'Ngati Manawa and the Crown' (doc C13(a)), p 572); Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 722; Regional Coordinating Committee, Rotorua, 'Provision of Government Social Services in Murupara and Associated Forestry Towns', report to Advisory Committee of the Social Costs of Transition to Corporatisation, [February 1987], AAFH W4160, box 29, 100/5/3, pt 1, Archives New Zealand, Wellington (Bassett and Kay, supporting papers to 'Ngati Manawa and the Crown' (doc C13(a)), p 472)

1158. Mitai, brief of evidence (doc F13), p 8

1159. Harris, brief of evidence (doc G39), p 11

1160. Anaru Te Amo, brief of evidence, September 2004 (doc G38), p 4

1161. Harris, brief of evidence (doc G39), p 11; Anderson, brief of evidence (doc F29), pp 5–6; Te Waara, brief of evidence (English) (doc E23(a)), p 3

The Effects of Redundancy and Unemployment

Many claimant witnesses spoke of the pain caused by redundancy and unemployment. Jack Te Waara of Tuhoe told us:

I was made redundant when the Forest Service was corporatized. Many people lost work. They had left their homelands to work in the forestry, and were left stranded there when it suited the government. The redundancy caused me real pain. We were treated like we were disposable.¹

Douglas Rewi of Ngati Manawa spoke to us about the 'destructive' and 'severe' effects of corporatisation in Murupara in the mid-1980s, including the stress placed upon workers and their families:

Approximately 60 per cent of forestry workers – many Maori, many Ngati Manawa – lost their jobs during this period . . . The closure of both State Forest Service and Tasman forestry caused enormous amount of worry and concern

1. Jack Te Piki Hemi Kanuehi Te Waara, brief of evidence (English), 21 June 2004 (doc E23(a)), p3

provide artificially cheap logs to private timber companies in Te Urewera, these companies also laid off staff, further increasing unemployment. Some skilled workers were initially able to set up as independent contractors, but there were too many contracting gangs for the work available, so many ended up not only unemployed but also owing money for the equipment they had bought in order to begin contracting. Because staff cuts were made all across the timber industry, laid-off workers could not simply get work at other companies. Widespread unemployment plunged many Te Urewera whanau into poverty, and also led to social problems such as crime and substance abuse. The Crown did make some attempts to relieve unemployment, through job training and support for small business. However, job training is essentially useless unless there are jobs available, and Te Urewera's general economic difficulties meant that small businesses found it difficult to survive.

Although it was always clear that the Te Urewera timber towns were going to be hugely affected by corporatisation, we saw no evidence that the Crown consulted with these communities before deciding on the policy. Some consultation activities were carried out, but these were neither effective nor particularly meaningful. Their main purpose was to give communities information on what was happening and, in theory, to minimise the adverse effects of corporatisation. As we have seen,

among the workers and their families. One was now burdened with the knowledge that no prospect of any future employment within the forestry industry was possible. The workers now unemployed were faced with the prospect that they had no skills apart from those suited to only forestry work to call upon.²

A submission from the people of Ruatahuna to the Royal Commission on Social Policy in 1987 described a range of social and psychological effects due to mass unemployment: 'the loss of culture and self-esteem, the stress and breakdown for families and relationships, the lack of resources to improve one's lot, the loss of habits and disciplines, the inability to fulfil responsibilities.'³

Even at the time of our hearings, two decades after corporatisation, the persistence of high rates of unemployment in these communities has meant that many young people struggle to find the motivation to work.⁴

2. Douglas Rewi, brief of evidence, 9 August 2004 (doc F18), pp 11–12

3. Tuawhenua Research Team, 'Ruatahuna, Te Manawa o te Ika, Part Two: A History of the Mana of Ruatahuna from the Urewera District Native Reserve Act 1896 to the 1980s' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004) (doc D2), p 563

4. Sarah (Hera) Harris, brief of evidence, September 2004 (doc G39), p 11; Wakeley Matekuare, brief of evidence September 2004 (doc G40), p 8

such consultation was hamstrung by uncertainty, which prevented both the Social Impact Unit and the communities themselves from knowing what was going to happen. The peoples of Te Urewera were also unable to influence either the Government or the Forestry Corporation, both of which seem to have regarded the restructuring in purely commercial terms, and failed to take into account its impacts on the Te Urewera communities.

23.8.2.2 *Minginui village and Forest Service housing*

Since it was required to be profitable and efficient, the Forestry Corporation saw little reason to provide its employees with accommodation, as the Forest Service had. There was even less reason to house those it no longer employed, such as the large numbers in Te Urewera who had been made redundant. Loss of housing combined with loss of work made the corporatisation of the Forest Service doubly traumatic for many Te Urewera families. One somewhat positive outcome of the process was the transfer of the ownership and administration of Minginui to the Ngati Whare Trust. However, this has also left Ngati Whare to deal with the village's substandard housing and infrastructure.

Counsel for Ngati Whare submitted that the poor condition of the village and its infrastructure meant that it was essentially a liability; the cost of its upkeep

and repair needs was greater than the value of the village itself.¹¹⁶² In short, Ngati Whare were doing the Crown a favour by taking Minginui off its hands. Counsel further submitted that the Crown has failed since the transfer to provide adequate resources to Ngati Whare, as kaitiaki of the Minginui community, to 'remedy the poor social and economic condition of that community and ensure that its infrastructure and utilities can be maintained to an adequate standard.'¹¹⁶³ In addition, at the time of our hearings several sites in the village were contaminated with toxic wood-processing chemicals or asbestos, and the Crown had done nothing about this.¹¹⁶⁴ Counsel for Ngati Whare also stated that the Crown had made no grants to the asset-poor Minginui Village Council for infrastructural development and maintenance, even though it had provided such funding to the Whakatane District Council.¹¹⁶⁵

Crown counsel responded that there was 'a misapprehension that on the transfer of Minginui Village to Ngati Whare they were effectively cut loose from the resources of the Whakatane District Council and Environment Bay of Plenty and their predecessors'.¹¹⁶⁶ Counsel stated that the Ngati Whare Trust was responsible for the 'administration of the land and the houses that are on the land' only, and that 'it was not intended that the village should thereby become responsible for all of the infrastructure developments that local authorities would normally be responsible for'.¹¹⁶⁷ They conceded that there were contaminated sites in Minginui, but stated that the Crown was not aware of these until after the transfer, and that, at the time of our hearings, steps were being taken to decontaminate the sites.¹¹⁶⁸

The corporatisation of the Forest Service and the staff reductions that followed left ex-forestry families in all the timber towns under significant stress about housing: what would happen to the Forest Service houses, and would former employees have to move? In October 1986, the Public Service Association negotiated an agreement whereby Forest Service employees would be guaranteed a minimum of three months' tenure, and those in isolated forestry communities would be offered Housing Corporation mortgage assistance, but it was not until late February 1987 that the Forestry Corporation agreed to leave its former employees with secure tenure and unchanged terms and conditions until 1 April 1988.¹¹⁶⁹ However, this meant only that tenants had another year to resolve their situation.¹¹⁷⁰ The serious shortage of housing in the Bay of Plenty region meant that few tenants had anywhere nearby to move to, and the redundancy payment was too small to pay for

1162. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), pp 49–50; counsel for Ngati Whare, closing submissions (doc N16), p 161

1163. Counsel for Ngati Whare, closing submissions (doc N16), p 161; see also counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), p 57

1164. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), p 48

1165. *Ibid*, p 29

1166. Crown counsel, closing submissions (doc N20), topic 34, p 13

1167. *Ibid*, pp 13–14

1168. *Ibid*, pp 12–14

1169. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), pp 187, 189–190

1170. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 732

equivalent accommodation further afield.¹¹⁷¹ The focus for most of the ex-Forest Service tenants therefore was whether or not they would be able to retain their existing homes.

In November 1986, the Social Impact Unit's Merepeka Sims had recommended that the ex-Forest Service houses be purchased by the Department of Maori Affairs, since 80 per cent of their occupants were Maori and there were widespread problems with housing quality and availability at the time. This idea received serious consideration by the Department, but was not adopted.¹¹⁷² In late 1987, the New Zealand Maori Council similarly requested that alternative options for Murupara tenants, such as long-term leases, be investigated.¹¹⁷³ The consistent position of the Forestry Corporation, however, was that the housing stock of the Forest Service ought to be sold, preferably to the highest bidder. Yet, it was unlikely that any purchaser would be interested in keeping the houses where they were, let alone renting them to impoverished former forestry workers.¹¹⁷⁴

In May 1987, the Murupara Forestry Housing Committee proposed that existing Murupara tenants be able to buy their houses at a 50 per cent discount, since many had committed their redundancy money to setting up contracting businesses. However, the Forestry Corporation rejected the idea, on the basis that this would jeopardise its commercial imperatives.¹¹⁷⁵ Eventually the Corporation chose to match the offer made by Tasman to its Murupara ex-employees, that is, to sell at two-thirds of market value. As a result of further discussions involving the Housing Corporation, the State Services Commission, Treasury and the New Zealand Maori Council, Cabinet did not sign off on this offer until late December 1987.¹¹⁷⁶ The prolonged process made it more difficult for Murupara's tenants to purchase their homes, as the need to pay rent in the interim chipped away at the redundancy lump sum payments.¹¹⁷⁷ In addition, the loss of jobs and secure housing at the same time meant that ex-forestry workers had to choose between buying their houses and setting up as contractors. They were left with the choice of being homeless contractors or unemployed homeowners.

The situation was even more uncertain in Kaingaroa and Minginui, where the Forestry Corporation wanted to extract itself from the villages completely. The Forest Service had not only provided the housing there but also paid for the upkeep of the infrastructure. The Forestry Corporation regarded this as an unnecessary expense, particularly as there was now little active forestry in the area.¹¹⁷⁸

The Crown's plans to sell Minginui and Kaingaroa on the open market were

1171. Murupara Forestry Housing Committee to Timberlands, Kaingaroa, February 1987, AAFH w4160, box 28, 100/4/1, pt 2, Archives New Zealand, Wellington, p 2 (Bassett and Kay, supporting papers to 'Ngati Manawa and the Crown' (doc C13(a)), p 426); Rewi, brief of evidence (doc F18), p 12

1172. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), pp 186, 189

1173. *Ibid*, p 201

1174. *Ibid*, p 197

1175. *Ibid*, pp 198–199

1176. *Ibid*, pp 200–201

1177. *Ibid*, pp 202–203

1178. *Ibid*, pp 211–212; Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 734–737

ultimately stymied by the New Zealand Maori Council's *Lands* case. The Court of Appeal found that the Crown could not sell or transfer to some land which might be used in Treaty settlements. This meant that the Forest Service villages of Kaingaroa and Minginui could no longer be regarded simply as commercial assets. The judgment was cited in the Department of Maori Affairs' submission to the Cabinet's some Committee on Kaingaroa, and the case also featured in the Ministry of Works and Development's report of August 1987 on the administration of Minginui village.¹¹⁷⁹ The report concluded that, since the village could not be transferred to the Forestry Corporation, for the time being it was probably an asset of the Forest Service Disestablishment Board.¹¹⁸⁰

The idea of Ngati Whare taking ownership and control of Minginui seems to have first arisen at a Ngati Whare hui at Murumurunga Marae, Te Whaiti, on 2 February 1987.¹¹⁸¹ A survey was held to establish whether the continuing existence of the village was viable from a social standpoint, and this found that 76 per cent of households defined themselves as 'stayers', and 12 per cent as 'uncertain stayers'.¹¹⁸² Tom Woods, office solicitor at the Maori Affairs Department in Rotorua, reported in June 1987 that there was a legal justification for returning Minginui to Ngati Whare: it had been acquired under the Public Works Act, which meant that once it was surplus to requirements, the Crown was obliged to offer to sell it back to the original owners.¹¹⁸³ In March 1988, the State Services Commission paper, 'The Future of Minginui: An Interim Strategy' commented that, as tangata whenua, Ngati Whare's 'interests need be to considered as part and parcel of any future strategy'.¹¹⁸⁴ After the residents reiterated their commitment to the village at a hui in May 1988, Cabinet agreed to return the village to Ngati Whare in October.¹¹⁸⁵ This paralleled an earlier decision to return the Kaingaroa village land to Ngati Manawa, even though the Forestry Corporation had recommended that the village should be closed down and sold off.¹¹⁸⁶

It took some time to establish the terms under which Minginui would be transferred. One complicating factor was the poor state of the village's infrastructure and housing stock. A Ministry of Works and Development report written in 1987 showed that nearly two-thirds of Minginui houses had been built from untreated timber, and in many cases also had low stud and substandard framing.¹¹⁸⁷ The septic tank based sewage system was also substandard, with many of the tanks draining inadequately. In one instance, this led to the contamination of a water supply

1179. Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 211

1180. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 744

1181. Ibid, pp 739–740

1182. Ibid, pp 741–742

1183. Ibid, p 743, 764

1184. S Rodger, 'The Future of Minginui: An Interim Strategy' (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 756)

1185. See Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 758–760

1186. Ibid, pp 761–762; Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), pp 214–215. As Kaingaroa is outside the inquiry district, we do not discuss its transfer in this report.

1187. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 746

bore.¹¹⁸⁸ The water system also had major problems: the pipes were old and in regular need of repairs, the water main was nearing the end of its useful life, and the fire hydrants needed replacing. Neither the inadequately maintained stormwater system nor the roads were compliant with council standards, and the street lighting also needed upgrading.¹¹⁸⁹ In total, \$1,187,000 worth of work was identified in the report, with the cost of a minimal upgrade estimated at \$787,000.¹¹⁹⁰ Fearing that Minginui would be killed by upkeep costs, a meeting of Minginui residents and the Minginui Development Council on 11 March 1988 took the drastic step of voting against fixing the village's sewage disposal system, which had accounted for about half the projected expense in the Works report's minimum upgrade scenario.¹¹⁹¹

The Works report estimated that the rates needed to keep Minginui up to standard would be \$91,800 per year.¹¹⁹² By contrast, the 1986 rates assessment for the entire village had been just \$324.64. Because the Forest Service had taken care of all Minginui's services and facilities, the County Council had rated and serviced the village as if it was a farm, even though it accommodated hundreds of people.¹¹⁹³ In any case, neither the Minginui Development Council nor the Whakatane County Council wanted the County Council to administer the village.¹¹⁹⁴ The State Services Commission developed a plan to gift the land and 54 houses owned by the Crown (thought to be worth \$500,000) to an iwi trust, which would then sell the houses to their occupants to raise capital for infrastructural development. In addition, the Crown would grant \$200,000 for more urgent infrastructural work. The Commission estimated that nearly \$50,000 per year, or \$520 per household, would be required to carry out the necessary upgrades, as long as all the work was carried out by volunteers.¹¹⁹⁵

Treasury objected to the Commission's plan on principle, arguing that local residents ought to pay for a share of the capital works. Its paper on Minginui claimed that Treasury had 'no information' on residents' financial resources, even though another part of the paper noted that the village had a 94 per cent unemployment rate.¹¹⁹⁶ By ignoring this rate of unemployment, Treasury could propose a 50/50 cost split between residents and the Crown.¹¹⁹⁷ It also advised against giving any discount to residents buying their homes, as they were already entitled to

1188. Ibid, pp 747–748

1189. Ibid, p 747

1190. Ibid, pp 748–749. Another cost-saving option, which would have saved about \$400,000 in the short term, was to persevere with the aging water reticulation system and septic tanks for sewage disposal, but the report observed this would be offset by higher ongoing maintenance costs (p 748).

1191. Ibid, pp 748, 753

1192. Ibid, pp 748–749

1193. Ibid, pp 745, 749–750

1194. Ibid, pp 748, 753

1195. Ibid, p 763

1196. Michael James for Secretary of Treasury, 'The Future of Minginui', report to Minister of Finance, 22 September 1988, ABJZ W4644, 73/16/5, Archives New Zealand, Wellington, pp 4, 6 (Hutton and Neumann, supporting papers to 'Ngati Whare and the Crown' (doc A28(b)), pp 188, 190)

1197. Ibid, p 6 (p 190); Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 767

mortgage assistance from the Housing Corporation. It did, however, downgrade the value of the housing stock from \$500,000 to \$410,000, or just under \$8,000 each.¹¹⁹⁸ While this was an improvement on the Commission's estimate, it is not clear how either figure was determined, and it appears that Minginui residents were never provided with an independent valuation.¹¹⁹⁹ Treasury's proposal explicitly rejected the Crown's approach to the ex-Forest Service houses in Kaingaroa, in which the asking price for tenants had been two-thirds of the market value, and also the substantial discounts on market value that Carter Holt Harvey had agreed to as part of the redundancy package for its Minginui workers.¹²⁰⁰ Lastly, Treasury stressed: 'It should be made clear to the residents, that after the initial period of support, no further Government assistance will be provided for the village, and that the administrative body will take full responsibility for the future viability of the village.'¹²⁰¹ Treasury's advice was fully in keeping with the Crown's contemporary ideology of a minimal State with limited support for citizens. It was also completely detached from the reality of Minginui, which by now had almost total unemployment.

Cabinet voted in October 1988 to hand the Crown's land and houses to an iwi trust, and grant \$100,000 for an immediate infrastructural upgrade, which was spent by the Department of Conservation on sealing Minginui's roads.¹²⁰² A further \$37,000 was also voted to cover interim administration by the Department of Conservation, and \$30,000 to cover the legal and surveying costs associated with setting up the trust and remedying Minginui's title issues, although ultimately an additional \$100,000 would be needed to complete these two exercises.¹²⁰³ Finally, on 29 March 1989, a sitting of the Maori Land Court at Te Whaiti vested the village in the eponymous Ngati Whare ancestor Wharepakau, and, using section 436 of the Maori Land Act 1953, appointed the new Ngati Whare Trust as the village's trustee. The Ngati Whare Trust in turn then leased the land, and handed over day-to-day administration of Minginui, to the Minginui Village Council Limited.¹²⁰⁴

If we are to accept Treasury's \$410,000 valuation for the land and houses, and the Ministry of Works' report upgrade estimates, then there can be no doubt that the Crown was transferring a financial liability rather than an asset to Ngati Whare. Even when the \$787,000 estimate for a minimal upgrade is stripped of planning and engineering consultancy fees and contingency funding, the works programme

1198. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p766

1199. Ibid, p770

1200. Ibid, pp760, 769-770

1201. Michael James for Secretary of Treasury, 'The Future of Minginui', report to Minister of Finance, 22 September 1988, ABJZ W4644, 73/16/5, Archives New Zealand, Wellington, p6 (Hutton and Neumann, supporting papers to 'Ngati Whare and the Crown' (doc A28(b)), p190); Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p768

1202. Hutton, third summary of 'Ngati Whare and the Crown' (doc G5), para 49; Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp748, 760; Te Amo, brief of evidence (doc G38), p10

1203. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p769

1204. Ibid, p771

was estimated to cost \$639,200.¹²⁰⁵ In summary, Ngati Whare were given a village worth \$410,000 which required at least \$639,200 to bring it up to a liveable standard. The Crown spent \$100,000 on road improvements, leaving Ngati Whare and the largely unemployed residents of Minginui with at least \$539,200 worth of work needing to be done.¹²⁰⁶ The original State Services Commission plan for Minginui envisioned that improvements would be funded partly by the sale of houses to residents and partly by rates paid to the Ngati Whare Trust. However, many residents had difficulty buying their houses, and there was also significant rates defaulting.¹²⁰⁷ Even if all houses had been sold at their estimated value, there would still have been a shortfall of \$129,200. Another difficulty was that the Forest Service's all-encompassing and paternalistic management of Minginui meant that residents had no experience in local body government.¹²⁰⁸ As of 2004, the Minginui Village Council had effected modest improvements to the water reticulation system, but the other pressing concern, the inadequate sewage system, remained unaddressed.¹²⁰⁹ In the words of Anaru Te Amo at our hearings that year, 'Minginui Village is now [in] dire need of assistance which is well beyond the means of the Ngati Whare Trust or the residents.'¹²¹⁰

Another problem which faced the Trust and residents was the presence of toxic timber processing chemicals and asbestos in the village. For at least some of its period of operation, the Minginui sawmill used a copper, chromium, and arsenate mix and other chemicals to treat pine timber and protect it from decay and insects.¹²¹¹ After the mill was closed, the building was levelled, but as of 2001 'a significant volume of debris', including asbestos roofing, remained on the site, which local children used as a play area. Examinations in 1991 and 1993 showed that the soil on the mill site had high levels of copper, chromium, and arsenate contamination.¹²¹² In addition, the former Forest Service depot was built with material containing asbestos, and became unsafe to use; and at the time of hearings the Minginui rubbish dump was leaching contaminants into the Whirinaki River.¹²¹³ As Douglas Rewi pointed out, fixing these problems was far beyond Ngati Whare's resources.¹²¹⁴

1205. Ibid, pp 748–749

1206. Assuming that all the roading costs were part of the \$639,200; it is not clear that they were.

1207. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 771–772, 775

1208. Hutton, third summary of 'Ngati Whare and the Crown' (doc G5), para 55; Te Amo, brief of evidence (doc G38), pp 10–11; Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 774–775

1209. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 775; Matekuare, brief of evidence (doc G40), p 8

1210. Te Amo, brief of evidence (doc G38), p 10

1211. Gwilym Environmental Services, 'Contaminated Sites Screening Assessment: Henderson and Pollard Sawmill and Minginui Sawmill' (commissioned assessment report, Whakatane: Environment Bay of Plenty, 2001) (Jonathan Davis Coakley, comp, attachments to brief of evidence, various dates (doc M8(a)), attachment L), p 4. According to Ngati Whare, the Henderson and Pollard sawmill, which processed native timber only, used no chemical treatment agents.

1212. Ibid, pp 1, 4

1213. Douglas Rewi, brief of evidence, September 2004 (doc G37), pp 11–12

1214. Ibid

The Crown provided us with conflicting evidence as to the level of risk posed by the Minginui sites and how much it knew about them. As noted above, high levels of contamination were shown in the early 1990s. During our second hearing of Crown evidence in 2005, Jonathan Coakley of the Ministry for the Environment stated that he had been told by Environment Bay of Plenty that the Minginui sites were low priorities for decontamination, as they were not considered high risk.¹²¹⁵ However, he admitted under cross examination that the 2001 report which supposedly supported this conclusion in fact did no such thing.¹²¹⁶ Earlier in 2005, a Department of Health official reported that ‘insufficient is known about the levels of contamination at the former sawmill site or potential dump sites to draw any conclusions’, and recommended that more tests be undertaken ‘to determine if any significant risk exists to local residents.’¹²¹⁷ We find this startling, given that the Crown had known about the contamination for at least 14 years, and Environment Bay of Plenty was apparently dismissing the sites as low risk. Counsel for Ngati Whare submitted that the Crown should have conducted a thorough investigation into potential contamination before the transfer of Minginui, and fixed any problems this uncovered.¹²¹⁸ This seems to us entirely reasonable.

In theory, and as Crown counsel have stressed, Minginui’s infrastructure and environment were the responsibility of Whakatane County Council and Environment Bay of Plenty, not the Ngati Whare Trust or the village residents.¹²¹⁹ However, the District Council justifiably argued that it was not fair to its ratepayers to spend considerable sums in the village to remedy deficiencies arising from past underfunding by the Crown.¹²²⁰ There were some positive developments leading up to our hearings, such as a Te Puni Kokiri initiative to co-ordinate local and central government assistance to Minginui.¹²²¹ Another was the provision of suspensory (deferred payment) loans for repairs by Housing New Zealand to Minginui homeowners, which we will discuss in the section on housing, below.¹²²²

1215. Jonathan Davis Coakley, brief of evidence, 24 March 2005 (doc M8), p 15

1216. Jonathan Coakley, under cross-examination by Jamie Fergusson, Taneatua School, Taneatua, 15 April 2005 (transcript 4.16(a), p 557). The report in question was Gwilym Environmental Services, ‘Contaminated Sites Screening Assessment’ (Coakley, attachments to brief of evidence (doc M8(a), attachment 1).

1217. Phil Shoemack, ‘Preliminary Report regarding Minginui’, 2 March 2005 (Paul Francis Prendergast, comp, attachments to brief of evidence, various dates (doc M21(a)), attachment 1), p 2

1218. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), p 51

1219. Crown counsel, closing submissions (doc N20), topic 34, p 13

1220. Hutton and Neumann, ‘Ngati Whare and the Crown’ (doc A28), pp 762–763

1221. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), p 53; Paul Francis Prendergast, brief of evidence, 5 April 2005 (doc M21), pp 18–19; Coakley, brief of evidence (doc M8), pp 15–16

1222. Hutton, third summary of ‘Ngati Whare and the Crown’ (doc G5), para 62; Tony Marsden, brief of evidence, 6 April 2005 (doc M23), pp 10–11. It was reported that around \$750,000 worth of spending would be needed to bring Minginui’s homes up to an acceptable standard: Te Amo, brief of evidence (doc G38), p 10. Presumably, there was some allowance for the need for remedial work in the Treasury housing stock valuation, but in the absence of details about these valuations, it is not possible to confirm this.

While these initiatives were welcome, they seemed inadequate to fix Minginui's problems.

Hutton and Neumann argued that, in negotiating the transfer of Minginui, the Crown took advantage of the power imbalance between itself and the residents, and the residents' emotional, spiritual, and cultural interests in regaining control of their ancestral land.¹²²³ As Rangi Anderson observed at the 1989 Land Court hearing, 'we see the land coming back to our people and I think that's the main thing.'¹²²⁴ Similarly, Mr Te Amo told us in September 2004 that even though the Ngati Whare Trust had taken on a financial liability, 'it was something that could never have been declined because it was an opportunity for Ngati Whare to recover at least a small part of the land that was lost to the Crown.'¹²²⁵ We note that, at the time of our hearings, Minginui village and their two marae were the only lands Ngati Whare owned as an iwi.¹²²⁶

It is undoubtedly positive that Minginui was returned to Ngati Whare, but the Crown erred in a number of ways. It should have realised much earlier that it was obliged under the Treaty to return the village. It should have made a more realistic assessment of the financial liabilities associated with the village, particularly infrastructure and housing repairs and upkeep, and of the ability of the Minginui community to pay for them. Once it had done this, it should have done more to help the community bring Minginui up to a reasonable standard, especially considering that many of the problems were the result of Crown neglect and poor construction. Finally, as we noted above, it should have undertaken an early and full assessment of environmental problems in the village, and then fixed them.

23.8.2.3 Other State-owned enterprises

The corporatisation of the Forest Service was only one part of the wider programme of restructuring and privatisation carried out by successive Labour and National governments in the 1980s and 1990s. Hapu and iwi of Te Urewera were also affected by the transformation of the Electricity Department, the Post Office, and the Railways Department into SOEs. Major policy changes in education and health also had impacts, positive and negative, which will be discussed later in this chapter.

Like the Forest Service, the Electricity Department was transformed from a Government department into a State-owned enterprise, Electricorp (ECNZ). As an SOE, ECNZ was required to turn a profit, and as a result laid off workers at Waikaremoana. In 1999, the Waikaremoana power stations became part of Genesis Energy, and by the early 2000s they were remotely operated from the Tokaanu

1223. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 772–773

1224. Maori Land Court, Rotorua, minute book 224, 29 March 1989 (Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), p 771)

1225. Te Amo, brief of evidence (doc G38), p 10

1226. Counsel for Ngati Whare, closing submissions, June 2005 (doc N16), p 121. Members of Ngati Whare own some other lands, both individually and collectively: see Ngati Whare and the Sovereign in Right of New Zealand, *Deed of Settlement of Historical Claims*, 8 December 2009, pp 13–14.

power station at Lake Taupo.¹²²⁷ We were not provided with information on the extent of job losses, or how many employees were Te Urewera tangata whenua. However, we were told that since corporatisation the local infrastructure, such as roads and drainage, is no longer well maintained.¹²²⁸

The corporatisation of the Post Office also affected Te Urewera communities. In the late 1980s, the Post Office was split into three entirely separate SOEs: New Zealand Post, Telecom, and PostBank. Telecom and PostBank were sold to the private sector, with the bank being absorbed into ANZ and losing its identity, while New Zealand Post remains an SOE. As private companies and SOEs, all three were expected to prioritise profit over social concerns, which meant a reduction of services in rural areas such as Te Urewera. Rural mail delivery was reduced, and post offices closed in Ruatahuna, Minginui, and Murupara, removing postal and banking services from those communities. Their replacement was a postal agency in the Ruatahuna store, offering limited postal services.¹²²⁹ The Ruatahuna Post Office was closed despite lobbying from the local community, who wanted a mobile banking unit if they could not keep their post office. This request was also denied.¹²³⁰

New Zealand Railways was yet another Government department corporatized with adverse effects on Te Urewera. Railways had provided a daily bus service from Rotorua to Minginui, via Murupara, and a service, three times a week, from Rotorua to Wairoa, via Murupara, Ruatahuna, and Waikaremoana. These ceased to operate in the late 1980s, presumably because they were uneconomic.¹²³¹ This meant that those with no private car access had no way to travel significant distances within or outside the inquiry district. As we have seen, Te Urewera was a disproportionately poor area, and so would have had a particularly high proportion of residents without the means to run a car or afford alternative transport such as taxis. We heard that a number of people from Te Urewera borrowed money to buy cars in order to commute to work, and that in some cases these were later repossessed.¹²³²

The cumulative effects of all these changes, in combination with the restructuring and privatisation of the Forest Service, were catastrophic for Te Urewera communities. Tangiora Tawhara, who was Ruatahuna post mistress in the 1980s, described the effects:

1227. Kerryn Pollock, 'Hawke's Bay Places – Waikaremoana', *Te Ara – the Encyclopedia of New Zealand*, Ministry for Culture and Heritage, <http://www.TeAra.govt.nz/en/hawkes-bay-places/page-12>, last modified 13 July 2012

1228. Lorna Taylor, brief of evidence, 18 October 2004 (doc H17), p 11

1229. Poulin and Tahī, *A Study on Community Services and Development for Ruatahuna*, pp 20, 25; Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), pp 566–567; Tangiora Tawhara, brief of evidence, no date (doc E42), pp 1–2

1230. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 566

1231. Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 745–746; Tawhara, brief of evidence (doc E42), p 1; Ruatahuna people, submissions to Royal Commission on Social Policy, 1988 (Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 567)

1232. Mason, brief of evidence (doc G41), p 4; Matekuare, brief of evidence (doc G40), p 6

There was still some economy in Ruatahuna [in the mid-1980s]. The money would cycle from the post office to the people through the shop and back to the post office.

Things changed in the late 1980s when the post office closed. We met with post office officials who told us that the service would continue. Yet, they closed our post office and the service remained at Murupara. Everyone here had to travel into Murupara to do any banking.

Then the bus service ceased. Without transport people could not get access to any money. The effect of this was that people stopped purchasing at our shop because they were going into Murupara and Rotorua to get their money and shopped while they were there. This prevented money circulating in the community as it had done in the past.

Then the Murupara post office closed. This created real problems. We now had to go into Rotorua get cash. Not many people operated cheque accounts at that time, as in Ruatahuna all our budgeting and money handling was done in cash.

Every month a marae was responsible for fundraising. So practically speaking every week there was a fundraiser and for these to operate you had to have cash. There were stalls, housie, raffles and lunches but to set these up and make them work you required cash.

At that stage it was really hard. We had to travel for all business activities and to access basic banking, postal and medical services. We had to travel to access our money. You had to travel two hours each way to get supplies. To compound the problems there was no public transport service. If you didn't have access to a vehicle you could not access services. In the mid 1990s a private van was purchased to act as transport in the valley. It was a 10 seater vehicle to service a 300 strong community. It cost \$10 to travel one way into Rotorua.

During this period use of the Ruatahuna shop dropped right away. People were now travelling to access petrol, finance and supplies. No money circulates in Ruatahuna for sustaining the shop and the marae. In recent years even the petrol service has ceased.¹²³³

The effect on Ruatahuna had been predicted by the Tuhoe Manawaru Tribal Executive in 1988, prior to the closure of the post offices:

Social Welfare beneficiaries [in Ruatahuna] receive about \$13,000 a week in benefit payments. . . . The people do not wish to open cheque accounts as they are not familiar with that form of transaction and have only ever dealt with cash. The Ruatahuna store is not willing to carry the extra money to cash cheques and the Trustee Bank in Murupara which is 50 kms away while it will act as an agent for the people of Ruatahuna is not willing to send a mobile unit out to the area to make cash payments. If the beneficiaries are forced to go to Murupara to collect their benefits, it will cost \$30 of their benefit for bus travel and overnight accommodation.¹²³⁴

1233. Tawhara, brief of evidence (doc E42), pp 1–2

1234. Tuhoe Manawaru Tribal Executive, January 1988 (Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p566)

As Merepeka Sims reported in 1988, businesses in Ruatahuna and Minginui experienced a marked drop in turnover, as people who had to travel to Murupara to cash their benefits shopped there.¹²³⁵ The Minginui Community Store closed in the early 1990s, and the Ruatahuna store retrenched and offered fewer goods for sale.¹²³⁶ Between 1988 and 1997, Murupara lost all three of its banks, although a credit union opened a new branch there in 1997.¹²³⁷ Douglas Rewi told us that in the 1960s or 1970s Murupara had

a draper and women's shop, (now Ngati Whare's Runanga Office), 2 general stores, green groceries, restaurant, 2 butchers, 2 men's clothes shops, 2 milk bars, a chemist, a wine shop, a hardware shop, 3 banks (Post office bank, BNZ, Trust Bank), men's and women's hairdressers, 2 book shops, a sport shop, electrical shop, TAB, a billiard room (now Ngati Manawa's Runanga Office). Most of these shops provided services during the 1960's and 1970's (a total of approximately 25 businesses).

Today (Year 2004) the town comprises of an electrical, hardware shop, 2 second-hand shops, chemist, cafe, dairy, clothing shop, butchers shop, fish n chips, credit union bank and a 4 Square (a total of approximately 12 businesses).¹²³⁸

As Crown counsel has pointed out, the advent of eftpos and other forms of electronic transaction have alleviated some of these problems. In particular, since 1991 welfare benefits have been direct credited into bank accounts, so beneficiaries no longer have to travel to access their money.¹²³⁹ This transition would have been difficult for some Te Urewera people, particularly the elderly, who were used to dealing exclusively with cash.¹²⁴⁰

Crown counsel have submitted that the reduction of State services affected all rural areas, not just the Maori communities of Te Urewera.¹²⁴¹ However, this misses the point: these communities were among the poorest in New Zealand, and service reductions therefore hit them particularly hard. As we have seen, the cumulative effects of the contraction of the State in the 1980s and 1990s created mass unemployment and drastically shrank the economy of Te Urewera. In this context it is simply not credible to argue that, for example, removing public transport from these communities was the same as taking it from communities which had been less hard hit.

1235. Merepeka Sims, regional transition manager, Social Impact Unit, 'Monthly Report – April 1988', 2 May 1988 (Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 567); see also Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 205

1236. Mason, brief of evidence (doc G41), p 5; Hutton and Neumann, 'Ngati Whare and the Crown' (doc A28), pp 720, 746; Tawhara, brief of evidence (doc E42), p 2; Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 568

1237. Wayne McClintock, 'Resource Community Formation and Change: A Case Study of Murupara', June 1998, pp 3, 9 (Bassett and Kay, 'Ngati Manawa and the Crown' (doc C13), p 205)

1238. Rewi, brief of evidence (doc F18), p 5

1239. Crown counsel, statement of response to stage 3 claims (statement 1.3.7), pp 23–24

1240. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 566

1241. Crown counsel, closing submissions (doc N20), topic 39, p 14

The fourth Labour Government's corporatisation programme affected all profit-oriented Government entities, including the Forest Service, the Post Office, Railways, and numerous other departments. None of these were as vital to Te Urewera as the Forest Service, which provided jobs and housing to a significant number of residents. However, the peoples of Te Urewera were also affected by the corporatisation of the Post Office, which also provided telephone and some banking services; Railways, which provided a bus service; and the Electricity Division of the Ministry of Energy, which may have provided some employment for Maori in the Waikaremoana area. These organisations became more profit-focused, which made them less willing to service poorer rural areas such as Te Urewera where there were no profits. Combined with the effects of job losses, the impact of these cuts was devastating. Many people were compelled to travel outside the district to access their money, even though there was now no public transport. The removal of banking services meant that little cash circulated in Te Urewera, which had a range of negative impacts, including making it difficult for marae to raise money.

23.8.3 Social service restructuring

Although the fourth Labour Government and its successors rejected the idea that the Crown should be heavily involved in business and the economy, they maintained other State roles. The welfare and public health systems largely created by the first Labour Government remained in place, although a drive for efficiency and cost-effectiveness led to service cuts in rural areas such as Te Urewera. The 1990s saw State houses sold, although in Te Urewera this was often to iwi organisations. Meanwhile, various communities continued to experience problems with their water supplies.

The shrinking of the State, and the realisation that it did not have all the answers, had some positive outcomes. The health system in particular began to work more closely with communities and iwi to improve public health. At the same time, the Treaty of Waitangi became much more prominent in public policy. These two factors meant that the Crown, and the health and education systems especially, became more inclusive of Maori culture, for example by making some limited provision for rongoa services in the public health system, and increasing support for te reo immersion education.

23.8.3.1 Health care

Like other areas of Crown activity, the public health system underwent huge reorganisation after 1984. Between the early 1980s and our hearings in the mid-2000s, the health system was reorganised several times, generally in order to provide a more efficient and cost-effective service. Some of these changes were positive: for example, patients gained more rights; health policy was influenced at least in principle by the Treaty of Waitangi; and Maori culture, including traditional healing, was given greater recognition by the health system. However, there were also negative changes, primarily cutbacks in services to rural areas such as Te Urewera. As we saw in our examination of Te Urewera living conditions, Maori health

Waiata o Nga Mokopuna

Te Kura Kaupapa Motuhake o Tawhiuau presented us with a book of the waiata which they performed at our hearings, affirming their kaupapa: mana motuhake, restoration of cultural identity, Ngati Manawatanga, the emancipation of Maori, and the rejection of Pakehatanga and 'the overwhelming forces of statetanga'.

Te Kura Kaupapa Motuhake o Tawhiuau described this waiata as a 'rallying cry against the rampant forces of Pakehatanga and its insidious promotion by the Crown as the normal natural way of being':

Kaati te Moumou Mokopuna na Peraniko Bird

*Tenei matou o Ngati Manawa
Whakawhirinaki ana ki to tatou mana
Maori Motuhake e
E te iwi e!
Whakapiri mai whakatata mai ra
Kaati ake te moumou mokopuna atu kia
here kupapa noa te hinengaro
Ko te utu ko te whakama
Ko te utu ko te kuware e
Tena whaia mai!
Whirinaki whirinaki tatou katoa
Haumi ehui e
Taiki e
Hii*

*We of Ngati Manawa
Have faith and trust in our unique inherent mana Maori
Tribes!
Let us close together and draw together
We must cease forthwith the wasting of our mokopuna
Whereby they are indoctrinated to be Pakeha
The price to be paid is shame and embarrassment
The price to be paid is abject ignorance
Therefore come be with us
Let us all have faith and trust together¹*

1. 'Ko Nga Waiata o Te Kura Kaupapa Motuhake o Tawhiuau' (doc F39), p 8

had been improving throughout the twentieth century, but from the 1980s this improvement stalled and in some cases reversed. We received very little professional evidence on health services from 1984, but what we did receive, in combination with claimant evidence, indicates a mix of service reduction and an increased role for Maori culture and Maori and iwi organisations in the health service.

It is difficult to improve population health, or know whether any measures have been successful, without accurate and detailed statistics. Until recently, collection of Maori health statistics has not been adequate to this task, and there were still problems at the time of our hearings. For example, Ria Earp of the Ministry of Health told us in 2005 that the Ministry does not have data on specific communities, although she suggested that the local District Health Board might.¹²⁴² She also said that both the extent of Maori healthcare needs and the amount spent were only estimated, and that 'only in certain areas of health are we now collecting ethnicity data in a way that we can actually say has some validity, is credible.'¹²⁴³ Even then, she told us, 'there is no comprehensive, routine collection of data for outpatient, accident and emergency, primary health care or community care services. This lack of data means that the level of mainstream health service expenditure can only be estimated.'¹²⁴⁴ The estimate for mainstream funding spent on Maori patients in the 2003–04 financial year was \$1,213 million, or 14.4 per cent of total health expenditure; at this time Maori were 15 per cent of the population.¹²⁴⁵ In addition, another \$199 million was spent on services targeted specifically at Maori, through both Maori and mainstream providers. Of this, the Bay of Plenty District Health Board received \$378,647; Maori health providers in our district received about \$65,400 of this.¹²⁴⁶ Awhina Rangiaho of the Tuhoe Hauora Trust pointed out that funding for specifically Maori services constituted only about 2 per cent of health funding; the mainstream providers which receive the rest 'fail in delivering to Maori', which she said was shown by worsening Maori health statistics.¹²⁴⁷

As earlier parts of this chapter have shown, access to health services has always been more difficult in Te Urewera than in most other parts of New Zealand. The limited evidence we received on the post-1984 period means that it is difficult to tell whether these problems simply continued into the 1980s and beyond, or whether they became worse. For example, health surveys in 1990 showed that, for most people in communities throughout Te Urewera, having more accessible GP services was a top priority.¹²⁴⁸ However, we do not know whether access to doctors had become more difficult or simply remained as bad as in most previous decades.

Major restructuring of the health system took place in the early 1990s, under the fourth National Government. A key piece of legislation was the Health and

1242. Ria Earp, oral evidence, Taneatua School, Taneatua, 14 April 2005 (transcript 4.16(a), p 408)

1243. Ibid

1244. Ria Earp, brief of evidence, 4 April 2005 (doc M18), p 22

1245. Ibid

1246. Ibid, p 23

1247. Rangiaho, brief of evidence (doc J15), p 7

1248. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1791–1792. The survey was conducted by the Bay of Plenty Health Board.

Disability Services Act 1993, which reorganised the health system's structure and administration, splitting organisations into purchasers and providers of health services.¹²⁴⁹ This meant that purchasers, such as Regional Health Authorities, were able to contract non-governmental organisations, including iwi and Maori health organisations, to provide health services.¹²⁵⁰ The Act also required health entities to have regard to 'the special needs of Maori and other particular communities of people' if directed to do so by the Minister of Health.¹²⁵¹

In 1993, the Ministry of Health published *Whaia te Ora mo te Iwi*, which set out the Crown's objectives for Maori health.¹²⁵² These were to improve:

- ▶ . . . participation of Maori at all levels of the health sector;
- ▶ Resource allocation priorities which took into account Maori health needs and perspectives; and
- ▶ The development of culturally appropriate practices and procedures as integral requirements in the purchase and provision of health services.¹²⁵³

The Midland Regional Health Authority, which included the Te Urewera inquiry district, aimed to develop 'Maori for Maori providers' and enhance 'culturally appropriate service provision'.¹²⁵⁴ Ms Earp told us that in order to do so it worked closely with iwi across its area of authority, including iwi from Te Urewera.¹²⁵⁵ Later in the decade, the Crown identified key areas in which to improve Maori health, specifically smoking, immunisation, diabetes, oral health, hearing, asthma, injury prevention, and mental health.¹²⁵⁶ Ms Earp told us that by the early 2000s there had been positive results in the areas of immunisation, smoking cessation, and asthma.¹²⁵⁷

After the 1999 election, the Labour-led Government undertook another restructuring of the health system, primarily through the New Zealand Public Health and Disability Act 2000. As one of its fundamental objectives, this aimed to reduce health disparities by improving the health outcomes of Maori and other groups.¹²⁵⁸ It also specifically recognised the importance of the Treaty of Waitangi, and required District Health Boards and their key committees to include representatives of Maori.¹²⁵⁹ The Act also required the formulation of a national Health Strategy. According to Ms Earp, two of the seven 'fundamental principles' of the

1249. Earp, brief of evidence (doc M18), p 3

1250. Waitangi Tribunal, *The Napier Hospital and Health Services Report*, pp 254–255

1251. Health and Disability Services Act 1993, s8(1)(e)

1252. Earp, brief of evidence (doc M18), p 5

1253. Ibid

1254. Ibid, p 6

1255. Ibid, pp 6–9

1256. Ibid, p 10

1257. Ria Earp on behalf of Ministry of Health, answers to questions arising from second hearing week, 17 May 2005 (doc M37), pp 3–7

1258. New Zealand Public Health and Disability Act 2000, s3(1)(b)

1259. Ibid, ss 4, 5(3)(a), 34–36

Strategy were acknowledgement of the Treaty relationship between Maori and the Crown, and improvement of the health of disadvantaged groups.¹²⁶⁰

The Crown's various initiatives seem to have helped create a more culturally inclusive and welcoming health service. A 1996 survey showed that only 3 per cent of Maori in the Rotorua and Taupo ('Lakes') sub region of the Midland District Health Board area regarded their treatment as culturally inappropriate, although 11 per cent felt they had been dealt with in an insensitive manner.¹²⁶¹ A Maori Health Unit was established at Whakatane Hospital in the 1990s; Murton states that this was intended 'to provide health services by Maori, for Maori'.¹²⁶² As we have noted, and will discuss in more detail below, health authorities were also entering into contracts with numerous Maori health providers, most of whom aimed to provide health services to Maori in keeping with Maori kaupapa. However, there is some evidence that in the area of mental health the hospitals were not attuned to community needs, and not consulting appropriately.¹²⁶³ Tangiora Tawhara also told us that in the early 1990s 'nurses and medical professionals were not culturally responsive to the needs of our people'.¹²⁶⁴

While the health system was generally becoming more culturally welcoming to Maori, its services were becoming less accessible to many in Te Urewera. It appears that a number of services were reduced or eliminated altogether, although we received little evidence on the exact nature and timing of this. For example, counsel for the Waikaremoana claimants referred to the loss of district nurse services to that area, but we were not presented with any evidence relating to this.¹²⁶⁵ Ms Tawhara gave us some useful information, for example that from the early 1990s the weekly doctor visits to Ruatahuna were reduced to monthly visits.¹²⁶⁶ She also told us that around this time she was hired by the Department of Health as a community health worker. 'My job was to liaise between the community and the Health Department to improve access and use of existing services'.¹²⁶⁷ She was given very little training and was sometimes 'caught in the middle' when the Department refused assistance to people.¹²⁶⁸

We also received some evidence on reductions in hospital services. In 1991, the Murupara maternity annex was closed, forcing women in that area to go to Rotorua for hospital birth. The closure occurred despite protests from Murupara community groups and the Ngati Manawa Tribal Committee.¹²⁶⁹ Wairoa Hospital has been significantly downgraded since the mid-1980s, when it had 120 beds.¹²⁷⁰

1260. Earp, brief of evidence (doc M18), p 12

1261. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1794

1262. Ibid, p 1794

1263. Ibid, pp 1794–1795

1264. Tawhara, brief of evidence (doc E42), p 3

1265. Waikaremoana, statement of claim, 8 October 2004 (claim 1.2.1(b)), p 172

1266. Tawhara, brief of evidence (doc E42), p 2

1267. Ibid, p 2

1268. Ibid, p 2

1269. Herbert, brief of evidence (doc F30), pp 4–5

1270. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 319

In 2005, it had only 14 beds, and the Waikaremoana claimants seemed to regard it as no longer a true hospital.¹²⁷¹ In the mid-1980s or earlier, Opotiki Hospital seemed to have been downgraded from a small hospital of 58 beds to a community medical centre.¹²⁷²

The hospitals serving the Te Urewera population in 2005 were:

- ▶ Tauranga Hospital, which provided 'the full range of medical and surgical specialties (excluding neurosurgery and cardiac surgery) . . . and a full range of clinical support and non-clinical support services.' It had 326 beds. Maori services were provided using a kaupapa model which Earp stated was 'strongly supported by local iwi'.¹²⁷³ The hospital is approximately 105 kilometres' drive from Taneatua, near the western boundary of the inquiry district.
- ▶ Rotorua Hospital, which seems to have provided similar services to Tauranga Hospital, and is approximately 65 kilometres' drive from Murupara.
- ▶ Whakatane Hospital, which had 140 beds and provided 'emergency, medical, surgical, child, maternal, and intensive care inpatient and outpatient specialist services', as well as a range of support services including Maori health.¹²⁷⁴ It is about 12 kilometres' drive from Taneatua.
- ▶ Wairoa Hospital and Health Centre, which had 14 beds and provided 'a limited range of health services', including day surgery from a mobile surgical bus, maternity care for low-risk deliveries, antenatal and postnatal care, and various external services, including district nurses and public health education.¹²⁷⁵ It is approximately 55 kilometres' drive from the southern shore of Lake Waikaremoana. Patients whose needs cannot be met at Wairoa are usually transferred to Hastings.¹²⁷⁶
- ▶ Opotiki Hospital and Health Centre, about which we received very little information. It is about 15 kilometres' drive from the south-eastern reach of Ohiwa Harbour, just inside the inquiry district boundary.

As the distances indicate, hospital care was difficult to access from many parts of the inquiry district, especially for people without their own transport, or living away from main roads. The transport problem became especially acute once bus services were withdrawn. Margaret Herbert pointed out to us:

if someone in Rotorua is sick in the night or have a sick child they can get to the hospital in ten minutes. They can be treated in Accident and Emergency. The people of Ngati Manawa have to look around for an ambulance, and then they have to pay for that service. Many people in Ngati Manawa do not have vehicles to transport themselves to Rotorua.

1271. Earp, brief of evidence (doc M18), p 31; Waikaremoana, statement of claim, 8 October 2004 (claim 1.2.1(b)), p 172. The statement of claim refers to the 'loss' of Wairoa Hospital.

1272. Stokes, Milroy, and Melbourne, *Te Urewera* (doc A111), p 318

1273. Earp, brief of evidence (doc M18), p 26

1274. Ibid, pp 26, 27

1275. Ibid, p 31

1276. Taylor, brief of evidence (doc H17), p 9

Then there is added complications for Ngati Manawa people if they have to have follow up appointments. There is no longer a public transport system; that was stopped years ago. They have to keep appointments in Rotorua hospital or Whakatane and it is very hard to keep those appointments because of the transport issues.¹²⁷⁷

These problems were felt by all Te Urewera hapu and iwi. Mrs Tawhara, a community health worker in Ruatahuna in the early 1990s, told us that she was frequently asked to drive emergency cases to the doctor or hospital because the patient lacked vehicle access. 'If they did have access to a vehicle it often did not have a warrant or registration because people did not have the means of meeting these requirements and there was no public transport.'¹²⁷⁸ Despite this, 'the Department [of Health] informed me that I was not a taxi service' and refused to fund transport.¹²⁷⁹ Some patients were compelled to take an actual taxi, and the expense of this tended to deter people from seeking medical aid. The Tuawhenua Research Team, citing Dr Ian Pryor, stated that transport problems 'affected the general health and well-being of the Ruatahuna population as a whole.'¹²⁸⁰ Murton wrote that Ruatahuna was one of the Te Urewera communities most remote from hospital services, along with (to a lesser extent) Murupara, Galatea, Te Whaiti, and Minginui. Even in 1990, it took one hour to travel from Ruatahuna to Murupara by a winding unsealed road, and then a further hour to travel from Murupara to the nearest hospital, in Rotorua.¹²⁸¹ Even the regional hospitals in Rotorua and Tauranga were unable to provide some services, such as cardiac and neurosurgery.¹²⁸² We also heard that at times diabetes patients have had to travel regularly to Wellington.¹²⁸³

Another problem is that most of our inquiry district was in the Bay of Plenty District Health Board district, which had its main hospital in Tauranga.¹²⁸⁴ As we note above, Rotorua Hospital is significantly closer, particularly for the Whirinaki Valley communities and Ruatahuna; indeed, the most obvious route from these places to Tauranga goes through Rotorua. Although hospitals were able to accept patients from outside their districts, this meant, as counsel for Tuawhenua pointed out during our hearings, that Te Urewera residents were generally unable to vote in the elections of the district health board they were most likely to use.¹²⁸⁵

Maori health worker and claimant witness Margaret Herbert spoke to us about the impact of the arrival and departure of the State health system in Te Urewera.

1277. Herbert, brief of evidence (doc F30), pp 6–7

1278. Tawhara, brief of evidence (doc E42), p 2

1279. Ibid, p 3

1280. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 487

1281. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1783

1282. Earp, brief of evidence (doc M18), p 26

1283. Taylor, brief of evidence (doc H17), p 8. Patient travel was paid for, but whanau travel and accommodation was not, even if the patient needed to be accompanied.

1284. For a map, see Ria Earp, comp, attachments to brief of evidence, 4 April 2005 (doc M18(a)), attachment D, p 2.

1285. Kathy Ertel, cross-examination of Ria Earp, Taneatua School, Taneatua, 14 April 2005 (transcript 4.416(a), pp 410–411)

She submitted that, in the past, Ngati Manawa had traditional remedies and treatments for injuries and a wide range of diseases.¹²⁸⁶ However, the new diseases brought to Te Urewera by Pakeha were ‘difficult to treat using traditional methods’, and so people began to use Pakeha health care.¹²⁸⁷ She went on to say:

When the forestry industry began to leave Murupara there was a reversal back to the situation where there were no doctors and health services. However it was more than a reversal back to the times before Pakeha medicine was introduced; because at this time there was no longer any traditional health infrastructure there.

The new health system had been introduced and people had been made to rely on it; and people were actively discouraged [*sic*] to abandon traditional healing. So when Pakeha doctors and nurses left Murupara they left a void, that normally would have been filled by our own knowledge and practices, but in this case that was too simplistic. That does not account for the fact that the traditional system had been discredited and nearly destroyed in the duration.¹²⁸⁸

Partly in response to the shortage of medical services in Te Urewera, Maori communities in Te Urewera set up their own health agencies. One such was Te Runanga Matauranga o Tuhoe (Tuhoe Matauranga), established in 1992 with the objective of ‘enhancing the social and economic well-being of all Tuhoe in a manner that promotes and preserves the integrity of Tuhoetanga.’¹²⁸⁹ It included a general practitioner service, which in 2000 was based in Taneatua but visited kura and kohanga around Te Urewera.¹²⁹⁰ The Tuhoe Hauora Trust also provided primary medical care, with a team of medical professionals operating in Ruatoki, Waimana, and Taneatua, and on call 24 hours a day.¹²⁹¹

Various Maori and iwi health providers in Te Urewera held contracts with the Bay of Plenty District Health Board or the Ministry of Health at the time of our 2005 hearings. For example, Tuhoe Hauora was contracted to provide a wide range of services including mobile nursing, mental health services, alcohol and drug whanau support, and transport assistance. Te Ika Whenua, based in Murupara, provided services relating to alcohol and drug abuse. Te Tapenakara mo te Iwi was part of a Maori youth suicide prevention initiative funded by the Ministry of Health, and had a joint contract with Te Kaokao o Takapau to provide care and wellbeing services for kaumatua and kuia. Te Kaokao was also contracted with the Ministry of Health to provide health promotion, injury prevention, and mental health services.¹²⁹² Maori health organisations based outside the inquiry district also held contracts relating to Te Urewera. Tipu Ora and He Korowai Aroha, both

1286. Herbert, brief of evidence (doc F30), p 2

1287. Ibid, p 3

1288. Ibid, p 4

1289. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p 1777

1290. Ibid, pp 1777–1778

1291. Ibid, p 1778

1292. Earp, brief of evidence (doc M18), pp 28, 29; Te Kaokao o Takapau Health and Disability Services, <http://www.tuhoematauranga.org.nz>, accessed 16 August 2017

based in Rotorua and funded by Lakes District Health Board, respectively provided child health checks and mobile nursing.¹²⁹³ In Tuai, Nga Kaitiaki Hauora o Waikaremoana was funded by the Hawkes Bay District Health Board to provide a range of services to the Waikaremoana communities.¹²⁹⁴

Some of these providers, including Te Tapenakara and the Waimana-based Te Wairua o Te Ora Trust, also provided traditional rongoa services.¹²⁹⁵ Provision of rongoa was also given limited assistance by the Department of Conservation, which allowed the collection of flora from the Te Urewera National Park for rongoa ‘in special circumstances’, as long as the plants were not ‘rare, vulnerable or endangered’.¹²⁹⁶

Ms Herbert explained to us the importance of Maori health providers, describing the work of Te Whanau Poutirirangaiaora a Papa:

I think it is important because if you go into Pakeha surgery things are different. Our people will not always go to doctors until they are really sick. Especially the old people who wait until they are quite sick. We have a kaupapa Maori service here. Our doctors continually learn te reo. We had a kuia coming up and teaching the staff te reo so that Maori can be comfortable when accessing our services.

The big difference here is that access to services is improved when there is a place where people can feel comfortable. We have a room downstairs where kaumatua can come and have a cup of tea while they are waiting for appointments or test results. We have walk in clinics for those people who come in without appointments. They come in knowing that they can stroll along to the room and have a cup of tea and talk to us in Maori. We have Pakeha doctors and we have a Maori GP but the key difference is the environment. Without that, Maori are being forced to access services in an environment that is foreign to them. Either that or they forgo health care altogether.¹²⁹⁷

Ms Herbert also said that it was important from a Maori perspective to take a holistic approach to health, having regard for taha hinengaro (psychological health) and taha wairua (spiritual health), not just the physical side, as Western medicine does.¹²⁹⁸

In summary, there were two main trends in Maori health care in Te Urewera between the mid-1980s and the time of our hearings. One was the repeated restructuring of the health system. The most important outcome of this for the claimants was that services in rural areas were reduced. This in combination with increased poverty and the withdrawal of public transport made it very difficult for many people in Te Urewera to access health care. In our opinion, the increased

1293. Earp, brief of evidence (doc M18), p 30

1294. Ibid

1295. Ibid, pp 25, 28

1296. Department of Conservation, *Te Urewera National Park Management Plan* (Wellington: Department of Conservation, 2003), pp 138–139

1297. Herbert, brief of evidence (doc F30), p 7

1298. Ibid, p 9

inaccessibility of health care was, along with increased poverty and dislocation, one of the key reasons why the health improvements of the mid-twentieth century stalled or went backwards from the 1980s. The other important change was that the public health system became more aware of the Crown's obligations under the Treaty of Waitangi, and thus more culturally sensitive, more receptive to Maori ways of doing things. This meant that Maori health organisations received State funding and were able to take some control of the health services delivered to Maori in Te Urewera. It also meant that mainstream health organisations made more of an effort to improve Maori health outcomes and close the gaps between Maori and non-Maori. The health service did not become bicultural, and the changes which were made were not enough to compensate for the negative effects of cost-cutting and restructuring. But they did mean that health services were no longer as culturally alienating for Maori in Te Urewera as they had been in previous decades.

23.8.3.2 *Housing*

Since at least the 1930s, the Crown's policies on housing assistance for low-income people have focused on creating and improving housing stock in urban areas and towns. The Crown was well aware that Maori housing conditions in rural areas such as Te Urewera were woefully substandard, and made some attempts to improve them, as this chapter has shown. Improvements were made via the development schemes, and timber town workers enjoyed a relatively high standard of housing, but there were no rural State houses other than a handful of kaumatua flats, and it was difficult for Maori landowners to borrow money to improve their accommodation.

From the mid-1980s, the Crown began to provide more housing assistance to Te Urewera Maori. While claimant counsel have generally acknowledged this, they submit that it has been minimal, and inadequate to fix the huge problems in Te Urewera housing.¹²⁹⁹ Counsel for Tuawhenua also stated that no housing services were available in Ruatahuna until the twenty-first century.¹³⁰⁰ In response, Crown counsel listed a number of recent actions the Crown has taken to alleviate Te Urewera housing problems. However, they did not specifically address the question of whether these were enough to fix the problems or fulfil the Crown's Treaty responsibilities.¹³⁰¹

As noted above, the Crown's greatest contribution to Maori housing in Te Urewera was through timber town worker housing. Following the corporatisation of the Forest Service in the mid-1980s, the Crown attempted to sell this housing stock. In the end, Minginui village was transferred to the Ngati Whare Trust,

1299. Counsel for Ngati Ruapani, closing submissions (doc N19), app A, pp 186, 195; counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), p 356; counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), pp 23–24

1300. Counsel for Tuawhenua, synopsis of submissions (doc N9(b)), p 19

1301. Crown counsel, statement of response to stage 3 claims (statement 1.3.7), pp 33–34. In their closing submissions, Crown counsel barely addressed the issue of housing: Crown counsel, closing submissions (doc N20), topic 39, p 20.

Kaumatua flats	Purchaser
Ngati Whare Oki Oki	Tuhoe Waikaremoana Maori Trust Board
Mahurehure	Mahurehure Marae Committee
Tauarau	Tauarau Marae Trust
Ruatahuna	Hinepukohurangi Trust (initially Tuhoe Manawaru Maori Executive)

Table 23.5: Te Urewera kaumatua flats and their purchasers, 1993–95
Source: Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 2069–2070

leaving Ngati Whare and Minginui residents to cope with serious problems with the village's infrastructure and housing stock. This story has been discussed at length in the corporatisation section above, and will not be further addressed here.

Apart from the small number of kaumatua flats discussed earlier in this chapter, there was no rural State housing in Te Urewera or elsewhere until the 1980s.¹³⁰² In 1986, the Housing Corporation in association with the Department of Maori Affairs finally introduced a scheme to build rural State housing. Seven such houses were built at Ngahina marae in Ruatoki from 1988.¹³⁰³ We were not informed of any other rural State houses being built in the inquiry district, and in any case the rural State housing initiative was short-lived. In 1992, the National Government restructured the Housing Corporation, requiring it to administer its rental properties on a commercial basis, with market-based rents.¹³⁰⁴ Other State sector organisations with housing assets were encouraged to sell them; these included ECNZ, which presumably owned the hydro workers' houses near Waikaremoana, and Te Puni Kokiri, which owned the Te Urewera kaumatua flats built in the 1970s and 1980s.¹³⁰⁵ Te Puni Kokiri granted loans, managed by the Housing Corporation, to local Maori authorities, who from 1993 to 1995 purchased all the Te Urewera kaumatua flats.¹³⁰⁶ According to Murton, this was part of a general policy of 'giving responsibility to Maori authorities'.¹³⁰⁷

The election of a Labour-led Government in 1999 saw another reversal of State housing policy, with a shift to income-related rents for State houses.¹³⁰⁸ There was also recognition of the need for a bigger supply of affordable accommodation,

1302. The Minginui houses are sometimes considered State housing, as they were built by the State. However, they have never been 'State houses' in the usual sense of the word, since they came with forestry jobs.

1303. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 2032

1304. Marsden, brief of evidence (doc M23), p 3; Gael Ferguson, *Building the New Zealand Dream*, pp 288–291

1305. Desmond Renata, brief of evidence, 22 November 2004 (doc I24), p 17. The hydro houses were sold into private ownership, but Renata did not say who originally owned them.

1306. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 2069–2070

1307. Ibid, p 2071

1308. Marsden, brief of evidence (doc M23), p 5

including housing in rural areas. In 2001, the Housing Corporation (now generally referred to as Housing New Zealand) established the Rural Housing Programme to address severely substandard housing in Northland, the East Coast, and the eastern Bay of Plenty, including Te Urewera.¹³⁰⁹ The programme had two main aspects: provision of loans, to be discussed below, and building more State houses. By the time of our 2005 hearings, at least 27 rural State houses had been constructed in Te Urewera: 13 in Ruatoki, 10 in Ruatahuna, three in Waiohau, and one in Waimana. Another seven were built in Waikaremoana, but not necessarily within our inquiry district.¹³¹⁰ Whereas in previous decades housing had been built or improved almost exclusively in areas where jobs were available, this programme indicates a willingness to build houses anywhere with a shortage of good quality affordable accommodation.¹³¹¹ In Ruatahuna, some of the labour was carried out by locals, who gained skills and experience.¹³¹²

While these improvements were welcomed, claimant witnesses told us that they have been inadequate to fix the Te Urewera housing crisis.¹³¹³ Awhina Rangiaho said that there were not enough rural State houses to meet demand, leading to overcrowding. In the early 2000s, there were 45 families who qualified for a rural State house but did not have one; housing them all would require the inquiry district's State housing stock to more than double.¹³¹⁴ Even for those who could afford market rents, there were few available properties in some parts of the district. Alana McBurney told us that it was 'practically impossible' to find a house for rent in Ruatoki.¹³¹⁵

As we noted in the living conditions section, around two-thirds of Maori households in Te Urewera owned their own home in 2001. The inquiry district also contains underutilised Maori land suitable for housing. These two factors mean that improving Maori housing in Te Urewera is a matter not only of providing more rental properties but also of assisting people to build new houses on their own land and to repair and improve the houses they already own and live in. Many of the Crown's rural housing initiatives since the mid-1980s have been based on this idea.

Earlier in this chapter, we showed how Maori attempts to build on their own land were often stymied by the Town and Country Planning Act 1953, and the

1309. Marsden, brief of evidence (doc M23), p 8; Cabinet Policy Committee, 'Whole of Government Initiatives to Address Housing Risk in Northland and East Coast/Bay of Plenty', minute of decision, 10 July 2001, POL Min (01) 17/9; Minister of Social Services and Employment, 'Whole of Government Initiatives to Address Housing Risk in Northland and East Coast/Bay of Plenty', late paper to Cabinet Policy Committee, 6 July 2001, POL Min (01) 182 (Tony Marsden, comp, attachments to brief of evidence, various dates (doc M23(a)) attachment c)

1310. Marsden, brief of evidence (doc M23), p 11

1311. *Ibid*, p 9

1312. *Ibid*, p 10

1313. Burney, brief of evidence (doc J14), para 23; Rangiaho, brief of evidence (doc J15), p 13

1314. Rangiaho, brief of evidence (doc J15), p 13. Ms Rangiaho, manager of the Tuhoe Hauora Trust, did not say whether all 45 families lived in the inquiry district, but we have assumed this to be the case.

1315. Burney, brief of evidence (doc J14), p 7

restrictions it encouraged local authorities to put on rural development. It took a Planning Tribunal Appeal decision in 1985 to make Whakatane County Council change its policies to make it easier to build houses on rural Maori land.¹³¹⁶ Meanwhile, the multiple ownership of many Maori land blocks was a longstanding barrier to securing housing loans. In 1986, the Housing Corporation introduced the Papakainga Housing Programme (also known as Multiple Ownership Housing Contracts), which provided loans on multiply owned land. At Ruatoki, about 30 houses were built with the aid of papakainga loans between 1986 and 1993.¹³¹⁷ Lenders had generally been reluctant to loan on multiply owned land because it could not be repossessed in the event of a loan default, meaning lenders had no security on the loan. The Papakainga programme overcame this by requiring the houses to be easily moveable; if the borrowers failed to keep up their payments, the house could be repossessed and moved elsewhere.

The changes to the Council's planning policies and the Papakainga scheme were both welcome developments. However, claimant witnesses told us that it was still very difficult to get a house built. Papakainga loans could only be granted if the plans met the District Council's compliance provisions, and Doris Rurehe told us that these were expensive and difficult to comply with. They could include survey costs, installation of water and power transformers, roadway access and street lighting.¹³¹⁸ Lenny Te Kaawa said that his whanau could not get a Papakainga loan because access to the proposed sections was considered inadequate.¹³¹⁹ As we saw earlier in this chapter and in chapter 14, poor or non-existent roading is a longstanding and fairly widespread problem in our inquiry district. By the late 1990s, most of the houses built with Papakainga loans in Te Urewera had become run down, apparently because they had been poorly built.¹³²⁰ Housing New Zealand stated in 2000 that it 'has *no* legal obligation' to repair the houses (emphasis in original), but because it had encouraged people to take out mortgages, 'the Government has some obligations to assist the mortgagors to restore their home to an acceptable habitable standard.'¹³²¹

Although run-down housing was known to be a major problem in Te Urewera and other rural areas for many decades, aid for repairs was not available until the 2000s. One of the Labour-led Government's first housing improvement programmes after its formation in 1999 was the Special Housing Action Zones (SHAZ) programme, which began in 2000.¹³²² This was originally targeted at low-income

1316. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 2026–2030

1317. Ibid, p 2033

1318. Rurehe, brief of evidence (doc E24), p 3

1319. Te Kaawa, brief of evidence (Maori), 21 June 2004 (doc E9), p 3; Te Kaawa, brief of evidence (English) (doc E9(a)), p 3

1320. Rangiaho, 'Current Housing, Health and Crime for Tuhoe', slides [1]–[2] (Rangiaho, attachments to brief of evidence (doc J15(c)), p 1)

1321. Wakelin, Hill, Askey, and Bird, 'Housing Corporation of New Zealand Report into Tuhoe Housing', p 2 (Rangiaho, attachments to brief of evidence (doc J15(b)), p [4])

1322. Cabinet Policy Committee Paper, POL (01)182 (Marsden, attachments to brief of evidence (doc M23(a)), attachment D), para 20

rural Maori families living on multiply owned land, but it was later expanded to include ‘any community of households in serious housing need.’¹³²³ Householders in Action Zones were given access to suspensory (deferred payment) loans to repair problems which, if not fixed, could cause serious illness or injury, or death.¹³²⁴ The loan did not have to be repaid unless the house was sold within three years.¹³²⁵ Under the scheme, 96 suspensory loans for essential repairs were granted in Ruatoki before the scheme was replaced by the Rural Housing Programme in 2001.¹³²⁶

The Rural Housing Programme (RHP) followed on from SHAZ, and according to Housing New Zealand’s Tony Marsden, the experience gained from SHAZ helped in its development.¹³²⁷ Marsden told us that the RHP involved two ‘streams of work’:

An immediate response, including a housing assessment, repairing the most unsafe housing or finding alternative housing for those families at serious risk, and installing smoke alarms and providing fire safety education to families; and

A longer-term response, which involves repairing existing housing and making new housing investment using a multi-agency social development approach aimed at preventing the recurrence of substandard housing. This wider approach addresses other elements such as employment, public and personal health, education and skills and infrastructure development.¹³²⁸

The involvement of communities in identifying their housing needs was seen as crucial.¹³²⁹ Specific initiatives included the rural State housing programme discussed above, repair loans under the same terms as the SHAZ loans, loans to community organisations to build rental housing, and infrastructure suspensory loans.¹³³⁰ From 2001 to 2004, at least 94 repair loans were provided under the RHP in Te Urewera: 49 in Minginui, 20 in Ruatoki, 13 in Waiohau, eight in Waimana, and four in Ruatahuna. Another 26 were provided in the Waikaremoana area, but it is likely that many of these were outside our inquiry district.¹³³¹

1323. Housing New Zealand Corporation, ‘Partnerships Procedure: Special Housing Action Zones (SHAZ)’, PtNR-101, issue 2, 21 November 2002, p 2 (Rangiaho, attachments to brief of evidence (doc 115(b)), p [40])

1324. Marsden, brief of evidence (doc M23), p 9; Housing New Zealand Corporation, ‘Partnerships Procedure: Special Housing Action Zones (SHAZ)’, p 4 (Rangiaho, attachments to brief of evidence (doc 115(b)), p [42])

1325. Dominic Foote, manager, Special Housing Action Zones, to Donna Hake-Rangiaho, Roimata Aroha Advocacy, Whakatane, 13 March 2001, p [2] (Rangiaho, attachments to brief of evidence (doc 115(b)), p [34])

1326. Marsden, brief of evidence (doc M23), p 11

1327. Ibid, p 7

1328. Ibid, p 8

1329. Ibid

1330. Ibid, p 9

1331. Ibid, p 11

Much of the RHP work was carried out in partnership with iwi organisations, including Tuhoe Hauora, which focuses primarily on health but fundamentally exists to 'give hope, to educate and restore mana' to Tuhoe.¹³³² In 2004, Tuhoe Hauora was contracted to assess the housing needs of the Ruatoki and Waimana areas, obtain quotes for essential repairs and maintenance, and hire contractors to carry out the work.¹³³³ Awhina Rangiaho, manager of Tuhoe Hauora, told us that the money provided under the RHP was inadequate to fix the severe housing problems in Te Urewera. She stated that \$300,000 was allocated for repairs in the 2004–05 financial year, which paid for repairs in 20 houses, at an average cost of \$15,000. However, 22 houses had been assessed as needing aid, and many others in the area had not yet been assessed.¹³³⁴ There were also many people who were in urgent need of help, but did not qualify for it because they did not own their homes, or who did qualify, but missed out because preference was given to whanau with young children.¹³³⁵ The criteria for essential repairs was very narrow, for example excluding painting exterior walls or fixing more than one window per room.¹³³⁶ The repairs which were carried out were often of poor quality, as Housing New Zealand 'slash[ed] tradesmen's quotes so harshly we find it difficult to get and retain quality tradesmen.' As a result, Ms Rangiaho argued, 'we will be re-visiting this problem again in 10 years time.'¹³³⁷ She did not know how this would be funded, as the Rural Housing Programme was scheduled to end in May 2006.¹³³⁸

During cross-examination, Tony Marsden of Housing New Zealand conceded that there had been some problems with the Rural Housing Programme: poor quality material had been used in some cases; the programme had been slow to start due to the need to build relationships with communities which often distrusted Government agencies; and funds were limited.¹³³⁹ However, he denied that Housing New Zealand was providing only a short-term solution, saying:

We are certainly working towards development practices that ensure sustainability, it would be a pointless exercise for us to do a quick band aid fix because we would be back in ten years . . . We are helping to build the sector in terms of community and iwi

1332. Ibid, p 10; Rangiaho, brief of evidence (doc J15), p 6

1333. Rangiaho, 'Current Housing, Health and Crime for Tuhoe', slides [13]–[14] (Rangiaho, attachments to brief of evidence (doc J15(c)), p 7); Tony Marsden, oral evidence, Taneatua School, Taneatua, 14 April 2005 (transcript 4.16(a), p 388)

1334. Rangiaho, 'Current Housing, Health and Crime for Tuhoe', slides [13]–[14] (Rangiaho, attachments to brief of evidence (doc J15(c)), p 7)

1335. Rangiaho, brief of evidence (doc J15), p 12

1336. Ibid

1337. Ibid, p 13

1338. Rangiaho, 'Current Housing, Health and Crime for Tuhoe', slides [17]–[18] (Rangiaho, attachments to brief of evidence (doc J15(c)), p 9). We do not know if the programme still exists, but it was still running in 2009.

1339. Tony Marsden, oral evidence, Taneatua School, Taneatua, 14 April 2005 (transcript 4.16(a), pp 381, 394)

groups and in terms of their aspirations for housing and the social and physical health of communities.¹³⁴⁰

Marsden did not reply to Rangiaho's claim that they 'slashed' quotes from tradesman, except to say that Housing New Zealand check the assessments carried out by community groups and subsequent quotes to ensure that the quotes are fair.¹³⁴¹

The rural housing programmes of the 2000s were important initiatives which doubtless improved the homes and lives of scores of Te Urewera whanau. However, it is clear that they were inadequate to fix or even substantially alleviate the severe problems in Te Urewera Maori housing. The number of new State houses built in Te Urewera was nowhere near enough to meet the need for affordable rental property. SHAZ and the RHP both helped Maori homeowners but, as Ms Rangiaho pointed out, the funds available could not improve more than a handful of houses out of the many which needed repairs and maintenance. It appears that the need to save money also compromised the quality of the work which was carried out. Moreover, the repair programme did not even address some of the fundamental and serious problems with Maori housing in Te Urewera, such as overcrowding and lack of electricity. We applaud the Rural Housing Programme, however imperfect its execution may have been at times, but reiterate that it was not enough.

23.8.3.3 *Water supplies*

One of the essential requirements for good health is a clean and reliable water supply. Despite this, several mostly Maori communities in Te Urewera have had ongoing problems accessing such a supply. The Whakatane District Council is responsible for most water supplies in Te Urewera, but in many cases has had trouble finding the money to undertake necessary upgrades, repairs, and replacements. The Council's acts and omissions are outside our jurisdiction, but as we stated earlier, the Crown has a Treaty obligation to try and alleviate Maori health disparities. Clean water is a basic requirement for good health, and polluted water supplies have historically been a major cause of disease among Maori, in Te Urewera and elsewhere. We therefore consider that, where a town or village has a contaminated water supply, the Crown has a clear duty to ensure it is fixed.

We received considerable evidence on the Ruatoki water supply, reflecting the importance of this issue to the village's residents. We have discussed the ownership of the water supply system in chapter 19; here we look at the matter from a health perspective. In 1984, the Department of Health found the water supply there to be so polluted, mainly from stock waste, that it required boiling or treating before use.¹³⁴² The situation had not improved by 1988, and new home owners were installing their own water bores, sometimes at the risk of sewage contamination,

1340. Tony Marsden, oral evidence, Taneatua School, Taneatua, 14 April 2005 (transcript 4.16(a), p375)

1341. Ibid, p 398

1342. John Robertson, Chief Ombudsman, to P Keepa, 7 October 1994, pp3-4 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(11)), pp 40-41)

rather than be connected to the water supply.¹³⁴³ By this time, it had become clear that the village system needed to be replaced rather than simply repaired.¹³⁴⁴ In 1989, the Crown provided a subsidy of \$308,926, but this was only 40 per cent of the money required.¹³⁴⁵ The Whakatane District Council was compelled to borrow money to pay the remaining costs, and in order to repay the loan it increased rates and introduced water meters so that residents could be charged for the water they used. When the system was completed in 1990, residents were charged \$2,500 per household to be connected to it. In response, Ruatoki residents formed the Ruatoki Water Supply Action Committee, which launched a petition against the fee, and appealed to Helen Clark, then the Minister of Health.¹³⁴⁶ Clark deferred the matter to the Whakatane District Council, and reminded the Committee that the Crown had already provided a subsidy.¹³⁴⁷

In 1994, the Committee complained to the Ombudsman, saying that as well as the \$2,500 fee, connection involved 'hidden costs' such as pipes from the house to the road, meter reading fees, and having to replace plumbing as older pipes could not cope with increased water pressure.¹³⁴⁸ The Ombudsman was sympathetic to the Committee, finding that the Council had reneged on an agreement to use local labour to build the scheme; had based water rates on the average nuclear family rather than taking into account the extended families which were more typical for Maori; and had failed to adequately consult with the community.¹³⁴⁹ He acknowledged, however, that the question of how to pay for the new system had no easy answers; the Council had a high bill to pay, but residents could not afford a user pays system.¹³⁵⁰ He suggested that a more radical solution would be for the local Iwi Trust Board to purchase the supply from the Council, thus allowing 'greater means to assist those who are in arrears, or are financially unable to access the water.'¹³⁵¹ We are uncertain, however, whether the Board had the necessary resources. Since then, Ruatoki residents who paid to be connected to the scheme have sometimes had difficulties paying their water bills, and became indebted to the Council, in some cases for large sums. In 1997, the Council decided to disconnect the supply to

1343. Oliver, 'Ruatoki' (doc A6), pp186–187

1344. Peter Tapsell to Helen Clark, 29 August 1990 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(J1)), p 115). The Chief Ombudsman noted 'the old scheme was dangerously polluted, and in such a state of obsolescence that despite expensive maintenance the pipe lines were falling apart': John Robertson to P Keepa, 7 October 1994, p 13 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(J1)), p 50).

1345. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp1903, 1913

1346. Ibid, pp1904–1905; 'Ruatoki Water Supply Action Committee Petition', 21 August 1990 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(J1)), p 113)

1347. Helen Clark to Rameka Teepa, chairman, Ruatoki Water Action Committee, 23 August 1990 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(J1)), p 116)

1348. John Robertson to P Keepa, 7 October 1994, p 31 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(J1)), p 68)

1349. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp1910–1911

1350. Sir John Robertson to P Keepa, 7 October 1994, p 33 (Murton, supporting papers to 'The Crown and the Peoples of Te Urewera' (doc H12(a)(J1)), p 70)

1351. Ibid, pp 33–34 (pp 70–71)

households in arrears. Debt was reduced by nearly half between 1997 and 1999, but at the cost of cutting some households off from their water supply.¹³⁵²

In our living conditions section earlier in this chapter, we showed that Ruatahuna also had ongoing water supply problems. Because the village has multiple systems, it has required multiple injections of funding. In the early 1990s a subsidy was provided by the Ministry of Health, under a programme which was phased out shortly afterwards.¹³⁵³ Problems remained, and a series of meetings were held on the matter in the late 1990s and early 2000s. The Whakatane District Council was initially reluctant to carry out improvements as the local community lacked the ability to contribute financially.¹³⁵⁴ However, in 2002 it agreed to undertake minor repairs and upgrade the header tank and intake structure.¹³⁵⁵ The following year Housing New Zealand approved a suspensory loan to build a water system, although at the time of our hearings this was still in the design stage.¹³⁵⁶

For many decades, several Te Urewera communities have experienced ongoing problems accessing clean and reliable water supplies. It appears that this is at least partly because the District Council has been unable to pay for improvements without significant rates rises. As well as being electorally unpopular, such rises would have adversely affected the very communities which needed the improvements. At various times the Crown has provided funds and suspensory loans to fund improvements and replacements, but in general these have been inadequate to solve the problems.

23.8.3.4 Education

Before the 1980s, two of the main problems that the hapu and iwi of Te Urewera had with the education system were that it did not adequately recognise or respect te reo Maori, or Maori culture more generally; and that it was difficult to access from many parts of the inquiry district, especially at post-primary level. Earlier in this chapter we showed that, from the mid-twentieth century, and especially from about the 1970s, te reo gained a growing place in the education system. This was especially so in Te Urewera, where many schools became bilingual, and later kura kaupapa. While the claimants had some concerns over resource funding and the extent of support for the Tuhoe dialect in the system, marginalisation of te reo was no longer the raw and painful problem that it had been in earlier decades. Children in Te Urewera were no longer punished for speaking te reo in school; indeed most of them were taught in te reo. The second key problem, that of access, continued into the twenty-first century, with only a few improvements. For the most part, the problem was much the same as it had been in the 1970s and has

1352. In 1997, 59 consumers were behind with their payments. In 1999, 46 were. It was estimated there were 285 households in the Ruatoki Valley in 2000. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1908–1909

1353. Prendergast, brief of evidence (doc M21), p 9

1354. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 1888–1890

1355. Ibid, pp 1890–1891

1356. Marsden, brief of evidence (doc M23), p 10

thus been described earlier in this chapter. This section will therefore not revisit the issue of access, except to note the few changes which have taken place. For the post-1984 period, the main education issue raised by claimants is the relationship between the Tuhoe Education Authority and the Crown.

One of the most important changes made to the education system in the 1984 to 2005 period was the introduction of the Tomorrow's Schools policy in the late 1980s. Among other things, it introduced an ethos in which schools competed with each other for students. Some claimants argued that this was 'a con job by the Crown . . . [which] brought about a system of inequality, disparities in resourcing and elitism'.¹³⁵⁷ However, it also allowed much more parental and community involvement in their local schools.¹³⁵⁸ It is likely that the policy played an important role in allowing the hapu and iwi of Te Urewera to transform their schools from monocultural entities to the Maori-focused organisations they mostly are today. In general, the education system was reformed to allow much greater community involvement in determining the nature of their children's education. One example of this is the heavy involvement of the Tuhoe Education Authority in Te Urewera schools.

While Maori-medium education was broadly supported by the Crown from the 1970s, it took some time for funding to catch up. Until 1986, bilingual schools were not given any more funding than monolingual schools, despite the inevitable need for specialised resources.¹³⁵⁹ As a result, when Huiarau primary school became bilingual in 1985, no extra funding was given, and the quality and quantity of the teaching material available was unsatisfactory. Further funding and resources had to come from the community.¹³⁶⁰ From 1986, bilingual schools were given grants for materials, and Huiarau received funding for materials and later for a teacher to produce them.¹³⁶¹ Maori language education continued to expand in Te Urewera, and by 1997 there were five kura kaupapa in the district.¹³⁶²

The resources provided by the Crown use a standardised version of te reo rather than one specific to any particular iwi or rohe. Teina Boasa-Dean of the Tuhoe Education Authority told us that there was no funding for resources or assessment in specific dialects such as te reo o Tuhoe, forcing the community to create resources themselves.¹³⁶³ Boasa-Dean said that the Crown was attempting to standardise te reo Maori, and explained that dialects such as te reo o Tuhoe were important because they 'have whakapapa, they have sanctity, they have hapu, they

1357. 'Ko Nga Waiata o Te Kura Kaupapa Motuhake o Tawhiuau' (doc F39), p 14

1358. Rawiri Brell and Kathy Smith, brief of evidence, 29 March 2005 (doc M11), p 20

1359. Tuawhenua Research Team, 'Te Manawa o te Ika, Part Two' (doc D2), p 554

1360. Ibid, pp 554-555

1361. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1527

1362. They were Te Kura Kaupapa Maori o Matahi, Te Whare Kura Maori o Ruatoki, Te Kura Maori o Rohe o Waiohau, Te Kura Kaupapa Motuhake o Tawhiuau (in Murupara), and Te Kura Kaupapa Maori o Huiarau: Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1568.

1363. Teina Boasa-Dean, oral evidence, Tauarau Marae, Ruatoki, 21 January 2005 (transcript 4.13, pp 133-135)

have whanau connections. When you hear a dialect, you will know where the speaker comes from.¹³⁶⁴ Crown counsel denied that a standardised version of te reo had been imposed on Tuhoe at the expense of their own dialect.¹³⁶⁵ Although Crown counsel and Ministry of Education witnesses stated that the Crown supports the development of dialect-specific resources, they confirmed that there was no funding for them.¹³⁶⁶ We note that, since our hearings, the Wai 262 Tribunal found:

tribal dialects must be considered iwi taonga in the same way that te reo Maori is a taonga to Maori generally . . . for individual iwi, dialects are taonga of the utmost importance; they are the traditional media for transmitting the unique knowledge and culture of those iwi and are bound up with their very identity.¹³⁶⁷

We agree.

Access to post-primary education continued to be difficult for many Te Urewera pupils. There were some improvements, however. From the late 1980s, the Maori Education Foundation began providing boarding assistance to pupils who lived far from a secondary school and were fluent in te reo. Pupils with benefit-dependent parents had all their boarding costs paid, while those with employed parents received partial grants.¹³⁶⁸ The situation in Ruatahuna also improved from the 1990s, when secondary education was provided at Huiarau School.¹³⁶⁹ From about the early 1980s, some skills training was also provided in a range of fields through Ruatahuna's Kokiri Centre and the Access and Maccess schemes.¹³⁷⁰ These have been addressed above, in the section on the corporatisation of the Forest Service. While the programmes taught valuable skills including first aid, te reo, and small business management, most people became disillusioned with them when they failed to lead to employment. In general, these improvements were inadequate to deal with the results of increased poverty and unemployment at this time.

A number of Te Urewera schools experienced problems from the 1980s as population numbers declined in the wake of corporatisation. Rolls dropped and, as shown earlier, there was a rise in anti-social behaviour. During the 1990s, a number of schools throughout Te Urewera received critical reviews from the Education Review Office. Student performance was poor, and declining school

1364. Teina Boasa-Dean, oral evidence, Tauarau Marae, Ruatoki, 21 January 2005 (transcript 4.13, p135)

1365. Crown counsel barely addressed the issue of housing: Crown counsel, closing submissions (doc N20), topic 39, p 21; see also Brell and Smith, brief of evidence (doc M11), p 15.

1366. Brell and Smith, brief of evidence (doc M11), p 13; Rawiri Brell and Kathy Smith, 'Answers to Questions during the Second Crown Hearing Week', 13 May 2005 (doc M36), p 2

1367. Waitangi Tribunal, *Ko Aotearoa Tenei: Taumata Tuarua*, vol 2, p 442

1368. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), p 1562. The foundation (now the Maori Education Trust) is subsidised by the Crown but raises much of its money from private donations and bequests.

1369. Ibid, p 1563

1370. Ibid, pp 1179–1180

rolls made it increasingly difficult to recruit staff, resulting in key vacancies at Rangitahi College.¹³⁷¹

The poor performance of many Te Urewera schools was a key factor in the formation of the Tuhoe Education Authority (TEA). In 1993, Te Runanga Matauranga o Ngai Tuhoe developed a strategic plan, supported by the Ministry of Education, to improve educational outcomes for Tuhoe, improve performance of local schools, and develop better relationships between schools and the Tuhoe community.¹³⁷² The TEA was founded in the late 1990s and entered into a partnership with the Crown in March 1999.¹³⁷³ The partnership was substantially expanded by a 2002 memorandum of understanding.¹³⁷⁴

The TEA places particular emphasis on Tuhoetanga and Tuhoe values; it hopes that integrating these into education will help overcome the poor performance of many Tuhoe schools and improve community connections.¹³⁷⁵ It also helps co-ordinate 13 schools in and near Te Urewera, and assists them to work together. Previously they had tended to have little assistance other than aid from the Ministry of Education, which they did not find particularly useful.¹³⁷⁶ Eight of the schools taught entirely in te reo, three were bilingual, and two were mainstream. All were low decile, and all except the two mainstream schools had completely or almost completely Maori rolls.¹³⁷⁷

Counsel for Nga Rauru o Nga Potiki submitted that there have been serious problems in the relationship between the TEA and the Crown. They and claimant witnesses alleged that the TEA has been underfunded and generally inadequately supported, and that the Crown has not treated the TEA as a partner but rather has sought to exert control over it.¹³⁷⁸ Crown counsel dispute these allegations.

Haromi Williams of the TEA told us that the Ministry only funded those objectives which corresponded with its own priorities.¹³⁷⁹ Reasons for turning down other objectives included the Ministry already having people and resources

1371. Ibid, pp 1566–1567

1372. 'Partnership Initiative and History', no date, pp 1–2 (Teina Boasa Dean, comp, appendixes to brief of evidence (doc J23(a)), app 6, pp [311]–[312])

1373. Ibid (p 2)

1374. See 'Memorandum of Understanding between the Tuhoe Education Authority and the Minister of Education', 2002 (Boasa Dean, appendixes to brief of evidence (doc J23(a)), app 9, pp [338]–[345])

1375. 'Partnership Initiative and History' (Boasa Dean, appendixes to brief of evidence (doc J23(a)), app 6, p 3); Tuhoe Education Authority, *He Mahere Wharaunga Tuhoetanga/Strategic Plan* (Taneatua: Tuhoe Education Authority, no date) pp 8–9, 15–17 (Boasa Dean, appendixes to brief of evidence (doc J23(a)), app 1, pp [11]–[12], [18]–[20])

1376. Haromi Williams, oral evidence, Tauarau Marae, Ruatoki, 21 January 2005 (transcript 4.13, pp 130, 140–141)

1377. 'Partnership Initiative and History' (Teina Boasa Dean, comp, appendixes to brief of evidence (doc J23(a)), app 6, p 1)

1378. Counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), p 358; Haromi Williams, oral evidence, Tauarau Marae, Ruatoki, 21 January 2005 (transcript 4.13, pp 132–133)

1379. Haromi Williams, oral evidence, Tauarau Marae, Ruatoki, 21 January 2005 (transcript 4.13, pp 132–133); Haromi Williams, under cross-examination by Crown counsel, Tauarau Marae, Ruatoki, 21 January 2005 (transcript 4.13, pp 137–138)

to deliver those objectives, but, as Williams told us, ‘they’re not Tuhoe ones.’¹³⁸⁰ As a result of lack of funding, the TEA’s Teina Boasa-Dean told us the TEA was able to achieve only 23 per cent of its goals set out in its strategic plan.¹³⁸¹ In particular, she said that funding for resources in te reo Maori was very poor and, as we discussed above, non-existent for resources in te reo o Tuhoe.¹³⁸² The witnesses also felt that the Ministry attempted to exert power over it, for example by asking it to reorganise into a structure which conflicted with its fundamental kaupapa.¹³⁸³ Boasa-Dean described the Ministry in terms which evoke a vengeful deity: ‘it says to Tuhoe, lest you forget Tuhoe, I have the mana to make you vanish, I will shut off your funding and resources so that you know again my power.’¹³⁸⁴ Because the Ministry controls funding, she told us, ‘they say when you jump, and when you stand and . . . when you will crawl’.¹³⁸⁵ The relationship was not one of equals but one in which the Ministry’s goals came first.¹³⁸⁶ Overall, Boasa-Dean implied that the partnership between TEA and the Ministry of Education had been set up to fail.¹³⁸⁷

Rawiri Brell and Kathy Smith of the Ministry of Education responded that the Ministry could only ‘support those aspects of the plans that the Ministry has some ability and authority to – recognising that the Ministry must work within parliamentary and policy requirements.’¹³⁸⁸ Unfortunately they did not specify which objectives were outside these requirements. They denied that the Ministry was attempting to control the TEA.¹³⁸⁹ They also stated that the TEA has been more successful than its representatives suggested, and have made significant achievements in areas including adult literacy and a computers in homes project.¹³⁹⁰ In their annual report on Maori education for 2000–01, the Ministry commended the TEA’s ‘flax roots’ approach, and promoted it as a model for other areas.¹³⁹¹ Brell and Smith also suggested that the problems the TEA did have could be the result of factors including unrealistic timeframes, lack of specialist knowledge, or insufficient stakeholder engagement, rather than inadequate funding.¹³⁹² Brell denied that funding was inadequate, estimating that over eight years TEA had been granted three to five million dollars.¹³⁹³

1380. Williams, under cross-examination by Crown counsel (transcript 4.13, p137)

1381. Teina Boasa-Dean, oral evidence, Tauarau Marae, Ruatoki, 21 January 2005 (transcript 4.13, p133)

1382. Ibid, pp133–134

1383. Williams, oral evidence (transcript 4.13, p133)

1384. Boasa-Dean, oral evidence (transcript 4.13, p135)

1385. Ibid, p135

1386. Williams, oral evidence (transcript 4.13, p132)

1387. Teina Boasa-Dean, under cross-examination by NRONP counsel, Tauarau Marae, Ruatoki, 21 January 2005 (transcript 4.13, p139)

1388. Brell and Smith, brief of evidence (doc M11), pp11–12

1389. Ibid, p20

1390. Ibid, pp23–25

1391. Murton, ‘The Crown and the Peoples of Te Urewera’ (doc H12), p1571

1392. Brell and Smith, brief of evidence (doc M11), p14

1393. Rawiri Brell, under cross-examination by Kathy Ertel, Taneatua School, Taneatua, 11 April 2005 (transcript 4.16(a), p90)

It is difficult for us to assess exactly what went wrong in the relationship between the TEA and the Ministry, the extent to which the TEA has been able to achieve its goals, or the reasons behind any problems. Some of Brell and Smith's alternative explanations seem implausible; for example given the Ministry's commendation of its flaxroots approach, stakeholder disconnection seems unlikely to be a significant problem. The amount of money given to the TEA seems fairly substantial, considering it is additional to the normal funding given to Te Urewera schools, including (we assume) continued extra funding for te reo resources. However, the fact that the community needed to create its own educational resources suggests that this money is either inadequate or badly targeted. The lack of funding for resources in iwi dialects is particularly concerning.

It seems that the TEA has compromised with the Ministry. Williams has said that they have 'no problems' with the Ministry's objectives, including increasing the capacity of children, increasing community involvement in schools, providing quality teaching and teacher training.¹³⁹⁴ The TEA has stated that its plans serve not only Tuhoe priorities but also those of the Ministry: they were constructed with that 'dual purpose' in mind.¹³⁹⁵ It is less clear that the Ministry has compromised with the TEA; it appears that when the objectives of the two clash, the Ministry simply fails to fund the objectives it considers problematic, rather than reconsidering its own policies.

A fundamental problem seems to be that the memorandum of understanding has set up an equal partnership between unequal partners. As Boasa-Dean suggested, the Ministry's control of funding means that it inherently has more power than the TEA. Moreover, if the relationship breaks down completely, the Ministry can simply continue to oversee the Te Urewera schools and perhaps work with other iwi organisations. The TEA, by contrast has few if any alternatives to the Ministry; it needs the Ministry more than the Ministry needs it. This kind of power imbalance is probably unavoidable in relationships between the Crown and iwi organisations. However, it may be helpful if the imbalance is explicitly acknowledged, and steps taken to prevent the Crown from – intentionally or otherwise – using its superior power to pressure or bully the weaker partner. In a meeting with TEA in 2005, Ministry head Howard Fancy 'acknowledged that through the Ministry having greater understanding, it would progressively be able to change its way of doing things to better support Tuhoe's goals and objectives.'¹³⁹⁶ We hope that the past 10 years have in fact seen a range of changes in the Ministry's approach, such that Tuhoe now consider their objectives are supported.

Changes in education in Te Urewera over the late twentieth century and early years of the twenty-first century were largely positive, although they did fall short of what they could have been. Te reo received extensive support within schools, albeit in a generic form of the language rather than specific dialects. Maori

1394. Williams, oral evidence (transcript 4.13, p132)

1395. 'Partnership Initiative and History' (Boasa Dean, appendixes to brief of evidence (doc 123(a)), app 6, p2)

1396. Brell and Smith, brief of evidence (doc M11), p16

organisations such as the TEA were able to be strongly involved in Te Urewera schools and influential in the directions and goals of education in the district. As we note above, though, the TEA's relationship with the Crown was not an equal one, and its leaders often felt marginalised or compelled to do things the Crown's way. Some problems of earlier decades continued, particularly access to post-primary education. Some improvements were made, but it seems unlikely that they were enough to counter the heightened difficulties caused by increased poverty levels at this time.

23.8.4 Conclusions

In the mid- to late 1980s, the welfare state and managed economy which had characterised New Zealand since the 1930s was substantially restructured. Governments went from closely managing the economy to adopting a 'hands off' position with minimal intervention. Various forms of assistance, particularly subsidies to farmers and other groups, were also cut back or abolished. In general, the welfare state remained in place, although with some alterations. In a few areas, policy was changed back and forth with each change of government; for example in housing. Another important change was the much greater recognition of the Treaty of Waitangi in public policy; in combination with the shrinking of the State, this allowed Maori and iwi organisations to play a much greater role in social service delivery. Even in mainstream organisations, Maori culture and language was given much more respect than had been the case in earlier decades. Perhaps most importantly, the majority of children in Te Urewera were now given their primary education at least partly in te reo. The change from the years in which children were strapped or made to eat soap for speaking Maori could hardly have been more profound. Maori values and traditional healing were also given a place, albeit a limited one, in the public health service.

In applying Professor Murton's socio-economic model to this period, we can see that political power and economic capability remained largely in the hands of the Crown. Hapu and iwi organisations such as Tuhoe Hauora and the Tuhoe Education Authority could now be involved in the delivery of social services such as health, education, and housing improvement, but only within a Crown framework, and with limited Crown funding. As numerous representatives of these organisations told us, their relationship with the Crown was not a true partnership, despite being ostensibly based on the Treaty. The Crown held the power and controlled the money, and Maori organisations had to fulfil its requirements rather than setting their own path. Some felt that they were being set up to fail. While the power imbalance was not as great as in earlier decades, it was still substantial.

The lack of power possessed by Te Urewera hapu and iwi, relative to the Crown, is shown most strikingly in the restructuring of the Forest Service. It was clear to hapu and iwi, and to some extent to the Crown, that restructuring would have a devastating effect on the communities of Te Urewera, particularly the timber towns which derived most of their employment and housing from the Forest

Service and from private firms which were assisted by the Crown. The Crown and the peoples of Te Urewera were aware that this devastation would be exacerbated by cuts to other services such as banks, post offices, and medical clinics. Despite all this, the Crown went ahead with its programme, with catastrophic consequences for Te Urewera communities. Despite the new political prominence of the Treaty, the Crown was as ready to prioritise its interests over those of Te Urewera hapu and iwi as it had been a hundred years before.

The shock of restructuring was much more than simply economic. For half a century, the Crown had employed, housed, and educated a significant proportion of the Te Urewera population, tried to improve their health, and, in Minginui especially, looked after the smallest matters of community life. Counsel for Ngati Whare told us that this relationship was ‘the only tangible manifestation of [Ngati Whare’s] Treaty relationship with the Crown.’¹³⁹⁷ The corporatisation process made it clear that the Crown did not see the relationship in this way. The system which existed from the 1930s to 1984 recognised the human and community values of the timber towns, albeit in a paternalistic and monocultural manner. Under the new system, the towns were simply an under-performing asset, which needed to be scrapped in order to improve the bottom line. What Ngati Whare and other Te Urewera peoples regarded as a real relationship, in other words, was unilaterally ended by a Crown which seemed not to have even realised that the relationship existed.

The limits of Maori political power allowed the Crown to implement policies which hugely reduced the already limited economic capability of Maori in Te Urewera. Although the welfare state meant that there was no return to the absolute poverty of the early twentieth century, many communities had extremely low incomes which made meeting even basic needs a struggle. The once-thriving town of Minginui became one of the most deprived parts of the country. Beyond the economic impact on individuals and whanau, restructuring destroyed the economic capability of many communities. The withdrawal of banking services meant that people had to travel long distances to access cash, meaning that money previously spent in Ruatahuna and Murupara was now spent elsewhere. Shops closed, further reducing the viability of small towns. Marae could no longer rely on donations or income from housie and other fundraisers. Withdrawal of public transport services combined with a reduction in health services to render health care virtually inaccessible from most parts of the inquiry district, especially for the large numbers of people who could not afford to own or run a car. Meanwhile, many communities suffered from inadequate and decaying infrastructure, unable to pay for repairs and upgrades but refused funding from central and local government. The hapu and iwi of Te Urewera had little to show for their years of work in the forests, other than run-down houses, contaminated land, and advanced skills in an industry which was no longer hiring.

1397. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), p 12

23.9 TREATY ANALYSIS

We have identified three key points of difference between the claimants' views and those of the Crown in regard to socio-economic issues. These are:

- ▶ whether, or to what extent, the socio-economic deprivation of Maori in Te Urewera was or is the result of Crown actions and omissions;
- ▶ whether the Crown has duties to Maori in Te Urewera to provide social services, aid for economic development, employment opportunities, and relief from hardship; and if so, then to what extent and under what circumstances; and
- ▶ whether the services and assistance provided by the Crown to Maori in Te Urewera at various times were adequate and equitable.

We saw earlier in this chapter that Crown and claimant counsel also disagreed on several issues relating to the timber industry, specifically the causes of dependence on the timber industry, and the Crown's corporatisation of the Forest Service. Although these issues come broadly under the topic of economic aid and relief from hardship, we consider that the industry, and the Crown's changing relationship with it, played such an important role in our inquiry district that we need to consider it separately and in some detail. In particular, we will address the allegations that the Crown deliberately made Te Urewera communities dependent on the timber industry, and that it withdrew its support for the industry without consultation with or sufficient regard for those communities, and without giving them adequate support in the aftermath.

Crown counsel stated that it is extremely difficult to establish links between actions or omissions and socio-economic effects. They submitted that we had insufficient evidence to make such links, 'although some contribution might be acknowledged'.¹³⁹⁸ This submission was strongly rejected by claimant counsel, with counsel for Tuawhenua describing it as 'unreal'.¹³⁹⁹ They also pointed out that the socio-economic evidence in this inquiry was not significantly challenged by the Crown.¹⁴⁰⁰

In relation to the second point of difference, claimant counsel submitted that the Crown had failed in its Treaty duty to provide adequate and equitable levels of aid and services to Te Urewera hapu and iwi. Crown counsel responded: 'There is not and has never been a duty on the Crown [to provide social services], in a legal or Treaty sense.'¹⁴⁰¹ They acknowledged that when the Crown does choose to provide social services, it has a duty under article three of the Treaty to provide them to Maori on an equitable basis with Pakeha 'in the circumstances'.¹⁴⁰² Relevant circumstances included the geographic isolation of some Te Urewera communities,

1398. Crown counsel, closing submissions (doc N20), topic 39, p 2

1399. Counsel for Nga Rauru o Nga Potiki, submissions by way of reply (doc N33), pp 14–15; counsel for Wai 144 Ngati Ruapani, submissions by way of reply (doc N30), pp 71–74; counsel for Tuawhenua, submissions by way of reply, 8 July 2005 (doc N34), p 39

1400. Counsel for Tuawhenua, submissions by way of reply (doc N34), p 39

1401. Crown counsel, closing submissions (doc N20), topic 39, p 15

1402. Ibid, pp 15–16

the amount of support given to Pakeha, and the extent to which Te Urewera hapu and iwi wanted the Crown to provide services.

In analysing the Crown's role in socio-economic issues, we first ask whether there is any demonstrable connection between Crown actions or omissions and social economic disparity. We then turn to look at the timber industry, specifically the dependence of hapu and iwi on the industry, and the Crown's corporatisation programme, and whether either of these things involved breaches of the Treaty. Finally, we ask what the Crown's duties were in relation to aid and social services, and whether these were provided in an equitable manner. As part of this investigation, we ask what does equitable provision mean in practical terms, and are there circumstances in which the Crown might legitimately provide less aid or reduced services to the peoples of Te Urewera.

23.9.1 Socio-economic cause and effect

We agree with Crown counsel that establishing a link between socio-economic status and Crown action or omission is no easy task. This is an issue which other Tribunals have also addressed, generally in response to Crown submissions that it is difficult or impossible to establish a causal link.¹⁴⁰³ Like those Tribunals, we reject the argument that there is no discernible connection between Crown actions and omissions and low Maori socio-economic status. In Te Urewera as elsewhere, poor socio-economic status is the result of many factors, some of them – such as individual action, terrain, climate, and lack of immunity to introduced disease – beyond the control of the Crown. Other important factors, however, include massive loss of land; cultural and linguistic marginalisation, especially within the education system; and lack of political and economic power. These three factors, as well as numerous lesser factors, were well within the Crown's sphere of influence and were in fact often the direct result of Crown action.

Tribunals which have examined this issue have tended to focus on the link between land loss and poverty. The link between poverty and other socio-economic problems, such as ill health and educational under-achievement, has received less attention. We consider that the first link, although not straight-forward, is relatively unproblematic. It has been discussed at length by a succession of Tribunals, all of which concluded that although there is no simple 'land loss equals poverty' equation, there is a causal link between the two.¹⁴⁰⁴ The loss of some tribal lands need not have led to poverty, if the remaining land was able to be developed and generally fully utilised, and if there was enough of it to support the people. This was generally not the case, however. Numerous hapu and iwi across New Zealand were left without enough land to participate fully in the colonial or modern economy, and some were left without enough even for a subsistence

1403. Waitangi Tribunal, *The Mohaka ki Ahuriri Report*, vol 2, pp 679–680; Waitangi Tribunal, *The Hauraki Report*, vol 3, p 1226; Waitangi Tribunal, *Tauranga Moana, 1886–2006: Report on the Post-Raupatu Claims*, 2 vols (Wellington: Legislation Direct, 2010), vol 2, p 796

1404. Waitangi Tribunal, *The Mohaka ki Ahuriri Report*, vol 2, pp 679–681; Waitangi Tribunal, *The Kaipara Report* (Wellington: Legislation Direct, 2006), pp 320–321; Waitangi Tribunal, *The Hauraki Report*, vol 3, pp 1206–1230; Waitangi Tribunal, *Te Tau Ihu o te Waka a Maui*, vol 2, pp 1025–1034

living. Maori landowners were frequently unable to fully utilise and develop their remaining lands, for a variety of reasons including formal Crown restrictions on use; lack of expertise; inability to access finance; lack of road access; and title issues such as multiple ownership and undifferentiated interests. All of these problems were at least partly the result of Crown action or omission, particularly the imposition of a virtually unworkable system of land law on multiply owned Maori land. Remarkably, this system made no provision for collective management. In some cases it was clear that the Crown forced Maori landowners into a position where they had little option other than to sell their land. Previous Tribunals have therefore concluded that there is a link between land loss, which was caused at least partly by the Crown, and poverty.

There was more to the poor socio-economic standing of Te Urewera hapu and iwi than land loss, however. Earlier in this chapter, we outlined Professor Murton's socio-economic framework, which suggests that the poor socio-economic status of Te Urewera hapu and iwi resulted ultimately from the huge power imbalance between them and the Crown.¹⁴⁰⁵ The power imbalance led to poverty in a range of ways. As we have shown in previous chapters, the Crown's control of property regimes, in the form of Maori land law, new title systems and the operation of the Native Land Court, and the Crown's powers of confiscation and purchase, led to the loss of most of the best farmland in Te Urewera. This hamstrung the economic capability of Te Urewera hapu and iwi by reducing or eliminating their ability to lease land, sell agricultural produce, or fully participate in the growing dairy industry. The poverty resulting from this lack of capability was combined with restrictions on the use of their remaining land, which included timber milling restrictions in the public interest. Together these factors prompted further sales of interests in land, and deepening poverty. These restrictions were another way in which the imbalance of power hurt Te Urewera hapu and iwi.

Land use restrictions and other Crown acts and omissions (such as reneging on its promise to build roads) helped keep Te Urewera communities poor, yet those communities lacked the political power to persuade the Government to change them. Their tools consisted only of measures, such as petitions, letters, and pleas to infrequently visiting Cabinet Ministers, that the Government could easily ignore. Measures which could have put economic or legal pressure on the Crown included legal action, boycotts, withdrawal of labour, withdrawal of capital, or the creation of alternative power structures. However, all of these require significant financial resources and a degree of political power; we have seen earlier in this report that, while many of these were tried, they rarely had any significant success. Poverty and powerlessness fed each other in a mutually reinforcing cycle: lack of power meant hapu and iwi could not alter policies which kept them poor, and poverty meant they were unable to exert economic or legal pressure on the Crown.

Lack of political power also had significant cultural effects. As with economic effects, powerlessness meant that, for most of the period covered in this chapter, Maori had little or no influence over Crown policies which harmed or denigrated

1405. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 49–86

their culture and language. Most obviously, the great majority of Maori were compelled to send their children to monocultural and monolingual schools, not only because education was compulsory, but because this was the only way that the Crown provided the skills and knowledge needed to participate fully in the mainstream society and economy. Although it was not always the Crown's intent, the message that Maori children received from the education system was that their culture and language were of less value than those of Pakeha. By implication, they too were of less value than Pakeha children. This was damaging to children's self-esteem, to their chances of educational achievement and, in the long term, to the culture and language themselves.

The Crown's control of the health system meant that it could provide entirely monocultural and monolingual health services, regardless of the barriers this created for Maori in need of medical aid. Another vicious cycle was created: the power imbalance created social services unfriendly to Maori, which meant that Maori made limited use of them, which meant they remained disproportionately unhealthy and under-educated, which made it harder for them to use what little power they possessed. Educational under-achievement and ill health also made it harder for people to climb out of poverty, feeding into the cycle of poverty and powerlessness outlined above. The long-term socio-economic impacts of the Crown's Treaty breaches were usually not a case of simple cause and effect, in other words, but were more in the nature of interlocking cycles of disadvantage which, once established, could and did perpetuate themselves even after the damaging policies were replaced.

In summary, the socio-economic problems and disparities experienced by the peoples of Te Urewera between the late nineteenth century and the time of our hearings were in large part prejudices caused by the Crown's breaches of the principles of the Treaty. Crown actions and omissions were not the sole causes of any of these problems, but they did play a crucial and often deciding role. Prejudice arose in a variety of ways. It arose from neglect, such as inadequate famine relief, and the inaccessibility of adequate health care or post-primary education. It arose when the Crown attempted to improve Maori lives without considering cultural factors, as in an education system which taught their children Pakeha knowledge and ways of life at the expense of their own language and culture. Prejudice arose when the Crown put Maori interests last, prioritising its own interests or those of Pakeha settlers. The Crown did not set out during the period covered by this chapter to reduce the hapu and iwi of Te Urewera to largely impoverished, unhealthy, and under-educated peoples without sufficient political power or economic capability to set their own paths. But this was the effect of its breaches of the Treaty.

23.9.2 The timber industry

One of the major themes of this chapter has been the central role played by the timber industry in the twentieth century Te Urewera economy. Land loss and poor land quality, among other problems, meant that Maori life in Te Urewera before the advent of the timber industry was often characterised by grinding poverty and precarious subsistence farming, vulnerable to crop failure and natural disaster,

and often suffering from food shortages. Once substantial milling got underway, the timber towns were transformed into thriving and relatively well-off communities, with full or near full employment and cheap rental housing. From about the 1970s, however, the timber industry went into severe decline. In the 1980s the Government, as part of a much wider programme of reform, decided that it could no longer support the unprofitable Forest Service. As the State withdrew from the timber industry there were mass redundancies, a housing crisis, and social problems which flowed on from economic devastation.

As we discussed earlier in this chapter, the claimants in this inquiry alleged that the Crown made their communities dependent on the local timber industry, and then restructured it out of existence without consulting with them, without sufficient regard for the affected communities, and without adequate mitigation of the adverse affects of corporatisation.¹⁴⁰⁶ Here we consider whether the Crown made Te Urewera hapu and iwi dependent on the timber industry and, if so, whether this constitutes a Treaty breach. We ask whether the Crown was entitled to corporatise the Forest Service and what obligations it had to the hapu and iwi of Te Urewera. Finally, we assess whether it met those obligations.

23.9.2.1 Dependence on the timber industry

Crown counsel did not contest the fact that various Te Urewera communities were dependent on the timber industry. Around the middle of the twentieth century, the timber industry employed a high percentage of Te Urewera's Maori workers, provided them with housing, and in some cases with other community services. The Crown strongly encouraged Maori to move to areas where forestry jobs were available, often with inducements of housing and education. It did so with good intentions, particularly in respect of the alleviation of poverty and the improvement of living standards. We note that where the Crown failed to enable Maori involvement in the timber industry, this was, quite reasonably, a subject of complaint at the time and in this inquiry. Crown officials did not encourage Maori participation in the timber industry because they aimed to make Maori dependent on it, but because it provided virtually the only steady work available in or near Te Urewera, especially for people without educational qualifications or prior work experience. It is important to remember that the timber industry did not supplant some previous source of jobs and income; it provided stable jobs and adequate levels of income in an area previously characterised by unemployment and crushing poverty.

Within Te Urewera, work opportunities other than in forestry and timber processing were extremely limited. There was farm work, but this was badly paid, uncertain, and often seasonal, casual, or both. Even on the better-resourced

1406. Counsel for Tuawhenua, closing submissions (doc N9), p 278; counsel for Ngati Whare, closing submissions (doc N16), p 161; counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), pp 11–13, 29, 33, 36, 42–42, 56–57, 60; counsel for Ngati Manawa, closing submissions (doc N12), pp 80–81; counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), pp 287–300; counsel for Nga Rauru o Nga Potiki, submissions by way of reply (doc N33), p 17

development schemes, the unit occupiers struggled to make a living from full time farming. Labouring work was available on the hydro schemes for several decades, but it is not clear whether they were a significant employer of Maori once the construction was completed. Work in pest control and for the National Park was available, but like farm work this tended to be casual, and was generally no more than a supplement to more reliable sources of income. The Crown made some attempts to entice industry to Te Urewera and to support community business initiatives, but these were largely unsuccessful.

Maori in Te Urewera were dependent on the timber industry in part because they could not support themselves on their own land. The main reason for this was that, as we have stated in earlier chapters, they had lost most of it in the nineteenth and early twentieth centuries. Nearly all of the good farmland in the inquiry district had been taken by the Crown through confiscation, unfair or unlawful purchase, failure to protect Maori land from fraudulent purchase, and other means which we have found were in breach of the Treaty. If the hapu and iwi of Te Urewera had retained more good land, and had been supported in farming to the same extent as Pakeha farmers, we see no reason why some at least could not have made a reasonable living from farming. It is likely that significant numbers would have turned to forest work anyway, particularly as the population grew, but even if forestry had still become a major source of employment, it would not have dominated the Te Urewera Maori economy to such a great extent.

Once the land had been lost, however, it is difficult to see that much could have been done to lessen the district's dependence on the timber industry. Certainly some measures would have helped, such as improving roads and infrastructure, and perhaps more support for community business ventures. However, the topography and climate of Te Urewera, in combination with its distance from major ports and centres of population, mean that large parts of it are inherently more suited to forestry than anything else. The dependence of the hapu and iwi of Te Urewera on the timber industry left them deeply vulnerable to downturns and policy changes in that industry, as we have seen. However, it is clear that, up until the 1980s, the Crown did intend to continue its support for the timber industry. Given the lack of economic alternatives in Te Urewera, it was entirely reasonable of the Crown to encourage Maori participation in the industry as it developed and while it was at its peak.

23.9.2.2 Corporatisation

It is clear from the evidence before us that the Crown's corporatisation of the Forest Service had a devastating effect on the hapu and iwi of Te Urewera, particularly Ngati Whare, Ngati Manawa, Tuhoe, and other Maori residents of the timber towns. Crown counsel acknowledged the suffering which corporatisation produced, but denied that corporatisation was in breach of Treaty principles.¹⁴⁰⁷ In order to determine whether corporatisation, or any aspect of it, was in breach of the Treaty, we ask three key questions:

1407. Crown counsel, closing submissions (doc N20), topic 38, pp 2, 16

1. Did the Crown have an obligation to consult with affected hapu and iwi over corporatisation? If so, how far did those obligations extend and were they fulfilled?
2. Given that corporatisation was highly likely to have negative effects on the hapu and iwi of Te Urewera, did the Crown have the right to corporatize the Forest Service at all?
3. If it did have the right to corporatise the Forest Service, did the Crown carry out corporatisation in a Treaty-compliant manner?

We address these questions in turn.

With regard to consultation, we consider that there were two levels at which the Crown could have consulted with hapu and iwi. First is the broad policy level, at which the key questions were whether the State should continue to be involved in commercial activities such as forestry, what balance should be struck between profit-making and social goals, whether any restructuring programme should be carried out gradually or quickly, and whether there should be any local exceptions. The second level was the way in which the policy was implemented on the ground. At this level the key questions were more specific, such as what the Crown should do with Minginui and other Forest Service housing, what redundancy terms should be offered, and what assistance the Crown should give to communities affected by corporatisation.

At the policy level, we agree with Justice Somers in the Court of Appeal's *Lands* decision:

the notion of an absolute open-ended and formless duty to consult is incapable of practical fulfilment and cannot be regarded as implicit in the Treaty. I think the better view is that the responsibility of one treaty partner to act in good faith fairly and reasonably towards the other puts the onus on a partner, here the Crown, when acting within its sphere to make an informed decision, that is a decision where it is sufficiently informed as to the relevant facts and law to be able to say it has had proper regard to the impact of the principles of the Treaty. In that situation it will have discharged the obligation to act reasonably and in good faith. In many cases where it seems there may be Treaty implications that responsibility to make informed decisions will require some consultation. In some extensive consultation and co-operation will be necessary. In others where there are Treaty implications the partner may have sufficient information in its possession for it to act consistently with the principles of the Treaty without any specific consultation.¹⁴⁰⁸

The Crown carried out consultation over the implementation of the wider corporatisation policy, including through the Social Impact Unit, and also received considerable information as a result of the *Lands* case and its aftermath. The Crown did not corporatise the Forest Service in ignorance of the likely impacts on the Te Urewera timber towns; it was aware of the kinds of impacts that might

1408. *New Zealand Maori Council v Attorney-General* [1987] 1 NZLR 641 (CA) at p 683

follow, and decided to proceed anyway. Whether this was in keeping with the Treaty will be discussed below.

The Crown's obligation to make well-informed decisions applies also at the more detailed 'on the ground' level, and here the Crown does not always appear to have made the effort to sufficiently inform itself. We have seen, for example, that the Treasury paper on the future of Minginui professed to have no information on the economic resources of Minginui residents. This was not so, as the report mentions the village's near-total unemployment, but in any case it is clear that Treasury was not making an evidence-based assessment. The Crown also failed to properly assess the nature and extent of chemical contamination in the village, a problem which it had not fully investigated or begun rectifying even at the time of our hearings. More generally, there was some consultation with affected communities, and this sometimes led to positive outcomes, such as the initial decision to return Minginui to Ngati Whare. By and large, though, consultation seems to have resulted in few significant changes to the way that policy was implemented.

Given that corporatisation was always highly likely to have devastating effects on Te Urewera communities, and the Crown knew this to be the case, did it have the right to go ahead with the policy? We consider that it did. The *te reo* text of the Treaty of Waitangi grants the Crown 'kawanatanga', which literally translates as governorship, but is usually taken to mean the right to govern the country. Following the courts and other Tribunals, we consider that this includes the right to set economic policy and, in this case, to decide whether and how the State should be involved in the timber industry.¹⁴⁰⁹ As we state above, though, the Crown's decisions on economic policy must be informed and Treaty-compliant. Generally speaking, this means that the Crown has an obligation to consult with hapu and iwi who may be affected by proposed policies. It should have been clear early in the planning stage of corporatisation that Ngati Whare, Ngati Manawa, Tuhoe, and other Te Urewera iwi would be gravely affected by the proposed restructuring of the Forest Service; the Crown therefore had a duty to consult with them. It is clear that it did not do this at the implementation level, nor does it seem to have given any consideration, before the Lands case, to the Treaty implications of corporatisation. We now consider whether hapu and iwi interests were given the protection to which they are entitled under the Treaty.

The Central North Island Tribunal found that, in order for corporatisation to be Treaty-compliant, the Crown had to take into account the long-standing economic dependence of central North Island Maori on the forests, and the economic and cultural price they had paid for having the timber industry in their rohe. The Crown should also have acted in partnership with affected Maori communities, and actively protected their economic and cultural interests, and rights to economic development. More specifically, it should have helped central North Island Maori to overcome past barriers to development and fully participate in new forestry opportunities or alternative industries, and provided better transitional

1409. Waitangi Tribunal, *Ko Aotearoa Tenei: Te Taumata Tuarua*, vol 1, p15

arrangements.¹⁴¹⁰ The Tribunal found that the Crown had failed to do these things, and that forestry corporatisation in its inquiry district therefore breached the Treaty principles of partnership and active protection.¹⁴¹¹

We consider that these are reasonable standards by which to judge the implementation of corporatisation in our district. Although the Crown clearly knew about the long-standing dependence of the hapu and iwi of Te Urewera on the timber industry, it did not adequately take this into account when implementing its corporatisation policy. It did not act in partnership with any of the affected communities, but instead imposed measures on them even when it should have been clear that these were not in their interests. The Crown did take some steps towards helping affected communities to participate in new opportunities, but those opportunities were few and far between, and the help provided was nowhere near enough to overcome the problems the communities faced. Nor were transitional arrangements remotely adequate.

Perhaps the most grievous example of the Crown's failure to actively protect the hapu and iwi affected by corporatisation is the disposal of Minginui village. The transfer of the village back to Ngati Whare was, in itself, a positive act, but the way that it was done was in clear breach of the Treaty. Because the village land had been taken under the Public Works Act, it should not have taken the *Lands* case to make the Crown realise that it needed to return it to its original owners. Rather than leaving newly redundant forestry workers in the dark for more than two years as to whether they would own their homes or whether they would have to move out, the Crown should have known and announced right at the start that the village would be returned to tangata whenua. Before transferring the village to Ngati Whare, the Crown should have identified and fixed the numerous problems arising from its own neglect, poor construction methods, and use of dangerous chemicals. It was not reasonable to expect either Ngati Whare, the Minginui residents, or the district council to fix problems of the Crown's making, even if any of them had been able to do so. We are also very concerned that, nearly 20 years after the village was handed over, the Crown had not even properly identified Minginui's environmental problems, let alone fixed them. The Crown seems to have regarded Minginui as an asset which it was generously granting to the local community. In reality, the village was a financial liability which was nonetheless of great cultural value to Ngati Whare because it was their ancestral land.

The shortcomings of transitional arrangements are also a cause for concern. As noted above, the Crown should also have provided more certainty as to the housing situation, so that people could make better-informed decisions on their futures. The provision of skills training was a positive step, particularly as it included subjects, such as te reo, which also have cultural value. However, job training is essentially meaningless if there are no jobs available, and the people of Te Urewera quickly came to realise this. We do not know if there was any good

1410. Waitangi Tribunal, *He Maunga Rongo*, vol 3, p 1216

1411. *Ibid*, p 1217

solution to this issue, but it is not clear that the Government of the time even realised the extent of the problem.

Overall, the Crown's assistance did not go far enough. We have seen that corporatisation and privatisation resulted in too many logging contractors chasing too few contracts, with disastrous economic effects. The Crown had an obligation to use its expertise in forestry and economic matters to actively assist its Treaty partners to adapt to the new circumstances in Te Urewera resulting from its corporatisation policy. Its failure to do so was in breach of Treaty principles.

23.9.3 Provision of aid and social services

We stated above that the poor socio-economic position of Te Urewera Maori is partly the result of Crown actions and omissions. That being so, the Crown has a clear duty under the Treaty to try to remedy the prejudicial effects of its actions. We also consider, however, that the Crown has duties over and above its duty of redress. In other words, even if it could be shown that the Crown was in no way responsible for the socio-economic disparity between Maori and non-Maori (which is not the case), it would still be obliged to try to correct it. Here we will consider the nature and extent of the Crown's obligations to provide aid and social services to Maori in Te Urewera.

23.9.3.1 The Crown's duties

As noted above, Crown counsel submitted that the Crown had no inherent duty to provide aid or social services to Maori. The Crown's only obligation was that, if it chose to provide aid or services, it could not provide them to Pakeha only; it had to provide them to Maori as well. Counsel for the Wai 144 claimants said that the Crown's duties in relation to relief from famine and unemployment are in the nature of fiduciary duties, deriving from the Treaty of Waitangi, the 1871 compact, and the negotiations over the UDNR.¹⁴¹² The idea that the Crown has a duty to Maori akin to a fiduciary duty has been well established by the courts and by previous Tribunals, although it is not clear that this duty extends to the provision of relief from hardship.¹⁴¹³

We are not convinced that the Crown has an inherent Treaty duty to provide social services or assistance to Maori in any and all circumstances. There are, however, Treaty principles which are applicable in this context. With regard to assistance with economic development, Crown counsel submitted:

In the 19th century the government provided a bare framework for economic activity with little direct assistance, and operated with a minimal bureaucracy and a

¹⁴¹² Counsel for Wai 144 Ngati Ruapani, submissions by way of reply (doc N30), p 68

¹⁴¹³ For mentions of fiduciary duty, see Waitangi Tribunal, *Report of the Waitangi Tribunal on the Muriwhenua Fishing Claim*, 2nd ed (Wellington: Government Printing Office, 1989), p 191; Waitangi Tribunal, *Te Maunga Railways Land Report*, 2nd ed (Wellington: GP Publications, 1996), p 80; *Te Runanganui o Te Ika Whenua Inc Society v Attorney-General* [1994] 2 NZLR 20, 21; *Taiaroa v Minister of Justice* [1995] 1 NZLR 411, 517; Waitangi Tribunal, *The Turangi Township Report 1995* (Wellington: Brooker's Ltd, 1995), p 289.

revenue base considerably smaller than that available to it today. Another dominant ideology of this period was the belief in free trade in both land and commodities.¹⁴¹⁴

Versions of this argument have been presented by the Crown to other Tribunals, which have found that, in the nineteenth and early twentieth centuries, the Crown often intervened in the New Zealand economy.¹⁴¹⁵ Most notably, in the present context, it played a major role in acquiring Maori land and assisting Pakeha settlers to acquire and develop it. The Hauraki and Te Tau Ihu Tribunals both found that the Crown had an obligation to grant Maori at least as much assistance as it was giving to Pakeha.¹⁴¹⁶ The Central North Island Tribunal offered perhaps the most thorough examination of the Crown's role in the economy, showing that the Crown took an active and sometimes leading role in assisting economic development, particularly in relation to farming.¹⁴¹⁷ It found the issue it had to consider was

not so much whether positive Crown intervention was possible – for clearly it was – but for whose benefit the Crown acted and whether it took reasonable steps to ensure that Maori could participate on an equal basis with more favoured sectors of the community.¹⁴¹⁸

In our inquiry, Professor Murton demonstrated that the Crown offered considerable economic assistance to the farming industry in the late nineteenth and early twentieth centuries.¹⁴¹⁹ From the 1870s, a key component of Crown assistance to Pakeha farmers in our inquiry district was facilitating the transfer of thousands of acres of land from Maori to Pakeha ownership. From the 1890s, it also provided these Pakeha farmers with cheap loans to develop the land. In summary, the Crown did provide direct economic assistance, but it provided it to Pakeha instead of, and often at the expense of, Maori.

Crown counsel did acknowledge, and we agree, that the Crown has a clear obligation to provide aid and social services to Maori on the same basis as other New Zealanders. Both the te reo and English texts of article 3 of the Treaty clearly state that Maori are to have the rights of British subjects, which in the modern context means equal rights with other New Zealanders. If Maori are denied aid or services granted to non-Maori in the same situation, this is a breach of both the letter and spirit of the Treaty. In practice, however, Maori and non-Maori have often been in different situations, making assessments of equal treatment difficult. As Crown counsel submitted:

1414. Crown counsel, closing submissions (doc N20), topic 39, p 6

1415. Waitangi Tribunal, *The Hauraki Report*, vol 3, p 1226; Waitangi Tribunal, *The Wairarapa ki Tararua Report*, vol 2, p 595

1416. Waitangi Tribunal, *The Hauraki Report*, vol 3, p 1226; Waitangi Tribunal, *Te Tau Ihu Report*, vol 2, p 1026

1417. Waitangi Tribunal, *He Maunga Rongo*, vol 3, pp 891–896, 941–948

1418. Ibid, p 948

1419. Murton, 'The Crown and the Peoples of Te Urewera' (doc H12), pp 441–442, 445–446

In some contexts it is simple to apply that obligation of equality, such as the right to vote. In other areas, including some of those under consideration here, delivery can be more complex. For example, while the Crown may recognise in principle the right to free education and healthcare (as part of its current policy), equal delivery of that to all its citizens may be impacted by practical factors such as remoteness, disposition to use services, and the higher costs of servicing isolated areas. Here it should be asked instead, has the Crown treated Maori equitably, or fairly, in the circumstances.¹⁴²⁰

The distinction between equality and equity is a useful one, which we will explore in depth below. Here we simply agree with the Crown's suggestion that equity and fairness are more or less the same thing, and that equity can be more important than equality, depending on the circumstances.

With regards to social services and assistance, the only unambiguous example of unequal treatment we found was that, in the first half of the twentieth century, Maori pensioners, widows, and relief workers received smaller benefits than their Pakeha counterparts. Crown counsel stated that the policy was 'properly abandoned', but submitted that it arose in part from 'perceived need', rather than from racism.¹⁴²¹ We accept that the relevant policy decisions were not motivated by any conscious feeling that Maori were, as a people, inferior to Pakeha. However, we do think that Crown counsel's distinction between discrimination based on race, and discrimination based on perception of Maori needs, is an artificial one. Maori in desperate need of State aid were given less help than their Pakeha counterparts, and this was justified by the argument that Maori needed less money to live on. Nor was any consideration given to the particular circumstances of rural Maori, which would have exposed the weakness of the 'lesser needs' argument. The policy was a clear breach of the principle of equity.

Claimant counsel drew our attention to a \$120 million development package, presented to West Coast communities on the cession of native logging in 2000, contrasting it with the lack of compensation given to the Te Urewera timber communities in the wake of the native logging ban there. It was submitted that there was an obviously unfair difference between the two.¹⁴²² It is difficult for us to compare the two situations, as we did not receive any detailed information on the West Coast agreement. In addition, although no assistance was provided to Te Urewera when native logging ended there, we note that the Te Urewera timber industry was not dependent on native logging. It continued to mill exotic plantation timber for several years after native logging ended, and it is not clear to us that the end of

1420. Crown counsel, closing submissions (doc N20), topic 39, pp 15–16, see also p 3

1421. Ibid, p 11; Crown counsel, statement of response to stage 3 claims (statement 1.3.7), pp 19–23

1422. Counsel for Ngati Whare, supplementary closing submissions (doc N16(a)), p 58; counsel for Nga Rauru o Nga Potiki, submissions by way of reply (doc N33), p 24. It should be noted that the Ngati Whare submission gives the figure of \$90 million as opposed to the \$120 million cited in the Nga Rauru o Nga Potiki submission; in doing so, counsel for Ngati Whare have counted only the development fund itself (\$92 million), and not included the extra \$28 million given to West Coast district councils, which made the whole adjustment package worth \$120 million. In reference to the adjustment package, see Pete Hodgson, 18 October 2000, NZPD, vol 588, p 6244.

native logging (as opposed to the corporatisation which followed a few years later) resulted in substantial job losses. In summary, we do not have enough information to say whether or not the Crown's treatment of these two communities was inequitable.

The next question is whether extreme circumstances, such as famine or natural disaster, create an obligation on the Crown to assist those affected. Today it is generally agreed that disaster relief is a fundamental duty of the State, but this has not always been the case. Did the Crown have such an obligation in the nineteenth century, for example in response to the 1898 famine? Crown and claimant counsel were in agreement that there was some obligation, although they disagreed on why. Crown counsel submitted: 'Modern states generally accept they have some duty (in a sense of the moral obligation) to care for their citizens during times of famine and natural disaster.'¹⁴²³ They further stated that aid was provided for famine victims in the late nineteenth century, although they acknowledged that it was inadequate 'even by the standards of the day'.¹⁴²⁴ Counsel appear to be arguing that the Crown's duty to relieve extreme hardship in the nineteenth century was a moral rather than a legal or Treaty duty. By contrast, counsel for the Wai 144 claimants submitted: 'As the Treaty promised two prosperous peoples within one country, it is self evident that it is at times of crisis the Crown's duty to provide care and assistance as a fiduciary becomes of paramount importance.'¹⁴²⁵

We find that the Crown has always had a Treaty duty to do what it could to relieve extreme hardship. This duty derives from two principles. First, the duty of active protection has always required the Crown to act when the wellbeing of Maori communities is seriously threatened, as many Te Urewera communities were during the famine of 1898 and when experiencing severe poverty at other times. Second, the principle of equity compels the Crown to give aid to Maori communities on the same basis as non-Maori communities. We are not aware of any Pakeha community which faced starvation in the late nineteenth century, and so cannot make any direct comparisons. But we do know that, after the Tarawera eruption, the Government granted more money to Pakeha affected by the disaster than to Maori, although many more Maori were affected. During the 1898 famine, the Crown failed to provide adequate relief to the hapu and iwi of Te Urewera, and thereby breached the principles of equity and active protection.

The Crown's duty to relieve the 1898 famine was heightened because the famine was caused, at least partially if somewhat indirectly, by the Crown's prior breaches of the Treaty. We have referred in many parts of this report to the principle of redress, which means that the Crown has an obligation to remedy Treaty breaches and the prejudice which arises from them. In earlier chapters our discussions of redress related mostly to issues of land loss. But the principle of redress applies equally to other kinds of Treaty breach, and to socio-economic prejudice. Although claimant counsel generally felt that the Crown's socio-economic obligations arose

1423. Crown counsel, closing submissions (doc N20), topic 39, p10

1424. Ibid, topic 39, pp10-12

1425. Counsel for Wai 144 Ngati Ruapani, submissions by way of reply (doc N30), pp68-69

from the Treaty rather than from the Crown's breaches of it, several considered that these obligations were deepened or enhanced by Treaty breach.¹⁴²⁶ The Crown has recognised its obligation of redress through its Treaty settlements programme, although mostly in relation to land and other material resources such as fisheries and forests. We consider that, just as Treaty breaches resulting in land loss oblige the Crown to return land, where possible, Treaty breaches resulting in widespread socio-economic disparity oblige the Crown to try to reduce that disparity.

As we have shown, socio-economic disparity in Te Urewera has many causes other than breaches of the Treaty. Some were the result of the influx of non-Maori settlers, rather than Treaty breaches as such, and might have happened even if the Crown had been entirely Treaty compliant. One clear example of this is introduced diseases, which would almost certainly have devastated Maori communities even if they had entirely retained their *mana motuhake*. In its discussion of health care obligations, the Napier Hospital Tribunal found that the Crown has a duty to try to reduce persistent and marked disparities between Maori and non-Maori levels of ill health and mortality, regardless of the causes of the disparity. The duty arises from the principles of equity and active protection.¹⁴²⁷ We see no reason why this duty would not apply equally to other forms of socio-economic disparity, including levels of educational achievement, housing standards, income levels, and employment. We acknowledge that some of the causes of socio-economic disparity in Te Urewera are beyond the Crown's control; for example, individual action, genetic vulnerability to disease, and the terrain and land quality of Te Urewera. However, we reiterate that the Crown has a duty under the Treaty to try to reduce disparities between Maori and non-Maori, regardless of their causes. In Te Urewera, of course, the Crown's actions were at the root of these disparities.

In attempting to reduce disparity, however caused, the Crown has an obligation to do so in good faith and partnership with the hapu and iwi of Te Urewera. It cannot simply present Maori with its own solutions, however well-intentioned they might be; at minimum it must consult with Maori, and ideally it will either form a partnership with, or deliver funding and autonomy to, Maori organisations. For most of its history, the Crown has not worked in partnership with Maori in Te Urewera. Until recently, Maori could usually engage with Crown services only passively, as students, patients, or beneficiaries, with little or no influence on the way services were delivered. A handful of Maori, from both within and outside Te Urewera, became Crown employees and some, like Dr Golan Maaka, were able to adapt their services to Maori needs and preferences. Their presence within the Crown's systems, however, was not indicative of a partnership.

In recent decades the Crown has made an effort to work in partnership with Maori, through its relationships with groups such as Tuhoe Hauora and other iwi and hapu health organisations, kura and kohanga reo, and with the Tuhoe

1426. Counsel for Wai 36 on behalf of Tuhoe, closing submissions, pt B (doc N8(a)), p 220; counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), pp 350–351, 354; counsel for Wai 144 Ngati Ruapani, submissions by way of reply (doc N30), p 68

1427. Waitangi Tribunal, *The Napier Hospital and Health Services Report*, pp 54, 64

Education Authority. However, representatives of these groups told us that the Crown was not treating them as full partners. From the evidence we were presented with, it was not possible to tell whether or not the Crown's actions were those of a conscientious Treaty partner. It was clear, however, that the huge power imbalance between the two 'partners' was a source of serious tension, and that not enough was being done to acknowledge and mitigate that imbalance.

23.9.3.2 *Equitable provision*

In their closing submissions, Crown counsel made a distinction between equal and equitable treatment. They submitted that Maori in Te Urewera may have been treated differently to other citizens at various points, but that this is not the same thing as unfair or discriminatory treatment.¹⁴²⁸ Crown counsel's discussion of equity and equality related mostly to circumstances under which it was difficult for the Crown to provide services to Maori in Te Urewera; this will be discussed in section three below. We believe that the distinction between equality and equity has a much broader application, which is highly relevant to the provision of social services.

The *Oxford English Dictionary* defines 'equal' in terms of sameness; for example, people having the same rights and status, or something being uniform in application. By contrast, equity is defined in terms of fairness. Crown counsel also suggested that 'equitably' is synonymous with 'fairly'.¹⁴²⁹ In terms of social services, we consider that equal provision means providing everyone with the same type and level of service, whereas equitable provision means providing everyone with the services which best meet their needs.

Perhaps the most important aspect of equitable provision derives from unequal needs. As we have stated above, following the Napier Hospital report, the Crown has a duty to reduce socio-economic disparity. We have shown that Maori in Te Urewera have consistently suffered from worse health and housing, lower education levels, and higher rates of poverty than non-Maori. This means that, regardless of the reasons behind this disparity, the Crown has a duty to devote additional resources to reducing it. The Crown has failed to adequately carry out this duty, and partly as a result socio-economic conditions for Maori in Te Urewera remained far below those of the general New Zealand population, even in the mid-twentieth century, which was Te Urewera's economic high point since the Crown's arrival in the district a century before. Providing the district with the same limited level of service as another rural area with a less disadvantaged population may be equal treatment, but it is not equitable.

At times, the Crown did recognise some differing Maori needs and circumstances, and provided differing but broadly equitable services. One example was the Department of Maori Affairs' welfare officer system. The welfare officers helped Maori to find jobs, improve their housing, and generally achieve a higher

1428. Crown counsel, closing submissions (doc N20), topic 39, p 3

1429. Ibid, pp 15–16. They also used 'impartially' as a synonym (p 3); the *Oxford English Dictionary* defines 'impartial' as 'unprejudiced, unbiased, fair, just, equitable'.

standard of living. Non-Maori had no equivalent system, but this recognised greater levels of need among Maori, and the difficulty which some had navigating mainstream systems. Another example was the land development schemes, which recognised the particular difficulties of developing Maori-owned land, given the title system imposed by the Crown. The schemes were somewhat paternalistic and generally did not work as well as either Maori or the Crown had hoped, but they were a genuine attempt to improve the living standards and economic capabilities of Maori communities.

Another crucial aspect of equitable provision is the delivery of culturally appropriate services. This obligation derives from the principle of active protection in two ways. First, active protection includes the removal of barriers which may prevent Maori from accessing social services, including linguistic or cultural barriers.¹⁴³⁰ Secondly, and as the Napier Hospital Tribunal found, the Crown's obligation actively to protect *te reo* and Maori culture means that they must be respected and provided for in the delivery of social services. That Tribunal acknowledged, however, that this can 'be subject to the limits of practicality, reasonable cost, and clinical safety'.¹⁴³¹ The duty to provide culturally appropriate services was also upheld by the Tauranga Moana Post-Raupatu Tribunal, which found that the partnership principle obliged the Crown to provide and support culturally appropriate health services, and the Wananga Capital Establishment Tribunal, which found that one of the rights which the Crown must actively protect is 'the right to participate in a tertiary education in a Maori paradigm'.¹⁴³²

In our inquiry we have seen that, until about the 1950s, Maori language and culture were routinely marginalised and disparaged by Crown bodies, particularly schools. Cultural factors may also have kept some Maori in Te Urewera from accessing public hospitals and other medical aid. Crown policies relating to land and housing often ignored the realities of traditional land ownership, family structures, and ties to ancestral land. In particular, Crown policy in the middle of the twentieth century encouraged Maori to move away from their ancestral homes in 'isolated' areas, often using education and housing to reward those who shifted. We accept that these policies were made with good intentions, but they also ignored the expressed preferences of many Maori to remain in their traditional *rohe*. Similarly, we accept that the monocultural and monolingual nature of native schools arose from a genuine belief that assimilation was in the best interests of Maori. We also acknowledge that in practical terms Maori needed to become fluent in English, and that those who did not do so were at a disadvantage in twentieth-century New Zealand. But we do not accept that this had to happen at the expense of their own language and culture, nor that there was no reciprocal obligation on Crown employees to become more familiar with *te reo* and *tikanga* Maori. Apart from issues of geographical access, the education provided to Te

1430. Waitangi Tribunal, *Tauranga Moana, 1886–2006*, vol 2, p 810

1431. Waitangi Tribunal, *The Napier Hospital and Health Services Report*, p 57

1432. Waitangi Tribunal, *Tauranga Moana, 1886–2006*, vol 2, p 811; Waitangi Tribunal, *The Wananga Capital Establishment Report*, p 51

Urewera Maori communities appears to have been mostly satisfactory by Pakeha standards of the time. But the Treaty principle of options means that Maori had to be able to choose between ‘mainstream’ services largely designed by and for Pakeha, and those designed by and for Maori.¹⁴³³ Providing a monocultural and monolingual service to everyone is, again, equal but not equitable.

Is the Crown obliged to ensure that Maori socio-economic outcomes are equal (or equitable) with those of non-Maori? Counsel for Tuawhenua submitted that ensuring equitable outcomes is a Crown duty under article three of the Treaty.¹⁴³⁴ Crown counsel conceded that the ideal standard is one which results in equality of outcome, but submitted that this was an impossible goal, as ‘this standard ignores individual choice and action.’¹⁴³⁵ The question has been addressed by the Napier Hospital Tribunal, which found:

A balance must also be struck in any period between the Crown’s obligation of active protection of Maori health and the responsibility of individual Maori to maintain their personal health . . . In general, we do not consider it reasonable to expect that Crown action aimed at the active protection of Maori health, however assiduous, can guarantee particular health outcomes for individual Maori.¹⁴³⁶

We accept this caution, and find that it also applies to other socio-economic outcomes, such as education, income, and employment. As we said earlier, the Crown is obliged to address disparities between Maori and non-Maori, but it is reasonable to expect that outcomes should be at least partly dependent on individual or community (especially tribal community) effort.

In summary, article 3 of the Treaty of Waitangi guarantees to Maori the rights and privileges of British subjects, which in today’s terms means the same rights and privileges as other New Zealanders. But we consider that the Crown’s obligations under article 3 should not be conceived as a duty to provide aid and services to Maori on exactly the same basis as non-Maori. Where aid or services are tailored to Pakeha needs or are more accessible to Pakeha than to Maori, Maori are not receiving the same privileges as other New Zealanders. We are reminded of the words of French writer Anatole France, who wrote, ‘In its majestic equality, the law forbids rich and poor alike to sleep under bridges, beg in the streets and steal loaves of bread.’¹⁴³⁷ In our view, it is this kind of equality which has prevailed in the Crown’s provision of aid and social services to the peoples of Te Urewera. The Crown’s ‘majestic equality’ provided Maori and Pakeha alike with monolingual English-language schooling, and penalised Maori and Pakeha alike for ownership of unproductive land. Needless to say, the impact did not fall equally on both groups. A ‘one size fits all’ model tends in practice to suit the needs of the majority,

1433. For a discussion of the principle of options in a social services context, see Waitangi Tribunal, *The Napier Hospital and Health Services Report*, p 65.

1434. Counsel for Tuawhenua, synopsis of submissions (doc N9(b)), p 12

1435. Crown counsel, closing submissions (doc N20), topic 39, p 16

1436. Waitangi Tribunal, *The Napier Hospital and Health Services Report*, p 55

1437. Anatole France, *Le Lys Rouge* (1894, reprinted Paris: Calmann-Levy, 1906), p 118

who are rarely the group in most need of help. Even when they can access mainstream aid and services, minority groups such as Maori have often found that what is being provided simply does not work for them, or is so alienating that they prefer to disengage. This is bad for many reasons: it means that the Crown's money is not being spent efficiently, and that public health measures and other crucial programmes will be less successful because they are not reaching everyone. When Maori are being marginalised, it also means that the Crown is not providing them with the full benefits of citizenship as guaranteed in article 3, and is therefore in breach of the Treaty of Waitangi.

23.9.3.3 *Restrictions on duty*

Crown counsel submitted that, in assessing the adequacy of social service provision, we must take into account all the prevailing contemporary circumstances, particularly cost, location, and practicality.¹⁴³⁸ We accept this as a general principle: it would not be reasonable for us to impose standards on Crown action without any regard to the contemporary context. We examine here a number of factors which might legitimately reduce the Crown's socio-economic obligations under the Treaty.

In most cases, potential restrictions on Treaty obligations turn on what was practical or realistic at the time, rather than what was possible. One exception is the contemporary state of knowledge and technology; it is unreasonable, for example, to expect the Crown to have prevented the spread of disease in the nineteenth century, when the causes of disease were not really understood and few effective treatments or preventatives were available. As the Crown has pointed out, before the middle of the twentieth century all health care was inadequate by today's standards.¹⁴³⁹ This was not due to any failing of the Crown, but rather to the state of medical knowledge and care at the time.

In this inquiry, Crown counsel suggested that the high cost of providing services to 'remote' areas such in Te Urewera meant that it could legitimately provide a lower level of service.¹⁴⁴⁰ This argument was rejected by claimant counsel.¹⁴⁴¹ Counsel for Tuawhenua and the Wai 144 claimants based their counter-arguments primarily on the spiritual and cultural importance of the 'isolated' and 'remote' places which the Crown said it could not reasonably service. Counsel for Tuawhenua stated that 'The lifestyle and community at Ruatahuna is a taonga to Tuhoe' which requires Crown protection.¹⁴⁴² They described Ruatahuna as the 'kohanga' (nest or nursery) of Tuhoe.¹⁴⁴³ Counsel for the Wai 144 claimants submitted:

1438. Crown counsel, closing submissions (doc N20), topic 39, p 16

1439. Ibid, pp 18–19

1440. Ibid, pp 16, 22

1441. Counsel for Tuawhenua, synopsis of submissions (doc N9(b)), p 12; counsel for Nga Rauru o Nga Potiki, closing submissions (doc N14), p 350; counsel for Wai 144 Ngati Ruapani, submissions by way of reply (doc N30), p 67

1442. Counsel for Tuawhenua, synopsis of submissions (doc N9(b)), p 12

1443. Ibid, p 30

The Crown was and is required to ensure that Tuhoe and Ngati Ruapani were and are provided with the means to develop, exploit and manage their resources in accordance with their cultural preferences – which were to remain on their lands. That these lands were ‘remote’ does not negate the performance of this duty by the Crown.¹⁴⁴⁴

Counsel suggested that the tangata whenua of the Waikaremoana area were not simply free to move to areas with better social services, because

They are the kaitiaki of the Lake, the land, and all that lives in the area. They do not choose to live there, isolated from services. The land has chosen them. There is no choice about schooling, health services or infrastructure at Waikaremoana, apart from suffer with little, or move away.¹⁴⁴⁵

The special relationship between the people and their land was also discussed by counsel for Nga Rauru o Nga Potiki, who rejected the Crown’s argument that, because other rural communities also suffered from corporatisation, its impacts on the Te Urewera timber communities did not constitute a Treaty breach. Counsel submitted that this argument ‘avoids the Treaty obligations to Maori and ignores the special relationship between tangata and their whenua and tangata whenua and the Crown.’¹⁴⁴⁶

The argument that cost is a legitimate constraint on the Crown’s socio-economic Treaty duties was also presented in the Tauranga Moana post-raupatu inquiry, where Crown counsel submitted that there were limits on Maori health entitlement, ‘since governments had to prioritise the allocation of resources.’¹⁴⁴⁷ The Tauranga Moana Tribunal accepted this, but also stated that cost ‘does not remove the Crown’s obligation to make every effort (as far as circumstances permit) to eliminate all barriers to services to which Maori were entitled as citizens.’¹⁴⁴⁸

Whether Maori should be able to access modern social services from their traditional rohe has been explicitly addressed by few previous Tribunals. The Rekohu Tribunal found that although Maori and Moriori living on the Chatham Islands suffered greatly from a lack of health care and other services, ‘the Crown did substantially all that was reasonably practical at the time.’ It also found that all Chatham Islanders suffered equally, regardless of ethnicity.¹⁴⁴⁹ The Te Tau Ihu Tribunal similarly found that failure to provide services to isolated Maori settlements was ‘not necessarily’ a breach of the Treaty, since isolated Pakeha settlements also suffered.¹⁴⁵⁰ We have reached a different conclusion from those Tribunals, for two reasons.

1444. Counsel for Wai 144 Ngati Ruapani, submissions by way of reply (doc N30), p 67

1445. Ibid, p71

1446. Counsel for Nga Rauru o Nga Potiki, submissions by way of reply (doc N33), p 17

1447. Waitangi Tribunal, *Tauranga Moana, 1886–2006*, vol 2, p 806

1448. Ibid

1449. Waitangi Tribunal, *Rekohu: A Report on Moriori and Ngati Mutunga Claims in the Chatham Islands* (Wellington: Legislation Direct, 2001), pp 234–235

1450. Waitangi Tribunal, *Te Tau Ihu o te Waka a Maui*, vol 2, p 1032

First, Te Urewera is much less distant and isolated from the rest of New Zealand than the Chatham Islands. The Rekohu Tribunal found that the high cost of providing services to the Chathams meant that such provision was not a Treaty obligation. But that increased cost is on a different and much larger scale than it is in relation to Te Urewera. Clearly a line must be drawn somewhere to determine the point at which a service becomes too expensive for the Crown to provide. As we discuss in more detail below, we do not think it was reasonable to expect the Crown to provide residents of Te Urewera with the same level of services as it provides to city dwellers. But we do consider that, particularly before the 1940s and from the mid-1980s, the Crown drew the line in the wrong place. With the partial exception of the period between the 1930s and the 1980s, most Te Urewera communities had inadequate access to social services. Some communities lacked adequate access even during that period. The Crown's provision of services was inadequate even when the small and scattered population of Te Urewera, and its distance from major towns, are taken into account. We find that this was in breach of the principles of equity and active protection.

We respectfully disagree with both the Rekohu and Te Tau Ihu Tribunals if it is their view that it is acceptable for the Crown to neglect Maori communities if it also neglects non-Maori communities. To draw on our discussion earlier in this chapter, this would be equal treatment, but not equitable. In our district, this is in part because deprivation has been so prolonged and so marked. In addition, it could be argued from a Pakeha perspective that communities such as Minginui and Murupara suffered no more than hypothetical non-Maori communities which had also lost their only significant source of employment, assuming that the Crown gave both communities the same level of support. But from a Maori perspective, the destruction of the Whirinaki job market severely damaged the ability of the tangata whenua to maintain their ahi ka. We heard extensive evidence from claimant witnesses who left Te Urewera for economic reasons, and the pain they felt at being away from their homelands. This was not simply the emotional wrench of leaving a childhood home, but the profound cultural and spiritual pain of disconnection from ancestral land. Those who remained in their rohe were able to maintain their ahi ka and therefore their own spiritual wellbeing, as well as sustaining the ancestral home to which others could return. But the lack of social services and assistance meant that they often did so at risk to their health, and at the expense of a reasonable standard of living.

Levels of access to social services fluctuated over the period covered by this report. There were almost no social services in our inquiry district in 1900, but provision and access slowly improved, reaching its peak in about the 1950s. Even then, however, access was still difficult from many parts of the inquiry district. A huge change came in the late 1980s, when many services were withdrawn. People who had relied on these services were forced to move elsewhere, significantly alter their lives, or accept a lower standard of living. Crown counsel have submitted that such changes affected all of rural New Zealand, not just Te Urewera.¹⁴⁵¹ While

1451. Crown counsel, closing submissions (doc N20), topic 39, p14

this is true, the changes did not impact on all communities equally. Few rural communities had been left as poor as Te Urewera in the wake of repeated Crown breaches of the Treaty, few had such limited economic prospects, few suffered so grievously from job losses in the course of corporatisation and, consequently, few were affected as badly as the Te Urewera communities.

Having said all this, we do accept that it is not realistic for the Crown to provide the same level of services in Te Urewera as are available in the cities and large towns. It is not, and never has been, practical or cost effective to build, for example, a full scale hospital in Te Urewera. We do consider, however, that it is reasonable to expect people in our inquiry district to be able to access medical and social services. Remaining in one's ancestral rohe should not mean going without the benefits of citizenship. The Crown's failure to provide services and assistance, such as public transport, free ambulance services, and adequate allowances for students who need to board, rendered many basic services inaccessible to many Te Urewera residents, especially those on low incomes. This was in breach of the principles of equity and active protection.

Another factor which Crown counsel submitted could reasonably restrict the Crown's provision of social services was 'disposition to use services'.¹⁴⁵² We take this to mean that the Crown was not obliged to provide services which Maori did not want. This is relevant mostly to the late nineteenth and early twentieth centuries. In this period, we encountered three instances of Maori being unwilling to accept State aid. These were, first, the reluctance of some communities to accept free food during the 1898 famine; second, reluctance to use hospitals; and third, the opposition of Rua and his followers to the native school system. We addressed the first instance earlier in this chapter, and concluded that reluctance to accept Crown aid during the famine was a result of deep mistrust of the Crown, after decades of poor Crown relations with the peoples of Te Urewera. The establishment of the UDNR partnership appeared to be setting things on a more positive track. However, by 1898 the Crown had still not set up mechanisms for self-government, or otherwise done much to uphold its side of the deal. Even if the Crown had carried out its obligations, it is likely that some groups would still not have trusted it enough to accept food, in which case more relief work should have been provided. We also note again that numerous communities asked the Crown specifically to provide them with food, so this reluctance to accept the Crown's aid was not universal, and perhaps not even particularly widespread.

With regard to antipathy towards hospitals in the nineteenth and early twentieth centuries, it appears that the Crown developed some innovative policies to offer Maori medical treatment in non-hospital settings, particularly through tent hospitals, Native Medical Officers, and the Native health nursing system. We accept that there was little point in providing access to hospitals which communities did not want, and would not use. However, we saw no evidence that health authorities made any effort to help Maori become more comfortable with hospitals, or to

1452. Ibid, p16

make hospitals near Te Urewera more welcoming for Maori patients, for example by employing Maori staff, educating Pakeha staff on Maori cultural needs, or by removing or reducing other barriers to access, such as cost.

In the first decade of the twentieth century, Rua and his followers were opposed to Pakeha education. In 1906, Rua banned his followers from attending the native schools, causing Kokako School to be shut down and Waimana to be turned into a board school. Many children were also removed from Ruatoki and Te Whaiti Schools. The reasons Rua gave were that they did not need to learn English, as he prophesised the Pakeha would be expelled from Aotearoa, and because children only learned 'European vices' at school.¹⁴⁵³ He was reported as saying 'Hei aha te kura, ko ahau te kura', which translates as 'don't bother with the school, I am the school', but can also be understood to mean 'don't worry about Pakeha education, my church is your school'.¹⁴⁵⁴ Another version came from H Curran, the teacher at Kokako School, who claimed that Rua was preaching that 'God will teach their children in their homes' and thus they did not need to go to school.¹⁴⁵⁵ We consider that, as well as the pervasive influence of the religious and millennial aspects of Rua's teaching at this time, many of his supporters would have been disillusioned with the Crown and its schools due to the broken promises of the UDNR agreement. After his release from prison, Rua no longer opposed Pakeha education, and sent his own children to mission and native schools at Matahi and Maungapohatu in the 1920s.¹⁴⁵⁶ Rua's opposition to Pakeha education was not long-lasting, and of course only affected those areas in which his influence was strong. It must also be seen in the context of disappointment over the lack of benefits from the UDNR, particularly its failure to deliver meaningful self-government, and general distrust of the Crown. We do consider, however, that it was reasonable for the Crown to make sure, before it opened a school, that the community actually wanted one.

In general, the hapu and iwi of Te Urewera did want more welfare provision and economic aid, and in numerous instances specifically asked for them. Cases in which communities specifically rejected assistance were few, and tended to result directly or indirectly from their entirely justified mistrust of the Crown. In entering into the UDNR partnership with Te Urewera hapu and iwi, the Crown appeared to be taking steps to turn this history around and build a more positive relationship. Had it fulfilled its UDNR promises and given the peoples of Te Urewera the self-government and support they were expecting, they may have overcome their distrust and begun to make more use of Crown aid and services. Instead, the Crown's failure to carry out its side of the bargain, particularly with regard to self-government and land administration, only reinforced the idea, held by some Te Urewera people, that nothing good could come from the Crown.

1453. Binney, Chaplin and Wallace, *Mihaia* (doc A112), pp 34–35

1454. Sissons, *Te Waimana* (doc B23), p 197

1455. Binney 'Encircled Lands, Part 2' (doc A15), p 286

1456. See Binney, Chaplin and Wallace, *Mihaia* (doc A112), pp 150–151. Rua also supported the Presbyterian Mission School established in Maungapohatu in 1918: Binney, Chaplin and Wallace, *Mihaia* (doc A112), p 139.

Finally, Crown counsel reminded us ‘not to ascribe today’s standards and reasonable expectations to the Crown actions and actors of the past.’¹⁴⁵⁷ This is an issue addressed in detail by the Central North Island Tribunal in relation to nineteenth century Maori self-government. That Tribunal stated:

we accept the Crown’s submission that we ought to avoid presentism . . . We also accept the Crown’s submission that its Treaty obligations have to be interpreted according to what was reasonable in the circumstances, as established by the Privy Council in the *Broadcasting Assets* case. We note, however, that what was ‘reasonable in the circumstances’ is not equivalent to an uncritical acceptance of the majority standards of the time.¹⁴⁵⁸

The range of options open to the historical Crown, in other words, was generally far wider than the things it actually did. The Central North Island Tribunal demonstrated that nineteenth century politicians ‘were capable of active protection of Maori interests, and of conceptualising a high ideal of protecting and reconciling the best interests of both peoples.’¹⁴⁵⁹ Such policies would not always have been popular with voters, but, as that Tribunal pointed out, ‘governments sometimes have to court electoral defeat by insisting on unpopular policies.’¹⁴⁶⁰ We are well aware that we must judge the Crown and its agents by contemporary standards rather than by those of today. We cannot, and do not, judge Crown officers for failing to consider options which would never have occurred to them, or which they would have regarded as impossible or immoral. We do, however, think that they should have lived up to their own rhetoric and to have been open to possibilities presented to them at the time. In particular, the UDNR agreement established a Treaty relationship between the Crown and the hapu and iwi of Te Urewera, and so the Crown had a particularly strong obligation to meet the commitments it made, as well as to meet its wider obligations under the Treaty. That it largely failed to do so was a failure to meet its duties of good faith and partnership.

23.10 CONCLUSIONS

Our Treaty analysis has focused on the nature of the Crown’s duties to the peoples of Te Urewera in relation to socio-economic matters, and the extent to which socio-economic disparities and problems are prejudices caused by Crown breaches of the Treaty. Here we summarise those duties, outline the extent to which they have been fulfilled, and the extent to which failure to fulfil them is a breach of the principles of the Treaty. We then summarise the prejudice caused to the peoples of Te Urewera by those breaches.

1457. Crown counsel, closing submissions (doc N20), topic 39, p 2

1458. Waitangi Tribunal, *He Maunga Rongo*, vol 1, p 178

1459. Ibid, pp 181–188

1460. Ibid, p 179

23.10.1 The Crown's duties

We find that the Crown has obligations to provide aid and social services to the hapu and iwi of Te Urewera in the following circumstances:

- when the aid or services are being provided to non-Maori in similar or equivalent circumstances;
- when hapu or iwi are suffering extreme hardship, for example during the 1898 famine;
- when there is a significant disparity between Maori and non-Maori outcomes in socio-economic areas such as health or education; or
- when aid or services are needed to alleviate or redress the prejudice caused by the Crown's prior Treaty breaches.

In addition, we find:

- The Crown has an obligation to provide services equitably to Maori. This means that the services provided must meet the needs of hapu and iwi, rather than just New Zealanders in general.
- Where the provision of particular aid and services within a particular district, such as Te Urewera, is prohibitively expensive or highly impractical, the Crown does not have an obligation to provide those services. However, the services must be reasonably accessible to people living in the district, even if they have limited financial means.
- Whenever hapu and iwi are willing and able, the Crown is obliged to work in partnership with them in the provision of aid and social services.
- The Crown is entitled, in its exercise of kawanatanga, to determine economic policy, including the nature and extent of its involvement in the timber industry. In doing so, however, it is obliged to consult with hapu and iwi likely to be significantly affected by proposed changes, and to ensure that it is making well-informed decisions. This obligation applies to both overall policy-making and the implementation of policy.

23.10.2 Has the Crown fulfilled its obligations under the Treaty?

We find that, although the Crown at times made very real efforts to improve the socio-economic standards of the peoples of Te Urewera, it often failed to fulfil the obligations we list above. In many instances, the peoples of Te Urewera were given less consideration than other communities, which we find to be a breach of the principle of equity. Where the Crown failed to protect Te Urewera communities from severe hardship, or took actions which had negative effects on them or their culture and language, we find the Crown to be in breach of the principle of active protection. Until relatively recently, the Crown has not enabled Maori groups and organisations to play a significant role in the design or delivery of social services. This was part of a wider failure by the Crown to properly consult with Te Urewera hapu and iwi, and is in breach of the principle of partnership. The Crown's failure to uphold its own promises is a failure to uphold its duty of good faith.

More specifically, we find:

- The provision of aid and social services to Maori communities in Te Urewera has never been sufficient in relation to the various disparities between the

hapu and iwi of Te Urewera and New Zealanders as a whole, even though the Crown has been aware of these disparities since at least the 1890s. This was in breach of the principle of equity.

- The Crown's aid to communities affected by the 1898 famine was inadequate even by the standards of the day. This was in breach of the principles of active protection and equity. Given that the Crown had made explicit promises to protect the peoples of Te Urewera, it failed to adhere to its duty to act in good faith.
- The Crown discriminated against Maori in the provision of pensions and other welfare benefits up to 1938, and in some cases up to 1945. This was in breach of the principle of equity.
- Because a supply of safe drinking water is essential to good health, the Crown's failure to ensure all Te Urewera communities had such a supply is a breach of the principles of active protection and equity.
- Communities in Te Urewera have consistently been provided with fewer services than are available in most parts of New Zealand. To some extent, this was an inevitable consequence of the area's low and scattered population and distance from cities and larger towns. Even taking this into account, however, access to health care, education, and other services has often been inadequate, in breach of the principle of equity.
- Until recent decades, the Crown largely failed to provide Te Urewera communities with social services best fitted to their needs. In particular, they were provided with monolingual and monocultural education which threatened the survival of their own reo and tikanga. This was in breach of the principles of equity and active protection.
- In the mid-twentieth century, the Crown encouraged Maori in Te Urewera to leave their home kainga in order to find work and to access education, health care, and improved housing. Such encouragement paid insufficient regard to cultural ties to ancestral lands, but as long as undue pressure was not imposed was not a breach of Treaty principles. Rather it was a practical response to the limited economic options in the district and the difficulty of providing a full range of services to isolated communities.
- The Crown's corporatisation of the Forest Service was planned and carried out without adequate consultation with affected hapu and iwi, particularly at the level of implementation, and decisions were made which were not always well-informed. This was in breach of the principle of partnership.
- The Crown's rapid implementation of the corporatisation programme, and its withdrawal of economic and social services from Te Urewera, were carried out without adequate regard for the wellbeing and economic survival of Te Urewera communities, and in violation of specific promises. While earlier Crown policy and practice had simply encouraged people to leave places where it was increasingly hard to make a living and services had long been minimal, it now took jobs and services away from communities which had

become dependent on them. This was in breach of the principles of partnership and active protection and its duty of good faith.

- While the return of Minginui to Ngati Whare was a positive step, the Crown failed to communicate properly with residents, or to identify or fix the numerous housing and environmental problems caused by its neglect, poor construction methods, and use of dangerous chemicals. This was a breach of the principles of good faith and active protection.
- Until about the 1980s, the Crown rarely made any effort to work with hapu and iwi in the provision of social services, or even to properly consult them over how these services should be delivered. This was in breach of the principle of partnership.
- In recent decades, the Crown has taken significant steps towards such partnerships with hapu and iwi, but the people with whom the Crown works in Te Urewera have felt marginalised and sometimes bullied. We did not receive enough evidence to determine whether the Crown has breached the principles of the Treaty in this matter.

23.10.3 Prejudice arising from the Crown's breaches of Treaty principles

We have shown throughout this chapter that these Treaty breaches, and those which we detail in other parts of this report, had numerous and severe prejudicial effects on the peoples of Te Urewera. We find that there are clear causative links between the Crown's repeated breaches of the Treaty and these prejudices, specifically:

- The Crown's large-scale acquisition of Maori land in Te Urewera, for small or in some cases no payment, led directly to widespread and severe poverty among the hapu and iwi of Te Urewera. Accordingly, we find that this ongoing poverty was and is a prejudice arising from the Crown's numerous breaches of the Treaty, which we have addressed in earlier chapters of this report.
- This prejudice was exacerbated by the Crown's restrictions on land use, usually without compensation, which prevented Te Urewera hapu and iwi from utilising their lands and forests, and by its failure, before the 1930s, to provide Maori with any effective assistance in developing their remaining land.
- The lack of economic opportunities in some parts of the inquiry district, and the very limited opportunities in other parts, were a key factor behind the migration of many Maori away from their turangawaewae. As a result of this, the majority of Maori with whakapapa links to Te Urewera live outside the rohe. To the extent to which these economic circumstances are a prejudice caused by Crown Treaty breaches, reluctant migration and cultural disconnection are also prejudices.
- The Crown's acquisition of Te Urewera Maori land (including most of their best land), was one of the main factors behind the dependence of Te Urewera hapu and iwi, particularly Ngati Whare, Ngati Manawa, and Tuhoe, on the

timber industry. This dependence is therefore a prejudice resulting in part from the Crown's acquisition of so much land in breach of the Treaty.

- ▶ The dependence of Te Urewera hapu and iwi on the timber industry was one of the main reasons why corporatisation of the Forest Service had such a disastrous effect on the district and its communities. Another important reason was the Crown's failure to adequately mitigate the negative effects of corporatisation. This means that the dire economic state of Te Urewera at the time of our hearings, and the attendant social problems, are prejudices arising directly and indirectly from the Crown's breaches of the Treaty.
- ▶ The primary cause of increased ill health in nineteenth century Te Urewera was lack of immunity to introduced diseases. The Crown was not responsible for this, and until around the middle of the twentieth century had few effective means to combat such diseases. However, the Crown is at least partly responsible for other contributing factors to Maori ill health in Te Urewera, such as poverty, food shortages and, in the nineteenth century, the impact of the Crown's conduct of its military expeditions. By the twentieth century, poverty had become the main contributing factor to poor Maori health in Te Urewera. As this poverty was caused primarily by the Crown's earlier breaches of the Treaty, we find that health disparities are a prejudice partly arising from those breaches.
- ▶ Another important contributing factor to ill health in Te Urewera was the poor overall quality of housing in the district. This in itself was a consequence of widespread poverty, and also of Crown and local government policy and practice which made it difficult for Maori to finance and build better homes on their own land. This reinforces our finding that disproportionate ill health is a prejudice arising from Treaty breach.
- ▶ The Crown failed to provide a school system which served the needs and aspirations of Maori pupils in Te Urewera, who had difficulty accessing all levels of education, particularly after primary school. The monolingual and monocultural nature of State schools alienated many young Maori, and so their limited success in the education system is a prejudice arising from the Crown's Treaty breaches in relation to the education system.
- ▶ The ban on speaking te reo in State schools, and the often brutal physical punishments used to enforce this ban, prejudicially affected the health and continued survival of te reo Maori and its Te Urewera dialects, and had far-reaching prejudicial effects on the cultures of Te Urewera hapu and iwi and on the pupils themselves.

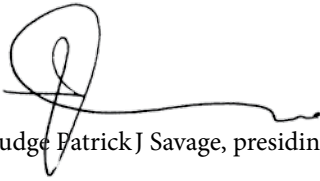
Overall, the living conditions experienced by the hapu and iwi of Te Urewera have consistently been far below those of most other New Zealand communities in the same period. For most, perhaps all, of the time between the 1890s and our hearings, Te Urewera has been home to some of the poorest and most deprived communities in the country. At times some communities have been without even the most basic necessities of life, and there has never been a point at which every Te Urewera community has been properly supplied with essentials such as clean water and adequate housing. The Crown has been aware of these conditions since

the 1890s or earlier, but has never taken the steps necessary to ensure that living conditions met the standards of the time.

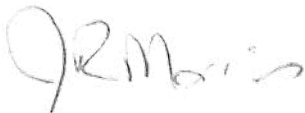
We find that the poor socio-economic standing of the peoples of Te Urewera is in large part a prejudice arising from the Crown's repeated and often grievous breaches of the Treaty, which we have detailed throughout all parts of this report.

The signature page opposite was that which accompanied part 1 of *Te Urewera's* pre-publication release. Part 1 comprised chapters 1 to 5, appendix 1, and the glossary of Maori terms and was released in April 2009.

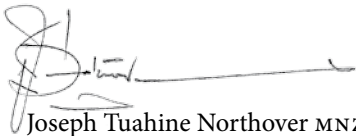
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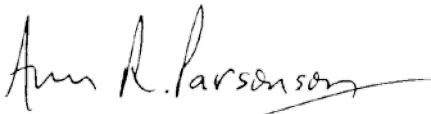
Judge Patrick J Savage, presiding officer



Joanne R Morris, member



Joseph Tuahine Northover MNZM, member

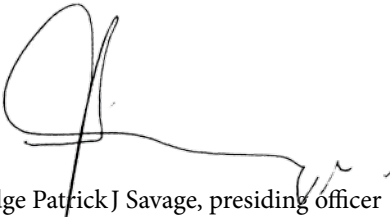


Dr Ann R Parsonson, member



The signature page opposite was that which accompanied part 11 of *Te Urewera's* pre-publication release. Part 11 comprised chapters 6 to 12 and appendix III and was released in July 2010.

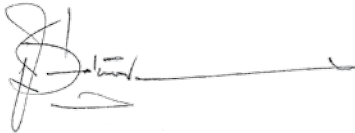
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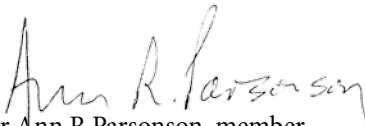
Judge Patrick J Savage, presiding officer



Joanne R Morris, member



Joseph Tuahine Northover MNZM, member

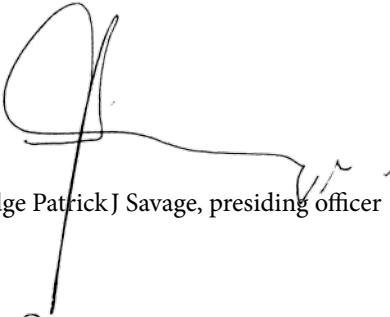


Dr Ann R Parsonson, member

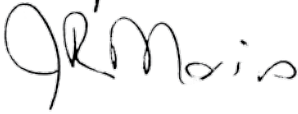


The signature page opposite was that which accompanied part III of *Te Urewera's* pre-publication release. Part III comprised chapters 13 to 16 and appendixes III, v, VI, and VII and was released in October 2012.

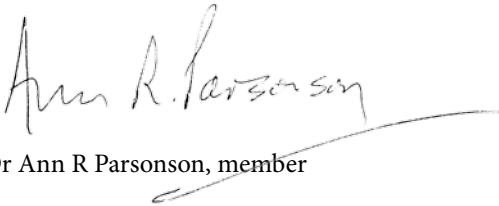
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Judge Patrick J Savage, presiding officer



Joanne R Morris, member

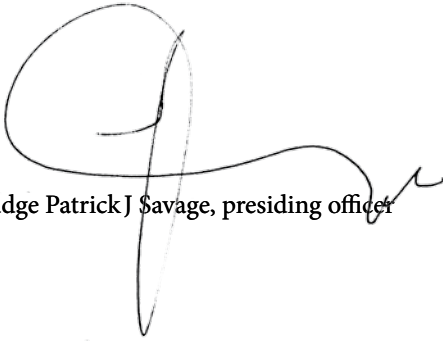


Dr Ann R Parsonson, member

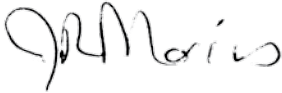


The signature page opposite was that which accompanied part IV of *Te Urewera's* pre-publication release. Part IV comprised chapters 17 to 19 and was released in December 2012.

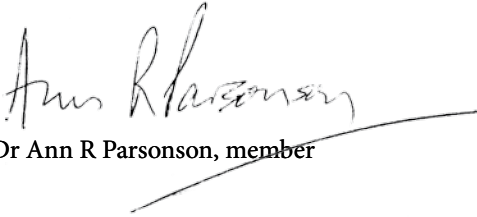
Dated at Wellington this 19th day of December 2012

A large, stylized handwritten signature in black ink, consisting of a large loop followed by a horizontal stroke and a small flourish at the end.

Judge Patrick J. Savage, presiding officer

A handwritten signature in black ink, appearing to read 'Joanne R Morris' in a cursive style.

Joanne R Morris, member

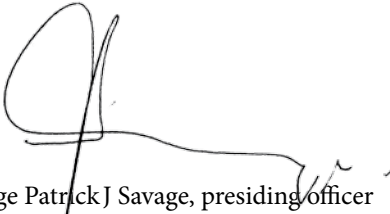
A handwritten signature in black ink, appearing to read 'Ann R Parsonson' in a cursive style, with a long horizontal line extending from the end.

Dr Ann R Parsonson, member



The signature page opposite was that which accompanied part v of *Te Urewera's* pre-publication release. Part v comprised chapter 20 and was released in December 2014.

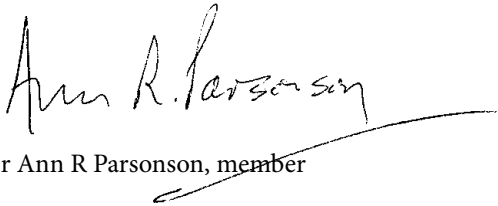
Dated at Wellington this 12th day of December 2014



Judge Patrick J Savage, presiding officer



Joanne R Morris, member

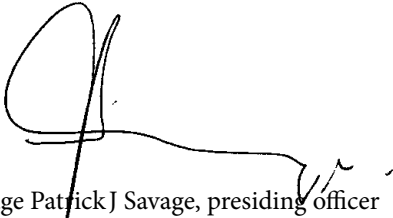


Dr Ann R Parsonson, member




The signature page opposite was that which accompanied part v1 of *Te Urewera's* pre-publication release. Part v1 of the report comprised chapters 21 to 23 and was released in December 2015.

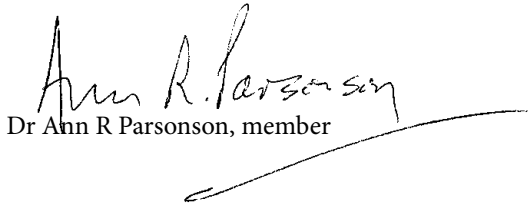
Dated at Wellington this 22nd day of December 2015



Judge Patrick J Savage, presiding officer



Joanne R Morris, member



Dr Ann R Parsonson, member



APPENDIX I

CLAIMS BY WAI NUMBER

Wai	Parties	Counsel
—	The Crown	Annsley Kerr, Libby Shaw, and Hiria Hape
36	James Wharehuia Milroy and Tamaroa Raymond Nikora on behalf of the Tuhoe tribe and the Tuhoe-Waikaremoana Maori Trust Board	David Ambler and Curtis Bidois
66	Edward Charles Rewi, Pahiri Matekuare, Jack Ohlson, and the trustees of Te Runanga o Ngati Whare Iwi Trust on behalf of Ngati Whare	Jamie Ferguson and Kirikaiahi Albert
144	Vernon Winitana on behalf of Ruapani	Kathy Ertel and Liz Cleary
203	Tuiringa Mokomoko on behalf of the Mokomoko whanau	Stephen Clark
257	Topia Hall, Rano Messent, and Renata Pouwhare on behalf of Ngati Manawa	Richard Boast and Matthew Dwyer
274, 283	John Ruru on behalf of Te Aitanga a Mahaki	Prue Kapua, Kelly Fox, and Sheena Tepania
299	Bevan Taylor, Gerald Southern, Rangi Taurima, Fred Reti, Rere Puna, Heitia Hiha, and Tania Hopmans on behalf of Ngai Tataara, Ngati Kurumokihi, and Ngati Tu	Kim Bellingham
339	Tuiringa Mokomoko on behalf of the Mokomoko whanau	Stephen Clark
481	Charles Manahi Cotter on behalf of Ngai Tamaterangi	James Johnston, Peter Johnston, and Campbell Duncan
506	Charles Manahi Cotter on behalf of Ngai Tamaterangi	James Johnston, Peter Johnston, and Campbell Duncan
509	Norma Moetu Pakau	—

Wai	Parties	Counsel
542	Huriana Lawrence on behalf of Ngati Kahungunu and Ngati Ruapani	Gerald McKay
621	Rangi Paku on behalf of the Wairoa-Waikaremoana Maori Trust Board	Paul Harman and George Morrell
687	Te Okoro Joe Runga	Charl Hirschfeld and Moana Tuwhare
724	Roland Steven Mason on behalf of Te Whaiti Nui a Toikairakau	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
725	Hiraina Ngatima Hona and Hune Te Tuhi on behalf of Te Whaiti Nui a Toikairakau	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
726	Robert Marunui Iki Pouwhare and Maaki Darwin Hokianga on behalf of the Ngati Haka Patuheuheu Trust	Te Kani Williams and Dominic Wilson
761	Peter Pii Pii Keepa on behalf of Te Mahurehure	Darrell Naden
794	Tame Wairere Iti on behalf of Ngai Te Kapo and Ngai Tuhoe	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
795	Anaru Paine, Irene Williams, and Hirini Paine on behalf of Ngai Tuhoe Potiki	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
819	Wiparaki Allen Pakau on behalf of the Jacob Martin Cable Whanau Trust	—
842	Wharekiri Biddle on behalf of Tuawhenua block owners	Kathy Ertel and Liz Cleary
892	David Thomas Hawea on behalf of Te Whanau a Kai	Richard Boast and Bonnie McKinney
937	Trainor Tait and Hinemoa Herewini on behalf of Noa Tiwai	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
945	Desmond Renata on behalf of Ngati Ruapani ahi kaa ki Waikaremoana	Richard Boast and Bonnie McKinney
996	David Potter and Andre Paterson on behalf of Ngati Rangitihi	Bonnie McKinney, Josie Lang, and Matthew Dwyer

Wai	Parties	Counsel
1009	Te Weeti Tihi on behalf of Ngai Te Kapo	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
1010	Rose May Lackner and Lorna Taylor	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
1011	Kirituia Tumarae, Te Aue Turuwhenua, and Tiramate Tamiana on behalf of Tamakaimoana	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
1012	Hohepa Kereopa, Leonard Apanui Brown, Matehuirua Rangikotua, and Turuki Te Maungarongo Tiopira on behalf of Ngati Raka, Te Hapu Oneone, and Tamakaimoana	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
1013	Rangimarie Turuki Rose Pere, and Kuini Te Iwa Beattie on behalf of Ngati Rongo, Ngai Hinanga, Ngati Hinekura, Te Whanau Pani, and Ruapani-Tuhoe	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
1026	Robert Hauwaho Takao, Waipiro Ihe, Tekiatou Sonny Biddle, Turuki Te Maungarongo Tiopira, John Kahui Hillman, and Haromi Williams on behalf of Te Whanau a Tamaikoha, Te Whakatane, and Ngai Tama	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
1033	Nicky Kirikiri and Erina Renata on behalf of Te Heiotahoka 2B, Te Kopani 36, and Te Kopani 37	Richard Boast
1034	Kori Hill, Hine Campbell, and Paul Crawford on behalf of Ngati Hineuru	Bonnie McKinney, Josie Lang, and Matthew Dwyer
1035	Matthew John Te Pou, Tekiatou Sonny Biddle, and Pake Te Pou on behalf of Nga Hapu o Te Waimana	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
1036	Claude William Tihi on behalf of Ruatoki hapu	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
1037	Jenny Takuta-Moses and Joseph Takuta-Moses on behalf of Ngati Hinekura and Te Whanau Pani	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
1038	Jack Ohlson, Earl Rewi, Andrew Te Amo, David Bronco Carson, and Rangi Anderson on behalf of Te Whaiti Nui a Toi block	Jamie Ferguson and Kirikaiahi Albert

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Wai	Parties	Counsel
1039	Tamati Kruger and others on behalf of the whanau and hapu of Te Urewera	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
1041	Harata Williams, Barry Williams, and Maraea Rakuraku on behalf of Nga Taone	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
1042	Billy McLean, John Kahui Hillman, and Tekiatou Sonny Biddle on behalf of descendants of Tamaikoha	Annette Sykes, Kirsti Luke, Louis Te Kani, and Jason Pou
1048	Lillian Tahuri on behalf of Ngai Tamaterangi ki Ngati Kahungunu	James Johnston, Peter Johnston, and Campbell Duncan

APPENDIX II

SELECT RECORD OF INQUIRY

SELECT RECORD OF PROCEEDINGS

1. STATEMENTS

1.1 Statements of claim

1.1 Te Weeti Tihi on behalf of the descendants of Ngai Te Kapo, statement of claim, 19 September 2002

1.6

(a) James Wharehuia Milroy and Tamaroa Nikora on behalf of the Tuhoe-Waikaremoana Maori Trust Board and the Tuhoe tribe, consolidated statement of Tuhoe claims, 15 February 2000

1.8

(d) Edward Rewi and Pahiri Matekuare for and on behalf of Ngati Whare iwi and its constituent hapu, fourth amended statement of claim, 22 April 2004

1.11 Tuiringa Mokomoko on behalf of himself and members of the Mokomoko family of Whakatohea, statement of claim, 14 May 1991

1.11

(a) Tuiringa Mokomoko on behalf of himself and members of the Mokomoko whanau of Whakatohea, statement of claim, 17 March 1994

1.19

(a) Charles Cotter on behalf of himself and Ngai Tama Te Rangi ki Ngati Kahungunu including descendants of Hinemanuhiri, first amended statement of claim, 27 January 2003

1.23

(a) Rangi Paku on behalf of beneficiaries of the Wairoa-Waikaremoana Maori Trust Board, particularised first amended statement of claim, 27 January 2003

1.31 Hirini Paine and others on behalf of Tuhoe Potiki, statement of claim, 5 May 1999

1.31

(a) Hirini Paine and others, amended statement of claim, 6 August 2001

(b) Hirini Paine and others, adding Anaru Paine and Irene Williams as claimants, no date

1.2 Particularised and final statements of claim

1.2.1 Trainor Tait and others, final consolidated statement of claim for Waikaremoana (SOC 1), 3 March 2003

1.2.1

(a) Trainor Tait and others, amended consolidated particularised statement of claim for Waikaremoana (SOC IV), 16 April 2004

(b) Trainor Tait and others, amended consolidated particularised statement of claim for Waikaremoana (SOC EE), 8 October 2004

1.2.2 James Wharehuia Milroy and Tamaroa Nikora on behalf of the Tuhoe tribe and the Tuhoe-Waikaremoana Maori Trust Board, particularised statement of claim (SOC 2), 4 March 2003

(a) James Wharehuia Milroy and Tamaroa Nikora on behalf of the Tuhoe tribe and the Tuhoe-Waikaremoana Maori Trust Board, first amended particularised statement of claim (SOC IX), 27 April 2004

(b) James Wharehuia Milroy and Tamaroa Nikora on behalf of the Tuhoe tribe and the Tuhoe-Waikaremoana Maori Trust Board, second amended particularised statement of claim (SOC BB), 4 October 2004

1.2.3 David Hawea for and on behalf of Te Whanau a Kai, third amended statement of claim (SOC 3), 27 January 2003

1.2.4 Charles Cotter on behalf of himself and Ngai Tama Te Rangi ki Ngati Kahungunu Claims Committee including descendants of Hinemanuhiri, second amended statement of claim (SOC 4), 15 August 2003

(a) Charles Cotter on behalf of himself and Ngai Tama Te Rangi ki Ngati Kahungunu Claims Committee including descendants of Hinemanuhiri, third amended statement of claim (SOC 1), 16 April 2004

1.2.6 Rangi Paku on behalf of beneficiaries of the Wairoa-Waikaremoana Maori Trust Board, second amended statement of claim (SOC 6), 15 August 2003

(a) Rangi Paku on behalf of beneficiaries of the Wairoa-Waikaremoana Maori Trust Board, environmental pleadings (SOC 11), 12 April 2004

1.2.7

(c) Hiraina Hona and others, amended consolidated particularised statement of claim for Te Whaiti Nui a Toikairakau (SOC DD), 8 October 2004

1.2.8 Tame Iti and others, final consolidated statement of claim for Ruatoki (SOC 8), 3 March 2003

(b) Tame Iti and others, amended consolidated particularised statement of claim (SOC FF), 8 October 2004

1.2.9 Peter Keepa for and on behalf of Te Mahurehure, first amended statement of claim (SOC 9), 3 March 2003

1.2.12 Wharekiri Biddle on behalf of the Tuawhenua block owners, amended statement of claim (SOC 12), 3 March 2003

(b) Hinerangi Biddle on behalf of the Tuawhenua block owners, second amended statement of claim (SOC AA), 30 September 2004

1.2.14

(b) Kirituia Tumarae and others, amended consolidated particularised statement of claim for Te Waimana and Maungapohatu (SOC GG), 8 October 2004

1.2.15

(b) Vernon Winitana on behalf of Ruapani, amended statement of claim (SOC LL), 5 October 2004

1.2.16

(a) Edward Rewi and Pahiri Matekuare for and on behalf of Ngati Whare iwi and constituent hapu, fourth amended statement of claim (SOC XII), 22 April 2004

1.2.18 Tamati Kruger and others, Nga Rauru o Nga Potiki statement of claim (SOC 18), 7 March 2003

(b) Tamati Kruger and others, Nga Rauru o Nga Potiki amended statement of claim (SOC CC), 8 October 2004

1.2.19

(a) David Hawea on behalf of Te Whanau a Kai, fourth amended statement of claim (SOC KK), 4 October 2004

(b) Desmond Renata for and on behalf of himself and Ngati Ruapani, fourth amended statement of claim (SOC JJ), 4 October 2004

1.2.22

(b) Robert Pouwhare on behalf of himself and the Ngati Haka-Patuheuheu Trust, amended statement of claim (SOC MM), 29 September 2004

1.2.23

(a) Topia Hall and others on behalf of themselves and Ngati Manawa, third amended statement of claim (SOC VI), 16 April 2004

(c) Topia Hall and others on behalf of themselves and Ngati Manawa, fourth amended statement of claim (SOC HH), 13 August 2004

1.2.24

(a) Maraia Rakuraku and others on behalf of Nga Hapu o Te Urewera i Nga Taone, statement of claim (SOC NN), 11 October 2004

1.3 Statements of issues and statements of response

1.3.2 Crown counsel, statement of response, 11 June 2003

1.3.4 Waitangi Tribunal, statement of issues, stage 1, [July 2003]

1.3.5 Crown counsel, statement of response to stage 2 claims, no date

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1.3.6 Waitangi Tribunal, statement of issues, stage 2, no date [June 2004]

1.3.7 Crown counsel, statement of response to stage 3 claims, 13 December 2004

2. PAPERS IN PROCEEDINGS

2.15 Presiding officer, memorandum concerning first judicial conference and other matters, 14 March 2002

2.32 Presiding officer, memorandum following first judicial conference, 12 April 2002

2.416

(a) Counsel for Nga Rauru o Nga Potiki, introduction to opening submissions, 22 November 2003

2.424

(a) John Douglas, 'Land Use Capability: Hiwarau c Block', no date

(b) RG Lockie to deputy registrar, 'Utilisation Report: Hiwarau Blocks', no date

(c) IJ Brosnahan, 'Initial Inspection Report: Hiwarau A and B Blocks', 12 May 1969

(d) DW Steele, 'Property Report: Hiwarau Block', 9 June 1969

2.647 Counsel for Wai 621 Ngati Kahungunu, memorandum regarding questions of clarification, 6 October 2004

2.691 Presiding officer, memorandum concerning confidential draft report by Dr Klaus Neumann, 11 November 2004

2.780 Crown counsel, opening submissions, February 2005

2.782 Counsel for Wai 36 Tuhoe, counsel for Wai 621 Ngati Kahungunu, and counsel for Genesis Power Limited, joint memorandum concerning confidentiality of agreement, 25 February 2005

2.819 Crown counsel, opening submissions, 11 April 2005

2.827 Counsel for Wai 36 Tuhoe, memorandum containing questions for Peter Gorman, 2005

2.879 Crown counsel, memorandum in respect of the Te Whaiti Nui-a-Toi block claim (Wai 1308), 10 July 2009

2.880 Presiding officer, memorandum concerning ownership of sections 17 and 18, block 1, Waiau Survey District, 2 October 2009

2.882 Crown counsel, memorandum in response (2.880), 19 October 2009

2.883 Counsel for Nga Rauru o Nga Potiki, memorandum concerning ownership of Whakatane riverbed, 20 October 2009

- 2.884** Crown counsel, memorandum in response (2.883), 2 November 2009
- 2.885** Counsel for Mokomoko whanau, memorandum requesting direction on issues not addressed in Te Urewera report, 13 November 2009
- 2.897** Crown counsel, memorandum in response (2.891, 2.894), 23 September 2011
- 2.900** Counsel for Te Whaiti Nui-a-Toi claimants, memorandum in relation to the Te Whaiti Nui-a-Toi lease, 30 November 2011
- 2.905** Crown counsel, memorandum in response (2.901), 13 February 2012
- 2.921** Presiding officer, memorandum requesting Crown to provide an update in respect of statement of issues question 38H, 10 April 2014
- 2.922** Crown counsel, memorandum in response (2.921), 16 May 2014
- 2.923** Counsel for Ngati Whare, memorandum in relation to the Minginui-Ruatahuna-Te Whaiti combined school planting project, 4 July 2014

4. TRANSCRIPTS

- 4.2** First hearing week, 24–28 November 2003 at Tataiahape Marae, Waimana
- 4.4** Third hearing week, 22–26 March 2004 at Waiohau Marae, Waiohau
- 4.5** Fourth hearing week, 17–21 May 2004 at Mataatua Marae, Ruatahuna
- 4.7** Fifth hearing week, 28 June–2 July 2004 at Mataatua Marae, Ruatahuna
- 4.9** Sixth hearing week, 16–20 August 2004 at Rangitahi Marae, Murupara
- 4.10** Seventh hearing week, 13–17 September 2004 at Murumurunga Marae, Te Whaiti
- 4.11** Eighth hearing week, 18–22 October 2004 at Waimako Marae, Tuai
- 4.12** Ninth hearing week, 28 November–3 December 2004 at Rangiahua Marae, Frasertown
- 4.13** Tenth hearing week, 17–21 January 2005 at Tauarau Marae, Ruatoki
- 4.14** Twelfth hearing week, 28 February–4 March 2005 at Taneatua School, Taneatua
- 4.16**
(a) Thirteenth hearing week (2nd Crown hearing week), 11–15 April 2005 at Taneatua School, Taneatua

SELECT RECORD OF DOCUMENTS

* Document confidential and unavailable to public without Tribunal order

A FIRST SERIES OF DOCUMENTS RECEIVED

A1 Tracy Tulloch, 'Heruiwi Blocks 1-4' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2001)

A3 Peter Clayworth, 'History of the Tuararangaia Blocks' (commissioned research report, Wellington: Waitangi Tribunal, 2001)

(a) Supporting papers to document A3

A4 Peter Clayworth, 'Preliminary Report on Te Pou o Tumatawhero' (commissioned research report, Wellington: Waitangi Tribunal, 2001)

(a) Supporting papers to document A4

A5 Anita Miles, 'Ohiwa Harbour' (commissioned scoping report, Wellington: Waitangi Tribunal, 2001)

A6 Stephen Oliver, 'Ruatoiki Block Report' (commissioned research report, Wellington: Waitangi Tribunal, 2002)

(a) Supporting papers to document A6

A8 Elizabeth Cox, 'Lake Waikaremoana and District' (commissioned scoping report, Wellington: Waitangi Tribunal, 2001)

A9 Tracy Tulloch, 'Whirinaki' (commissioned research report, Wellington: Waitangi Tribunal, 2002)

(a) Supporting papers to document A9

A10 Klaus Neumann, "'... That No Timber Whatsoever Be Removed ...': The Crown and the Reservation of Maori-Owned Indigenous Forests in the Urewera, 1889-2000" (commissioned research report, Wellington: Waitangi Tribunal, 2001)

A11 Anita Miles, *Te Urewera*, Waitangi Tribunal Rangahaua Whanui Series (Wellington: Waitangi Tribunal, 1999)

A12 Judith Binney, 'Encircled Lands, Part 1: A History of the Urewera from European Contact Until 1878' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2002)

(a) Supporting papers to document A12, volume 1

(b) Supporting papers to document A12, volume 2

A14 Ewan Johnston, 'Research Report on Wai 203 and Wai 339 [re: Upokorehe and Hiwarau claims]' (commissioned research report, Wellington: Waitangi Tribunal, 2002)

A15 Judith Binney, 'Encircled Lands, Part 2: A History of the Urewera, 1878-1912' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2002)

(a) Supporting papers to document A15

A16 ‘Te Urewera Overview Maps’ (mapbook, Wellington: Crown Forestry Rental Trust, 2002)

A19 Peter Clayworth, ‘The Te Pahou Blocks’ (commissioned research report, Wellington: Waitangi Tribunal, 2002)

A20 Heather Bassett and Richard Kay, ‘Ruatahuna: Land Ownership and Administration, c 1895–1990’ (commissioned research report, Wellington: Waitangi Tribunal, 2002)

(a) Supporting papers to document A20, volume 1

(b) Supporting papers to document A20, volume 2

(c) Supporting papers to document A20, volume 3

A21 Cathy Marr, ‘The Urewera District Native Reserve Act 1896 and Amendments’ (commissioned research report, Wellington: Waitangi Tribunal, 2002)

(a) Supporting papers to document A21, volume 1

(b) Supporting papers to document A21, volume 2

A22 Peter Boston and Steven Oliver, ‘Tahora’ (commissioned research report, Wellington: Waitangi Tribunal, 2002)

A23 Jonathan Easthope, ‘A History of the Maungapohatu and Tauranga Blocks as Defined by the First Urewera Commission’ (commissioned research report, Wellington: Crown Forestry Rental Trust, 2002)

A24 Jeffrey Sissons, ‘Waimana Kaaku: A History of the Waimana Block’ (commissioned research report, Wellington: Crown Forestry Rental Trust, 2002)

(a) Supporting papers to document A14

A25 Philip Cleaver, ‘Urewera Roding’ (commissioned research report, Wellington: Crown Forestry Rental Trust, 2002)

A26 Bernadette Arapere, ‘A History of the Waiohau Blocks’ (commissioned research report, Wellington: Waitangi Tribunal, 2002)

A27 Richard Boast, ‘Ngati Whare and Te Whaiti-Nui-a-Toi: A History’ (commissioned research report, Wellington: Crown Forestry Rental Trust, 1999)

A28 John Hutton and Klaus Neumann, ‘Ngati Whare and the Crown, 1880–1999’ (commissioned research report, Wellington: Crown Forestry Rental Trust, 2001)

(a) Supporting papers to document A28, volume 1

(b) Supporting papers to document A28, volume 2

A29 Robert Wiri, ‘The Ngati Whare Mana Whenua Report: The Lands of Te Whaiti-Nui-a-Toi’ (commissioned research report, Wellington: Crown Forestry Rental Trust, 2000)

A33 Te Wharehuia Milroy and Hirini Melbourne, 'Te Roi o Te Whenua: Tuhoe Claims Under the Treaty Before the Waitangi Tribunal' (commissioned research report, Wellington: Crown Forestry Rental Trust, 1995)

A34

(b) Vincent O'Malley, supporting papers to 'East Coast Confiscation Legislation and Its Implementation', volume 2

A35 Robert Wiri, 'Myths, Realities, and the Determination of Mana Whenua in the Waikaremoana District' (MA thesis, University of Auckland, 1994)

A37 Vincent O'Malley, 'The Crown and Ngati Ruapani: Confiscation and Land Purchase in the Wairoa–Waikaremoana Area, 1865–1875' (commissioned research report, Wellington: Crown Forestry Rental Trust, 1994)

A39 T R Nikora, 'Matahina c and c No 1 Blocks' (commissioned research report, Wellington: Crown Forestry Rental Trust, 1995)

(a) Supporting papers to document A39, volume 1

(b) Supporting papers to document A39, volume 2

A41 John Battersby, 'Matahina c and c1, Issues related to the Survey of the Blocks: Historical Evidence' (commissioned research report, Wellington: Waitangi Tribunal, 1995)

(a) Supporting papers to document A41

A45

(b) Duncan Moore, supporting papers to document A45, volume 2

A46 David Armstrong, 'Ika Whenua and the Crown, 1865–1880' (commissioned research report, Wellington: Crown Forestry Rental Trust, 1999)

(a) Supporting papers to document A46, volume 1

(b) Supporting papers to document A46, volume 2

A50 Vincent O'Malley, 'The Crown's Acquisition of the Waikaremoana Block, 1921–25' (commissioned research report, Tuai: Panekire Tribal Trust Board, 1996)

(b) Supporting papers to document A50, volume 2

(c) Supporting papers to document A50, volume 3

A51 Emma Stevens, 'Report on the History of the Waipaoa Block, 1882–1913'

(commissioned research report, Wellington: Crown Forestry Rental Trust, 1996)

A52 Cathy Marr, 'Crown Impacts on Customary Interests in Land in the Waikaremoana Region, in the Nineteenth and Early Twentieth Century' (commissioned research report, Wellington: Waitangi Tribunal, 2002)

(a) Supporting papers to document A52

A53 Bryan Gilling, 'Te Raupatu o Te Whakatohea: The Confiscation of Whakatohea Land, 1865–1866' (commissioned research report, Wellington: Treaty of Waitangi Policy Unit, 1994)

A54 Katherine Orr-Nimmo, 'Report on the East Coast Maori Trust' (commissioned research report, Wellington: Crown Forestry Rental Trust, 1997)

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- (i) Supporting papers to document A86, volume 9
- (j) Supporting papers to document A86, volume 10
- (k) Supporting papers to document A86, volume 11
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(b) Statement in response to claimant counsel questions of clarification, 17 November 2003

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(d) Revised summary of evidence from 'Encircled Lands, Part 1' (doc A12), 27 November 2003

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B17 Craig Tamihana Coxhead, brief of evidence, no date

B19 Tuiringa (Mani) Mokokoko, brief of evidence, no date

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B25 Te Kiato Sonny Biddle, brief of evidence, 10 December 2003

B26 Mahue Pikituangahuru Hemi Kanuehi Te Waara, brief of evidence, 10 December 2003

B27 Ani Te Whatanga Hare, brief of evidence, 8 December 2003

B28 Kirituia Tumarae and Maraea Te Ratauhina Te Pou, brief of evidence, 11 December 2003

B30 Kuini Te Iwa Beattie, brief of evidence, 11 December 2003

B31 Tamati Kruger, transcript of evidence given in hearing week 1, 17 March 2005 (te reo Maori)

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(a) Supporting papers to document C1, volume 1

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C2 Frederic Morris Brookfield, brief of evidence, 20 February 2004

C3 David Williams, brief of evidence, 20 February 2004

C8 Philip Cleaver, summary of 'Matahina Block' and response to questions, 20 February 2004

C10 Clementine Fraser, summary of 'Tuhoe and the Native Land Court, 1866 to 1896', February 2004

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(a) Colin Bruce Te Pou, brief of evidence (te reo Maori; English), 26 March 2004

C33

(a) Tame Takao, brief of evidence (te reo Maori; English), 26 March 2004

C38 Andre Paterson, brief of evidence, 26 March 2004

C41 David Potter, brief of evidence, 26 March 2004

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D4 Judith Binney, summary of 'Encircled Lands, Part 2: A History of the Urewera from 1878 until 1912', 19 April 2004

D5 Anita Miles, summary of *Te Urewera* and response to issues, no date

D6 Cathy Marr, summary of 'The Urewera District Native Reserve Act 1896 and Amendments, 1896–1922' and response to issues, April 2004

D7 Cecilia Edwards, 'The Urewera District Native Reserve Act 1896, Part 2: Title Determination under the Act, 1896–1913' (commissioned research report, Wellington: Crown Law Office, 2004)

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D15 Noera Tamiana, brief of evidence, 10 May 2004

D16 Menu Ripia, brief of evidence, 10 May 2004

D19 Brenda Tahi, summary of evidence on behalf of the Tuawhenua Research Team from 'Te Manawa o Te Ika, Part 2: A History of the Mana of Ruatahuna from the Urewera District Native Reserve Act 1896 to the 1980s' (doc D2) and response to the statement of issues, 10 May 2004

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D21 Te Whenuanui Te Kurapa, brief of evidence, 11 May 2004

D23 Rongonui Tahi, brief of evidence, 11 May 2004

D24 Airini Kathleen Tahi, brief of evidence, 11 May 2004

D25 Rehita Taputu, brief of evidence, 11 May 2004

D26 Miriama Howden, brief of evidence, 11 May 2004

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E9 Lenny Mahurangi Te Kaawa, brief of evidence (te reo Maori), 21 June 2004

(a) Notes in English on brief of evidence, 21 June 2004

E10 William Te Rangiua Temara, brief of evidence, 21 June 2004

E11 Korotau Basil Tamiana, brief of evidence concerning the Department of Conservation and Te Urewera National Park, 21 June 2004

E14 Ian Prior, brief of evidence, 21 June 2004

E15 Anne Anituatua Delamere, brief of evidence, 21 June 2004

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- F8** David Armstrong, summary of 'Ika Whenua and the Crown, 1865–1890', 16 July 2004
- F10** Merata Kawharu, summary of 'Te Mana Whenua o Ngati Manawa', 30 July 2004
- F11** Maurice Toetoe, brief of evidence, 9 August 2004
- F12** Rano (Bert) Messent, brief of evidence, 9 August 2004
- F13** Ben Mitai, brief of evidence, 9 August 2004
- F14** Wiremu Bird, brief of evidence, 9 August 2004
- F15** Vera Teatuhirangi Hale, brief of evidence, 9 August 2004
- F16** Pem Bird, brief of evidence, 9 August 2004
- F17** Rangiuira Briggs, brief of evidence, 9 August 2004
- F18** Douglas Te Rangi Kotuku Rewi, brief of evidence, 9 August 2004
- F23** Clementine Fraser, responses to Crown counsel questions of clarification, August 2004
- F24** Suzanne Doig, responses to Crown counsel questions of clarification, no date
- F29** Rangi Anderson, brief of evidence, 11 August 2004
- F30** Margaret Marino Herbert, brief of evidence, 11 August 2004
- F31** Hapimana Albert Higgins, brief of evidence, 11 August 2004
- F32** Sarah Hohua, brief of evidence, 11 August 2004
- F33** Wiremu Bird, brief of evidence, 11 August 2004
- F37** Counsel for Nga Rauru o Nga Potiki, opening submissions, 16 August 2004
- F38** Te Runanga o Ngati Manawa, site visit booklet, 16 August 2004
- F39** 'Ko Nga Waiata o Te Kura Kaupapa Motuhake o Tawhiuau', 20 August 2004

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- G1** Klaus Neumann, summary of evidence from "'... That No Timber Whatsoever Be Removed': The Crown and the Reservation of Maori-Owned Indigenous Forests in the Urewera, 1889–2000" (doc A10) and response to relevant issues, September 2004

G2 Klaus Neumann, summary of evidence from 'Ngati Whare and the Crown, 1880–1999' (doc A28) – Millable Timber and Natural Forest Values – and response to relevant issues, August 2004

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G11 Kori Hill, brief of evidence, 6 September 2004

G12 Tamati Kruger, brief of evidence (te reo Maori), 6 September 2004
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G20 Klaus Neumann, answers to Crown counsel questions of clarification concerning 'Ngati Whare and the Crown, 1880–1999' (doc A28), September 2004

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G25 Gladys Mori Hine Campbell, brief of evidence, 8 September 2004

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G28 Meriana Taputu, brief of evidence, September 2004

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G29 William Eketone, brief of evidence, September 2004

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H14 James Anthony Waiwai, brief of evidence, 18 October 2004

H15 Joseph Takuta Moses, brief of evidence, 18 October 2004

H17 Lorna Taylor, brief of evidence, 18 October 2004

H18 Maria Whakatiki Tahu Waiwai, brief of evidence, no date

H19 William Rangiuia (Pou) Temara, brief of evidence, 2004

H20 Sidney Paine, brief of evidence, 18 October 2004

H21 Rangi Mataamua, brief of evidence, 2004

H23 Irene Huka Williams, brief of evidence, 18 October 2004

H24 Paringamai o Te Tau Winitana, brief of evidence, no date

H25 Tama Nikora, 'Waikaremoana' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004)

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(a) Tama Nikora, answers to Crown counsel questions of clarification, 30 March 2005

H27 Vernon Winitana, introductory statement, no date

H28 Vernon Winitana, brief of evidence, no date

H29 Tahuri o Te Rangi Trainor Tait, brief of evidence, 18 October 2004

H31 Tamati Kruger, brief of evidence, 18 October 2004

(a) Brief of evidence (te reo Maori), 18 October 2004

H35 Hinekura Te Riu (Jenny Takuta-Moses), brief of evidence, 18 October 2004

H36 Te Ringamau Tamanui, brief of evidence, 18 October 2004

H37 Rangi Paku, brief of evidence, 18 October 2004

H38 Kuini Beattie, brief of evidence, 18 October 2004

H39 Anaru Paine, brief of evidence, 18 October 2004

H40 Colin Bruce (Pake) Te Pou, brief of evidence, 18 October 2004

H41 Dr Rangimarie Pere, brief of evidence, 18 October 2004

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H42 Rose Lackner, brief of evidence, 18 October 2004

H43 Kararaina Rangihau, brief of evidence, 18 October 2004

H49 Desmond Renata, brief of evidence, 15 October 2004

H50 Timoti Karetu, brief of evidence, 18 October 2004

H51 James Te Wharehuia Milroy, brief of evidence (te reo Maori), 15 October 2004

(a) Brief of evidence, 15 October 2004

H52 Dr Rapata Wiri, brief of evidence, 19 October 2004

H54 Nina Buxton, brief of evidence, 11 October 2004

H55 Gladys Colquhoun, brief of evidence, 15 October 2004

H56 Rangimarie Paku, brief of evidence, 11 October 2004

H57 Neuton Lambert, brief of evidence, 11 October 2004

- H58** Matekino Hita, brief of evidence, 11 October 2004
- H59** Nicky Kirikiri, brief of evidence, 11 October 2004
- H61** William Rangiua (Pou) Temara, brief of evidence, 2004
- H64** Vincent O'Malley, responses to claimant counsel questions of clarification, 11 October 2004
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- H67** Peter Clayworth, answers to Crown counsel questions of clarification, no date
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- H71** James Wharehuia Milroy, responses to Tribunal questions of clarification, 3 May 2005
- H72** Tamati Kruger, transcript of additional evidence (te reo Maori), 4 April 2005
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- I4** Michael Belgrave, Anna Deason, and Grant Young, summary of evidence from 'The Urewera Inquiry District and Ngati Kahungunu: An Overview Report of Issues' (doc A122), November 2004
- I5** Mary Gillingham, 'Maori of the Wairoa District and the Crown, 1840–1880: An Overview Report' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004)
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- I8** Steven Oliver, summary of evidence from 'Tahora' (doc A22) and response to statement of issues, 1 November 2004
- I9** Bruce Stirling, 'Southern Te Urewera Waterways and Fisheries' (commissioned research report, Wellington: History Works Ltd, 2004)
- I10** Klaus Neumann, 'Maori and Forestry in the Twentieth Century: A Preliminary Report' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2000)*

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- 112** Kathryn Rose, summary of ‘Te Aitanga-a-Mahaki and Tahora 2: Extracts from Reports Written by Kathryn Rose for Te Aitanga-a-Mahaki Claims Committee’ (doc A77), no date
- 114** Mary Gillingham, summary of evidence from ‘Maori of the Wairoa District and the Crown, 1840–1880: An Overview Report’ (doc 15), 14 November 2004
- 118** Erina Renata, brief of evidence, 15 November 2004
- 119** Te Okoro Joe Runga, brief of evidence, 19 November 2004
- 123** Michael Belgrave, Grant Young, and Anna Deason, answers to questions of clarification, November 2004
- 124** Desmond Renata, brief of evidence, 22 November 2004
- 125** Charles Manahi Cotter, brief of evidence, no date
(a) Affidavit in support of Wai 506 and Wai 481, 11 December 2003
- 126** Charles Te Arani Kapene, brief of evidence, 29 November 2004
- 127** Tei Ruawai Hema, brief of evidence, 29 November 2004
- 128** Heiariki Hazel Governor, brief of evidence, 29 November 2004
- 129** Katarina Helen Rikiapi Kawana, brief of evidence, 29 November 2004
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- 136** Brad Coombes, responses to Crown counsel questions of clarification, no date
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- K17** William Te Rangiuā (Pou) Temara, brief of evidence, 16 February 2005
- K21** Kirituia Tumarae, brief of evidence, 14 February 2005
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- L1** Cecilia Edwards, summary of part 1 of 'The Urewera District Native Reserve Act 1896, Part 1: Prior Agreements and the Legislation' (doc D7(a)), 20 January 2005
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- L5** Donald Loveridge, 'Précis of "The Origins of the Native Lands Acts and Native Land Court in New Zealand"' (doc A124), January 2005
- L7** Brent Parker, 'Tahora No 2 Block [Supplementary Evidence]' (commissioned research report, Wellington: Crown Law Office, 2005)
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APPENDIX III

THE UREWERA DISTRICT NATIVE RESERVE ACT 1896

ANALYSIS

Title	13. Particulars to be recorded on certificates of ownership.
Preamble	14. Governor may confer jurisdiction on Native Land Court.
1. Short Title.	15. Orders of Native Land Court to be registered.
2. Urewera District declared a Native reserve.	16. Local Committees to be appointed.
3. Acts suspended.	17. Duration of office of provisional Committees.
4. Governor in Council may appoint Commissioners.	18. Election of General Committee.
5. Powers and functions thereof.	19. Decisions thereof binding on owners.
6. Procedure of Commissioners.	20. Powers of Local and General Committees.
7. Ownership to be investigated on sketch-plan.	21. Power of General Committee to alienate.
8. Particulars to be stated in orders made.	22. Governor may lay out roads and landing-places.
9. Orders to be published.	23. May take land for accommodation-houses.
10. Person aggrieved may appeal to Minister of Native Affairs.	24. Governor in Council may make regulations.
11. Registration of orders when confirmed.	25. Payment of expenses.
12. Order may be sent to Native Land Court to deal with.	Schedules.

1896, No 27.

AN ACT to make Provision as to the Ownership and Local Government of the Native Lands in the Urewera District.

[12th October, 1896]

WHEREAS it is desirable in the interests of the Native race that the Native ownership of the Native lands constituting the Urewera District should be ascertained in such manner, not inconsistent with Native customs and usages, as will meet the views of the Native owners generally and the equities of each particular case, and also that provision should be made for the local government of the said district:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. Short Title—The Short Title of this Act is ‘The Urewera District Native Reserve Act, 1896.’

2. Urewera District declared a Native reserve—The Native lands constituting the Urewera District, the area and boundaries whereof are approximately set forth in the First Schedule hereto, are hereby declared to be a Native reserve, subject to the provisions of this Act.

3. Acts suspended—Neither ‘The Native Reserves Act, 1882,’ nor ‘The Native Land Court Act, 1894,’ shall have any operation within the said district except in so far as is expressly provided by this Act or by regulations made hereunder.

4. Governor in Council may appoint Commissioners—For the purposes of this Act the Governor may by Order in Council appoint seven persons to be Commissioners, of whom two shall be Europeans, and the remainder Natives of the Tuhoe Tribe.

5. Powers and Functions thereof—Subject to the provisions of this Act, the Commissioners shall have such powers and functions as the Governor in Council prescribes.

6. Procedure of Commissioners—The Commissioners shall divide the said district into blocks, and shall, with due regard to Native customs and usages, investigate the ownership of each block, adopting as far as possible hapu boundaries, in such manner as in their opinion will enable them to arrive at a just and equitable decision in each case.

7. Ownership to be investigated on sketch-plan—The ownership of any particular block may be investigated and determined on a sketch-plan prepared and approved by the Surveyor-General as approximately correct. The cost of any such sketch-plan shall be borne by the Government.

8. Particulars to be stated in orders made—The Commissioners shall make an order in the prescribed form in respect of each block, declaring with respect to such block—

- (1.) The names of the owners of the block, grouping families together, but specifying the name of each member of each family;
- (2.) The relative share of the block to which each family is entitled;
- (3.) The relative share to which each member of the family is entitled in such family's share of the block;
- (4.) Such other particulars as are prescribed.

9. Orders to be published—Every order made by the Commissioners shall be published in the *Kahiti* in Maori and English, and, if no appeal as hereinafter

provided is lodged against the same within the period of twelve months from the date of such publication, the same shall thereupon be confirmed by the Governor.

10. Person aggrieved may appeal to Minister of Native Affairs—Any person feeling aggrieved by any order made by the Commissioners may, in the prescribed manner, appeal to the Minister of Native Affairs, who may direct such expert inquiry and report as he thinks fit, and, after considering such report, may confirm the original order unaltered or with such modification or variance as he deems equitable. His decision shall be final.

11. Registration orders when confirmed—Every order confirmed by the Governor or the Minister of Native Affairs shall be registered in the prescribed manner, and shall thereupon operate as a certificate of ownership under this Act.

12. Order may be sent to Native Land Court to deal with—In lieu of himself confirming any such order the Minister may refer it to the Governor in Council, who may confer jurisdiction on the Native Land Court to deal therewith under the provisions in that behalf hereinafter contained.

13. Particulars to be recorded on certificates of ownership—There shall be recorded on each certificate of ownership, in the prescribed manner,—

(1.) The names of the Local Committee for the block comprised in the certificate, and of the General Committee, and particulars of every change in the membership thereof respectively:

(2.) Every dealing with the block or any portion thereof:

(3.) Every change of ownership in the block:

(4.) Such other particulars as are prescribed.

14. Governor may confer jurisdiction on Native Land Court—The Governor, by Order in Council, may from time to time confer jurisdiction on the Native Land Court to determine succession claims, or for any other specific purpose relating to the said district.

15. Orders of Native Land Court to be registered—Any order made by the Native Land Court under the provisions of the last-preceding section hereof may, if the Minister of Native Affairs so directs, be registered as a certificate of ownership under this Act, or be recorded on a certificate of ownership and entitled to registration, as provided in regulations under this Act.

16. Local Committees to be appointed—(1.) From the owners of each block a provisional Local Committee of not less than five nor more than seven members shall in the first instance be appointed by the Commissioners in the prescribed manner.

(2.) Members of the provisional Local Committee may be removed from office by the Governor, and vacancies may be filled up in the prescribed manner.

17. Duration of office of provisional Committees—Subject as last aforesaid, the provisional Local Committee shall hold office until the election of a permanent Local Committee by the owners of the block.

Such election shall be held at such time and in such manner as the Governor prescribes.

18. Election of General Committee—Each Local Committee shall, in the prescribed manner, elect one of its members to be a member of a General Committee to deal with all questions affecting the reserve as a whole, or affecting any portion thereof in relation to other persons than the owners thereof.

19. Decisions thereof binding on owners—Subject to prescribed regulations, all decision or undertakings by the General Committee shall be binding on all the owners.

20. Powers of Local and General Committees—The Local Committee and the General Committee shall have such powers and functions as are prescribed by the Governor in Council: Provided that the powers and functions of the Local Committee of each block shall be confined to the internal affairs of the block.

21. Power of General Committee to alienate—The General Committee shall have power to alienate any portion of the district to Her Majesty, either absolutely or for any lesser estate, or by way of cession for mining purposes.

22. Governor may lay out roads and landing-places—(1.) The Governor may from time to time lay out roads and landing-places in the said district according to plans to be prepared by the Surveyor-General.

(2.) All such roads and landing-places shall be deemed to be public roads and public landing-places, and shall vest in Her Majesty the Queen.

23. May take land for accommodation-houses—The Governor may also from time to time take land for accommodation-houses and camping-grounds for stock and other purposes of public utility under the provisions of ‘The Public Works Act, 1894,’ relating to the taking of land for a public work:

Provided that, except with the consent of the General Committee, the total area of the land to be so taken shall not exceed four hundred acres.

24. Governor in Council may make regulations—The Governor in Council may from time to time make such regulations as he thinks necessary for the following purposes:—

(1.) The mode of election of members of the Local Committees and the General Committee, and fixing their term of office:

(2.) Giving effect to anything which by this Act is expressed to be prescribed:

(3.) Any other purpose for which regulations are contemplated by this Act, or which he deems necessary in order to give full effect to this Act: and also

(4.) For giving effect to a certain memorandum from the Honourable Richard John Seddon, Premier of the Colony, addressed to the representatives of the Tuhoe people, bearing date the twenty-fifth day of September, one thousand eight hundred and ninety-five, a copy whereof is set forth in the Second Schedule hereto.

25. Payment of expenses—All expenses incurred by the Government under this Act shall be paid out of moneys to be appropriated by Parliament.

SCHEDULES

FIRST SCHEDULE

ALL that area in the Auckland and Hawke's Bay Land Districts, containing by admeasurement 656,000 acres, more or less. Bounded towards the north by the Confiscation Boundary-line; towards the east generally by the Waimana and Tahora, No 2 Blocks; towards the south-east by the Waipaoa Block, the Waikaremoana Lake, by Forest Reserve, Educational Reserve, Block v, Waiau Survey District, and Section No 1, Block VIII, Mangahopai Survey District; towards the south-west by the Waiau River to the northernmost corner of Maungataniwha Block; thence by a right line to the Trig Station on Maungataniwha, and thence by Heruiwi No 4 Block; and towards the west generally by Whirinaki, Kuhawaea No 1, Waiohau Nos 1B, 1A, and 2, and Tuararangaia Blocks to the Confiscation Boundary-line at Tapapa-kiekie.

SECOND SCHEDULE

Premier's Office, Wellington, 25th September, 1895.

To the persons who came hither to represent Tuhoe, and who have addressed me with reference to certain matters affecting the tribe.

FRIENDS,—

Salutations! In response to your application that I should give you an answer to the matters brought before me, and acquaint you with the decision of the Government thereon, in fulfillment of my promise I now address this communication to you. In the first place, you ask that the *rohe-potae* of the Tuhoe land—that is to say, the country known as that of the Urewera-be permanently determined; and, in order to do this, that a Commissioner be appointed to define the boundary known as the *rohe-potae*. I do not see why this cannot be done. I have no objection to that. The boundaries of these lands can be determined by the trig stations that have been erected. You ask also that a Commissioner be appointed to inquire into the title of the persons owning land within the said *rohe-potae*, and to determine the boundaries of land belonging to hapus and persons who consider that the land is theirs, his decision to be set down in writing; the Commissioner also to make a sketch-plan of the country, to be approved by the Surveyor-General, the boundaries

of the land belonging to the hapus being determined by landmarks where possible to do so; if not, then to be surveyed with the concurrence of the owners of the land. In coming to such a decision the Commissioner must pay due consideration to Native manners and customs, and, where it is possible to do so, he must follow the boundaries of the several hapus, each block to be dealt with in a clear and proper manner.

In dealing with the title of a person and his family they must be deemed to be joint tenants. When the Commissioner has concluded his investigation into the title of the several blocks, then the Maoris who are in a block of land belonging to a hapu may elect a Local Committee, the members of which must not exceed seven in number. This Committee to be an administrative one, to act for the owners of the land for the period for which they were elected. The number of these Local Committees should be determined by the number of the hapus and the owners of the blocks of land.

You ask further that a General Committee be appointed to deal with the tribal lands generally, and that the decisions and proceedings of the said Committee be binding on the Local Committees and hapus; its proceedings to be conducted in accordance with Maori manners and customs. I think that such a Committee should be appointed, and, in order to give effect to this, I agree that each Local Committee or hapu should elect one of their number to be a member of the General Committee, all the decisions of the General Committee to be communicated to the Local Committees for their guidance.

THE regulations for the appointment of a Commissioner, and for the election of members of Local Committees and of the General Committee, will be communicated later on, after an Act has been passed giving effect to what is here set forth, which will be explained by the Hon Mr Carroll and Wi Pere, member for the Eastern Maori Electoral District, to Tuhoe.

You also remind me of the promise that I made when I visited you a short time back with reference to the establishment of schools at some of your principal kain-gas. As I feel that the education of your children will give you pleasure, and that the children will benefit thereby in the time to come, the erection of school-buildings will be proceeded with forthwith. I regret very much that this has not been proceeded with sooner, but I will give instructions to have it done forthwith.

You refer to the road works in your district, and ask that certain sections be given for the Maoris to do, and that when the roads are finished that certain portions be given to the Maoris to maintain. These requests are reasonable, and will be given effect to.

As you feel that it would be desirable to provide an additional attraction to European tourists, and at the same time provide you with additional sources of food, you have asked that arrangements may be made for the introduction of English birds, and by stocking the rivers with English fish. By such means you Maoris will be benefited, and the rest of the colony as well. I will place myself in communication with the Curator of the fish-ponds at Masterton, and ascertain whether there are any English trout that can be supplied to you this year; and I will also ask to be furnished with full directions to be furnished to you, so that you may know which are the most

suitable places in which to place the fish in the rivers and lakes of your country, and how to look after them.

WITH regard to your request that your forests and birds should be suitably protected, it gives me much pleasure to assent to this request of yours. I am also very much pleased to learn from you that you have opened your land to tourists, who will now have an opportunity of seeing the wonders of your country, and the extent of your forests, with its lakes and its rivers. It is a cause of gratification to the Governor, and to me also, to hear that you acknowledge that the Queen's mana is over all, and that you will honour and obey her laws.

WITH regard to prospecting for gold, I told you that the Government gave a reward to anyone discovering gold in new country, and that much money had been paid away in that manner, the amount paid being in proportion to the number of people employed in digging gold in such localities, and the quantity of gold procured. The Government have received many applications to grant licenses for prospecting for gold, but I have not granted them. I consider that any rewards for the discovery of gold should be paid to the Maori owners of the land who prospect for and find gold. If you wish to prospect for and find gold, and it is proved to be of value, the Government will authorise a mining expert to go with the Maoris and teach them how to look for gold and other minerals, and the Government will pay a portion of the expenses of such a prospector according to the scale laid down in the regulations for gold-prospecting on Crown lands. I think, too, that should gold be found in your land the benefit accruing therefrom should be participated in by the hapus owning the land where the gold is discovered; and before the goldfield is opened arrangements should be made between the Government and the Maoris upon which the field is to be worked, either by payment of a royalty per pound or per ounce of the amount received from the working to the owners of the land, or that the balance, after paying the expenses of administration of the goldfield, and the balance on the issue of licenses and miners' rights to miners, be paid to the owners of the land. The question of general administration can be arranged with the chiefs or the persons selected to represent each hapu, or with the hapu owning the land in which gold is found. I also think that you can settle the arrangements for prospecting for gold. This is an important matter, and one that I think might be left for one person to decide; should there be no difference of opinion amongst you on this point it will not cause surprise, and there will be no trouble or heartburning.

From your loving friend,

R J SEDDON,
Premier, and Minister of Native Affairs.

APPENDIX IV

TURE RAHUI MAORI O TE TAKIWA O TE UREWERA 1896

NIU TIRENI

TURE RAHUI MAORI O TE TAKIWA O TE UREWERA, 1896

HE TURE hei whakatakoto Tikanga e mohiotia ai nga Tangata no ratou nga Whenua Maori o te Takiwa o Te Urewera, a hei whakatu Kawanatanga Takiwa mo taua iwi.

NOTEMEA e tika ana hei painga mo te iwi Maori me whakahaere a me whakatau, i runga i tetahi huarahi kaore e rereke ana i nga tikanga Maori, ko wai ma nga tangata no ratou nga whenua o te Takiwa o Te Urewera, kia rite ai ki ta nga Maori o taua takiwa i hiahia ai a kia whakataua ai aua whenua i runga ano i nga tikanga o ia keehi; a he mea tika hoki kia hanga etahi tikanga e taea ai te whakahaere he Kawanatanga takiwa mo taua whenua:

NO REIRA KA MEINGATIA HEI TURE e te Runanga Nui o Niu Tireni e noho huihui ana i roto i te Paremete, i runga ano i tona mana, ara:—

1. Te Ingoa Poto o tenei Ture ko ‘Te Ture Rahui Maori o te Takiwa o Te Urewera, 1896.’
2. Ko nga whenua Maori o te Takiwa o Te Urewera, e whakaaturia ana nei te nui o ona eka me ona rohe i te Kupu Apiti Tuatahi ki tenei Ture, kua kiia i konei he Rahui Maori, i raro i nga tikanga o tenei Ture.
3. Kua ‘Te Ture Rahui Maori, 1882,’ ‘Te Ture Kooti Whenua Maori, 1894,’ ranei, e whai mana ki roto ki taua takiwa, a ko te paanga atu o aua Ture ki taua takiwa me mutu mai i enei kua ata whakaritea i roto nei, i roto ranei i nga tikanga whakahaere e whakaritea ana i raro i te mana o tenei Ture.
4. I runga i nga tikanga o tenei Ture ka ahei te Kawana i runga i te Ota a tona Kaunihera ki te whakatu kia tokowhitu tangata hei Komihana, kia tokorua me Pakeha, kia tokorima me Maori o te iwi o Tuhoē.

5. I raro i nga tikanga o tenei Ture, ka hoatu ki aua Komihana nga mana me nga mahi e whakaritea ana e te Kawana i roto i tona Kaunihera.

6. Me roherohe a poraka taua takiwa e aua Komihana, a i runga i nga tikanga me nga ritenga Maori me kimi e ratou nga tangata whaitake ki ia poraka ki ia poraka, a ki te taea me whakatau ia poraka i runga i nga rohe o ia hapu, i runga i ta ratou i mahara ai ma tera e kitea ai e ratou te whakatau tika mo ia poraka mo ia poraka.

7. Kia mohiotia ai ko wai nga tangata tika no ratou tetahi poraka me ahei noa atu te whakawa me te whakatau i ia poraka i runga i tetahi mapi whakaahua i te whenua i mahia a i whakamana e te Tumuaki Kai-ruri. Ko te moni mo te hanganga i taua mapi ma te Kawanatanga e utu.

8. Me mahi e nga Komihana nga ota mo ia poraka i runga ano i nga ahua o tera tu hanga o te ota, engari me ata whakaatu i roto i ia ota mo ia poraka—

(1.) Nga ingoa o nga tangata no ratou te poraka, a ko aua tangata me whakano-honoho-a-whanau i roto i ia ota, a me tuhi marire te ingoa o ia tangata o ia whanau.

(2.) Nga hea o ia whanau i roto i ia poraka.

(3.) Te hea o ia tangata i roto i te hea o tona whanau.

(4.) Etahi atu tikanga e whakaritea ana.

9. Ko ia ota e whakaputaina ana e nga Komihana me perehi a me panui ki roto ki te *Kahiti* ki te reo Maori me te reo Ingarihi, a ki te kore e toonoa he whakawa tuarua, i runga i nga tikanga kua whakatakotoria i raro iho nei, i roto i nga marama tekau ma rua, timata atu i te ra i perehitia ai taua panui, heoi ka whakatuturutia taua ota e te Kawana.

10. Ko ia tangata e mahara ana kua pa he mate ki a ia i runga i tetahi ota i whakaputaina e nga Komihana, ka ahei ia i runga ano i nga tikanga e whakaritea ana, ki te tono ki te Minita mo nga Mea Maori kia tirohia tona mate, a ki te whakaaro te Minita he mea tika kia tirohia taua mate, me whakahau e te Minita kia uiuia taua mate e tetahi tangata matau a kia ripoatatia atu ki a ia ta taua tangata i kite ai, a kia oti i te Minita te whiriwhiri taua ripoata, mana e whakatuturu te ota tuatahi, i runga ano i tona ahua o te tuatahi, mana ranei e whakatikatika e whakarereke taua ota i runga i tana i mahara ai he mea tika. A me tuturu i runga i tana i whakatau ai.

11. Ko ia ota i whakatuturutia e te Kawana e te Minita ranei mo nga Mea Maori me rehita i runga ano i nga tikanga e whakaritea ana, a hei reira me mana ano he tiwhikete whakatuturu i te whenua ki te tangata whaitake i raro i nga tikanga o tenei Ture.

12. Ki te whakaaro te Minita kaua e riro mana e whakatuturu tetahi o aua ota, ka ahei noa atu ia ki te tuku atu ki te Kawana i roto i tona Kaunihera, a ma te Kawana e hoatu he mana ki te Kooti Whenua Maori i runga ano i nga tikanga e mau ake nei.

13. Me tuhituhi ki runga ki ia tiwhikete whaitaketanga, i runga ano i nga tikanga e whakaritea ana,—

(1.) Nga ingoa o nga mema o te Komiti Hapu mo te poraka kua tuhia ra ki roto ki te tiwhikete, me nga ingoa o nga mema o te Komiti Nui o te Iwi, me nga riiwhitanga haeretanga o nga mema o aua Komiti;

(2.) Ia whakahaere nga mahi mo te poraka mo tetahi wahi ranei o te poraka;

(3.) Ia riiwhitanga o ia tangata nona te poraka;

(4.) Me era atu tikanga e whakaritea ana.

14. Ka ahei te Kawana, i ia wa i ia wa i runga i te Ota o tona Kaunihera, ki te hoatu mana whakahaere ki te Kooti Whenua Maori hei whakatau i nga kereeme riiwhi tupapaku, mo etahi atu mea motuhake ranei e pa ana ki taua takiwa.

15. Ko ia ota i mahia e te Kooti Whenua Maori i raro i nga tikanga o te tekiona i mua tata i tenei, ki te whakahaua e te Minita mo nga Mea Maori kia peratia, me rehitia a me ki he tiwhikete whaitaketanga tera i raro i tenei Ture, a me tuhi ranei ki runga ki tetahi tiwhikete whaitaketanga a hei reira ka tika kia rehitatia i raro i nga tikanga e whakaritea ana i runga i te mana o tenei Ture.

16.(1.) I te tuatahi me whiriwhiri e nga Komihana i roto i nga tangata o ia poraka etahi tangata kaua e iti iho i te tokorima a kaua e nuku atu i te tokowhitu, hei Komiti Hapu tarewa i runga i nga tikanga e whakaritea ana.

(2.) Ko nga mema o nga Komiti Hapu tarewa ka taea noa atu te whakamutu e te Kawana, a, i runga i nga tikanga e whakaritea ana, mana e whakatu he kaiwhakakapi mo nga tuunga o nga tangata kua whakamutua.

17. I raro i nga tikanga kua kiia ake nei, me tu tonu te Komiti Hapu tarewa a tae noa ki te wa e pootitia ai he Komiti Hapu tuturu e nga tangata no ratou te poraka.

Ko taua pootitanga me tu a te wa e whakaritea ai e te Kawana, a me whakahaere e ia i runga i nga tikanga e whakaritea ana e ia.

18. Me whakatu e ia Komiti Hapu, i runga ano i nga tikanga e whakaritea ana, tetahi mema kia kotahi o to ratou Komiti Hapu hei mema mo te Komiti Nui o te Iwi, hei whakahaere i nga mahi katoa e pa ana ki katoa o te rahui rohepotae, ki tetahi wahi ranei o te rohepotae i runga i nga mahi a etahi tangata o waho atu o te hunga whaitake ki te rohepotae.

19. I raro i nga tikanga e whakaritea ana ko nga whakataunga me nga mahi i oti i te Komiti Niu o te Iwi, ka whai mana ki runga ki nga tangata whaitake katoa ki te rohepotae.

20. Ka tau ki nga Komiti Hapu me te Komiti Nui o te Iwi nga mana e whakaritea ana e te Kawana i roto i tona Kaunihera: Engari ko te mana whakahaere o nga Komiti Hapu ka mana anake mo runga mo nga mahi o roto o ia poraka.

21. Me ahei te Komiti Nui ki te tuku i tetahi wahi o taua takiwa ki a te Kuini, me hoko tuturu rawa, riihi, tuku pewhea ranei mo nga mahi keri koura.

22.(1.) Ka ahei te Kawana i ia wa i ia wa ki te whakatakoto rori, uunga waka ranei, i roto i taua takiwa i runga i nga mapi tera e mahia e te Tumuaiki Kai-ruri.

(2.) Ko aua rori katoa me aua uunga waka ka kiia he rori mo te katoa a he uunga waka mo te katoa, a me tau ki a Te Kuini.

23. Me ahei hoki te Kawana i ia wa i ia wa i raro i nga tikanga o 'Te Ture mo nga Mahi Nunui o te Koroni, 1894,' e whai mana ana mo te tangohanga whenua mo nga mahi a te katoa, ki te tango whenua hei tuunga whare-manuhiri hei wahi whakata kararehe, me era atu mahi painga mo te katoa.

Otira kaua e nuku atu i te wha rau eka te whenua e tangohia peratia, engari ano ma te whakaae a te Komiti Nui o te Iwi e taea ai te nuku atu.

24. Ka ahei te Kawana i roto i tona Kaunihera i ia wa i ia wa ki te whakarite tikanga whakahaere i runga i tana i whakaaro ai he tika ara:—

(1.) Hei whakamana i nga tikanga e pootitia ai nga mema mo nga Komiti Hapu me te Komiti Nui o te Iwi, a hei whakatuturu i te roa o te wa e tu ai aua Komiti.

(2.) Hei whakamana i nga mea e kiia nei e tenei Ture me whakarite he tikanga mo aua mea.

(3.) Hei whakamana i etahi mea e whakaarohia ana me whakarite he tikanga whakahaere mo aua mea i raro i tenei Ture, a mo etahi atu mea e mohiotia ana e ia he tika kia mahia kia tino mana ai nga tikanga o tenei Ture.

(4.) Hei whakamana i nga ritenga o tetahi pukapuka i tuhia e Richard John Seddon (Te Hetana) Pirimia o te Koroni ki nga tangata i tae nei ki Poneke hei reo mo te iwi o Tuhoe, i tuhia i te rua tekau ma rima o nga ra o Hepetema, te tau kotahi mano e waru rau e iwa tekau ma rima, e mau nei te tauira o taua reta i te Kupu Apiti Tuarua ki tenei Ture.

25. Ko nga moni katoa e whakapaua ana e te Kawanatanga i raro i tenei Ture me whakaae e etahi moni e whakaritea ana e te Paremete.

KUPU APITI.

KUPU APITI TUATAHI.

TERA whenua katoa kei roto i nga Takiwa Whenua o Akarana me Haaki Pei, tona nui i runga i te ruritanga 656,000 nga eka nui atu iti iho ranei. Ona rohe, ki te taha ki te raki ko te raina o te Rohe o te Raupatu; ki te taha ki te marangai ko Waimana me Tahora No 2 Poraka; ki te taha ki te pitonga ko Waipaoa Poraka, ko Waikaremoana, ko te Rahui ngaherehere, ko te Rahui Kura, Poraka v, Takiwa Ruri o Waiau, me Tekiona No 1, Poraka VIII, Takiwa Ruri o Mangahopai; ki te hauauru-ma-tonga ko te awa

o Waiau a ka haere i taua awa a tae noa ki te pito whaka-te-raki o Maungataniwha Poraka; rere tika tonu atu i reira ki te tihi o Maungataniwha, rere tonu i te reina o Heruiwi No 4 Poraka; a ki te taha ki te hauauru ko nga Poraka o Whirinaki, Kuhawaea No 1, Waiohau Nos 1B, 1A, me 2, me Tuararangaia Poraka ka tae ki te raina o te Rohe o te Raupatu ki Tapapa-kiekie.

KUPU APITI TUARUA.

UREWERA TAKIWA RAHUI MAORI.

Te Tari o Te Pirimia, Poneke, Hepetema 25, 1895.

KI NGA tangata kua tae mai nei hei mangai mo Tuhoe, i whai kupu mai nei ki au mo etahi tikanga nui e pa ana ki to ratou iwi.

EHOA MA,—

Tena koutou. I runga i taku whakaaetanga ki ta koutou tonono kia tukua atu he kupu maku mo nga mea i whakatakotoria nei ki toku aroaro, me nga whakaaro hoki a te Kawanatanga mo runga i aua mea, a, hei whakarite hoki i te kupu i whakaaetia ra, koia tenei aku kupu ki a koutou:—

Ko te mea tuatahi, he tonono na koutou kia whakataua kia whakatuturutia te Rohe-potae o nga whenua o Tuhoe, ara, te takiwa e kiia nei no te Urewera. Na, e taea ai tenei me whakatu he Komihana hei whakatau i te rohe e mohiotia nei ko te Rohe-potae. Kahore ahau i te kite i tetahi take e kore ai tena tikanga e taea te whakahaere, kahore aku kupu whakahe mo tena. Ma nga ruuri teihana kua oti nei te whakahaere e marama ai te tikanga whakatau i nga rohe o enei whenua.

I tonono ano hoki koutou kia whakaturia he Komihana hei kimi i nga take o nga tangata no ratou nga whenua i roto i taua Rohe-potae, a hei whakatau hoki i nga rohe o nga poraka whenua o nga hapu me nga tangata e whakaaro ana ia no ratou aua whenua, a ko taua whakaatu ana me ata tuhi e ia ki te pukapuka; me hanga hoki e taua Komihana he mapi whakaatu i te ahua o te whenua, a, ma te Tumuaki Kai-ruuri taua mapi e whakamana; ko nga rohe o nga whenua o nga hapu me whakatau ki runga ki nga tohu whenua ki te taea te pera, ki te kore me ruuri i runga i te whakaaetanga o nga tangata no ratou te whenua, a i runga i tana whakataunga i nga rohe me whai whakaaro te Komihana ki nga tikanga me nga ritenga a nga Maori, me whakahaere hoki e ia, i nga meatanga e taea ai te pera, i runga i nga rohe o nga hapu, me haere tana mahi mo ia poraka mo ia poraka i runga i nga huarahi e tika ana e marama ana.

I runga i te whakahaerenga o nga take o te tangata ratou ko tona whanau, me ki he tiota tenata ratou, ara, he paanga topu, a ko nga tangata katoa no ratou te whenua me ki he tenata kamana ratou, ara, he paanga tuku iho. Ka oti te mahi a te Komihana kimi i nga take ki nga poraka whenua, hei reira ka ahei nga tangata Maori i roto i te poraka whenua o ia hapu o ia hapu ki te whakatu i tetahi Komiti me kaua e neke ake te tokomaha i te toko-whitu. Ka tu tenei Komiti hei Komiti whakahaere, a mo te wa e whakaritea ai ka tu ratou hei kai-whakahaere mo nga tangata no ratou te poraka

whenua. Ko te maha o enei Komiti takiwa me whakarite ki te toko-mahatanga o nga hapu me nga tangata no ratou nga poraka whenua.

Kua tonoa hoki e koutou kia whakaturia tetahi tino Komiti whai mana ki te whakahaere tikanga mo te whenua nui tonu o te iwi; ko nga whakataunga me nga whakahaerenga e mahia ana e taua tino Komiti kia tau tuturu ki runga ki nga Komiti ki nga hapu takiwa ranei, me haere ia te mahi i runga i nga tikanga me nga ritenga a te Maori. Ki taku mahara e tau ana kia whakaturia he Komiti penei, a kia mana ai tenei whakaaro e whakaae ana ahau kia pootitia e ia Komiti, hapu ranei, tetahi o ratou hei mema mo te tino Komiti. Ko nga whakataunga katoa a te tino Komiti me tuku atu ki nga Komiti takiwa, a ka takoto hoki hei kupu tohutohu mo ratou.

Ko nga ritenga whakahaere mo te mahi whakatu Komihana me te pootitanga i nga mema mo nga Komiti takiwa me te tino Komiti, ka whakaaturia ena a muri ake nei ina ka paahitia he ture hei whakamana i enei kupu whakaatu, ma te Hon. Timi Kara raua ko Wi Pere te Mema Maori mo te Tai Rawhiti e whakaatu atu ki a Tuhoe.

Kua whai kupu whakamahara mai hoki koutou ki au mo te kupu i whakaaetia atu ra e au ki a koutou i taku haerenga i roto i to koutou takiwa i mua tata ake nei, mo te mahi whakatu kura ki etahi o koutou tino kainga nohoanga. A i runga i taku mohiotanga he koanga ngakau ki a koutou te mahi whakaako i nga tamariki, me te puta hoki o te painga ki aua tamariki i nga tau e haere ake nei, ka hohorotia te mahi hanga whare-kura inaianei tonu, ka nui taku pouri mo te korenga o enei tikanga i whakahaerea wawetia, otiia ka puta te kupu whakahau kia hanga aua whare-kura inaianei tonu.

Tetahi kupu a koutou mo runga i te mahi hanga rori i roto i to koutou takiwa, e mea nei koutou kia whakaritea etahi maero ma nga Maori e mahi, a kia oti nga rori te hanga kia tukua atu ma nga Maori e tiaki etahi wahi, kei te tika enei tono e rua, a ka whakaaetia hoki.

I runga i ta koutou mahara kia whakahaerea he tikanga e tae atu ai te Pakeha ki to koutou nei whenua ki te matakitaki haere, e puta atu ai hoki etahi ara kai ma koutou, kua tono koutou kia whakahaerea he tikanga mo te tuku manu Pakeha ki reira, tuku ika Pakeha hoki ki nga wai. Ma te tikanga pera hoki ka puta atu ai he painga ki a koutou Maori, me te Koroni ano hoki. Ka whai kupu atu ahau ki nga kai-tiaki o nga wai whakatupu ika i Mahitaone, ui atu mehemea ka watea etahi kokopu Pakeha hei tukunga atu ki a koutou i tenei tau, ka whai kupu hoki ahau mo te tuku atu i nga kupu tohutohu kia mohio ai koutou ki te tikanga hei mahi ma koutou kia noho rite ai nga wahi hei tukunga atu hei tiakitanga hoki mo nga ika ina tukua atu ki roto ki nga wai me nga roto o to koutou takiwa.

A mo runga i ta koutou tono kia tiakina paitia nga ngahere me nga manu o to koutou whenua, ka nui taku koa i au e whakaae atu nei ki taua kupu a koutou. E koa ana hoki ahau i te mea kua rongo nei au ki a koutou kua puare to koutou whenua mo te tangata haere, a ka ahei nei ratou kia kite i te pai o te whenua hei matakitaki atu, i te nui hoki o nga ngahere o reira me nga awa me nga roto. He koanga ngakau ki te Kawana me au hoki ta koutou kupu whakaae ki te mana o Te Kuini kei runga ake i nga mana katoa, a, ka tino whakahonore, ka tino whakarongo koutou ki ana Ture.

Na, mo te mahi kimi koura, i kiia atu e ahau ki a koutou i whakaaetia e te Kawanatanga he moni mo te tangata e kite ana i te koura i te whenua keringa koura

hou, a he nui te moni kua pau i runga i te utunga pera, he mea whakarite te utu i runga i te tokomahatanga o nga tangata e whai mahi ana i runga i te mahi keri koura i te wahi pera, me te nui hoki o te koura e riro mai ana. He maha nga tono a nga Pakeha keri koura kua tae mai ki te Kawanatanga kia whakaaetia atu he raihana kimi koura ma ratou. Kaore i whakaaetia atu e au. Ki taku whakaaro hoki ki te utua atu he moni ina ka kitea he koura, me utu atu aua moni ki nga tangata Maori, no ratou te whenua, e kimi haere ana e kite ana hoki i te koura. Ki te hiahia koutou ki te kimi haere a ki te kitea hoki he koura e koutou, a ka puta atu te utu nui i runga i taua kimihanga, ka whakaae te Kawanatanga ki te whakamana i etahi tangata, mohio ki te mahi kimi koura, hei hoa haere mo nga Maori hei whakaako hoki i a ratou ki te kimi haere i te koura me era atu kohatu whai-tikanga, a ma te Kawanatanga e utu i tetahi wahi o nga moni e whakapaua ana a nga tangata kimi koura, i runga ano ia i nga tikanga kua whakatakotoria i roto i nga ritenga whakahaere e pa ana ki te mahi kimi koura i runga i nga whenua o te Karauna. E mahara ana ano hoki ahau ki te kitea he koura i runga i o koutou whenua me tau nga painga o ta kitenga o te koura ki runga ki nga hapu no ratou nga whenua i kitea ai te koura, a i mua i te whakaaetanga kia mahia te koura, me ata whakarite he kupu i waenganui i te Kawanatanga me nga Maori, whakatakoto i nga tikanga mo te mahi keri koura, me penei te tikanga mo taua mahi, ara, me utu atu etahi moni takoha i roto i ia pauna, i ia aunihi ranei, o te koura e riro mai ana ki nga tangata no ratou te whenua, me penei ranei te tikanga, ko nga toenga mai o nga moni o te utunga o te mahi whakahaere whenua keringa koura, me te toenga mai hoki o nga moni utu raihana, maina raiti ranei, kua whakaputaina atu ki nga kai-keri koura, ko aua moni toenga ra me puta atu ki nga tangata no ratou te whenua.

Ko te nuinga o nga tikanga mo te whakahaerenga ka ahei ena te whakahaere atu ki nga rangatira, ki nga tangata ranei kua ata whakaritea hei mangai mo ia hapu, ki te hapu, ki nga hapu ranei nona te whenua i kitea ai te koura i runga. E ki ana ano hoki ahau ma koutou ano e whakaoti nga tikanga mo te mahi kimi koura. He tikanga nui rawa hoki tenei, a ki taku whakaaro me kaua e waiho ma te tangata kotahi e whakaoti, mehemea hoki ka riro ma koutou katoa e whakaoti, ka kore e oho te ngakau ka kore hoki e puta he raruraru he paweratanga ngakau ranei.

Na to koutou hoa aroha,

NA HETANA (R J SEDDON),

Pirimia, Minita mo te Taha Maori hoki.

HE mea whakahau, i taia e HONE MAKE, Kai-ta Perehi a te Kawanatanga, Ponake.—1896.

APPENDIX V

THE FIRST UREWERA COMMISSION'S HEARINGS AND THE RESULTS OF ITS WORK

The information in the table on the following pages was sourced from appendixes A and B of Cecilia Edwards's 'The Urewera District Native Reserve Act 1896, Part 2: Title Determination under the Act, 1896–1913' (commissioned research report, Wellington: Crown Law Office, 2004) (doc D7). Edwards's cited source is 'Commissioners' Orders under "The Urewera District Native Reserve Act 1896", AJHR, 1903, G-6. The hapu names that Edwards lists were recorded by the Urewera commission in 1902: see pages 42 to 45 of the Urewera minute book 7.

Block	No	Name	Area (acres) 'more or less'	Shares	Hapu	Families	Individuals	Commissioners	Appeals per block
1		Hikurangi–Horomanga	56,000	2,759	Patuheuheu Ngati Haka Ngati Hiki	138	374	David Scannell (chair) William Butler Hurae Puketapu Te Pou	11
2		Ierenui–Ohaua	5,540	3,865	Ngati Rongo Ngati Rakei	153	401	David Scannell (chair) William Butler Hurae Puketapu Te Pou	6
3		Kohuru–Tukuroa	8,224	4,139	Ngati Rongo Ngati Tamariwai Ngati Korokaipapa	139	377	David Scannell (chair) William Butler Hurae Puketapu Te Pou	4
4		Karioi	2,420	2,733	Ngamaihi	112	285	David Scannell (chair) William Butler Numia Kereru Hurae Puketapu Mehaka Tokopounamu	2
5		Maraetahia	5,512	1,401	Ngai Tawha	125	252	David Scannell (chair) William Butler Numia Kereru Te Pou	(Maraetahia and Otairi 6)

6	Maungapohatu	53,696	6,531	Tamakaimoana Ngapotiki Ngai Tumatawha Ngai Tatua Ngati Maru Ngati Te Ao Ngati Pou (Eria's list)	336	919	David Scannell (chair) William Butler Hurae Puketapu Te Pou Mehaka Tokopounamu	10 (Maungapohatu and Tauranga 6)
7	Te Wairiko	2,240	2,155	Te Aitanga o Tanemoeahi	75	238	David Scannell (chair) William Butler Hurae Puketapu Te Pou	2
8	Te Poroporo	2,470	1,080	Ngati Maruhakapua	80	237	David Scannell (chair) William Butler Numia Kereru Hurae Puketapu	1
9	Te Tapatahi	462	1,223	Ngai Takiri	54	132	David Scannell (chair) William Butler Numia Kereru Hurae Puketapu	3
10	Te Waipotiki	8,200	4,076	Ngati Rongo Mahurehure	202	527	David Scannell (chair) William Butler Numia Kereru Hurae Puketapu Mehaka Tokopounamu	6

TE UREWERA

Appv

Block	No	Name	Area (acres) 'more or less'	Shares	Hapu	Families	Individuals	Commissioners	Appeals per block
11	Otara		2,680	2,830	Ngai Turanga	89	253	David Scannell (chair) William Butler Numia Kereru Hurae Puketapu Mehaka Tokopounamu	3
12	Whaitiripapa		167	2,834	Te Urewera	111	289	David Scannell (chair) William Butler Hurae Puketapu Te Pou	1
13	Ruatoki South		6,020	2,201	Ngati Muriwai	98	280	David Scannell (chair) William Butler Hurae Puketapu Te Pou	6
14	Waikarewhenua		12,500	5,168	Ngaitama	173	505	David Scannell (chair) William Butler Hurae Puketapu Te Pou Mehaka Tokopounamu	5
15	Te Tuahu		6,300	3,379	Hamua	112	351	David Scannell (chair) William Butler Numia Kereru	–

16	Tauwharemanuka	28,860	1,404	Whakatane Ngati Tokotuai Ngati Tamariwai	124	339	Hurāe Puketapu Te Pou	3
17	Ohiorangi	1,190	4,606	Ngai Tama	134	413	David Scannell (chair) William Butler Te Pou Mehaka Tokopounamu	4
18	Te Purenga	5,680	1,737	Ngati Koura	104	297	David Scannell (chair) William Butler Numia Kereru Hurāe Puketapu Te Pou	4
19	Tauwhare	1,300	2,729	Ngati Mura	70	199	David Scannell (chair) William Butler Numia Kereru Hurāe Puketapu	1
20	Tauranga	51,000	4,272	Nga Maihi Ngai Te Kahu Ngai Tamaroki	201	547	David Scannell (chair) William Butler Numia Kereru Hurāe Puketapu Mehaka Tokopounamu	5 (Maungapohatu and Tauranga 6)

Appv

TE UREWERA

Block	No	Name	Area (acres) 'more or less'	Shares	Hapu	Families	Individuals	Commissioners	Appeals per block
21		Taneatua	17,200	5,536	Ngati Whakateke Manutohikura Te Urewera Ruatahuna Ngati Ha Tokotuwai Ngati Tamakaimoana	316	911	David Scannell (chair) William Butler Hurae Puketapu Te Pou	2
22		Waikaremoana	68,260	6,612	Tuhoe Ruapani	290	729	David Scannell (chair) William Butler Te Pou Mehaka Tokopounamu	6
23		Pukepohatu	7,488	607	Ngati Tokotui	25	44	David Scannell (chair) William Butler Numia Kereru Hurae Puketapu Te Pou	–
24		Paraoanui	8,910	821	Ngati Taumata	43	115	David Scannell (chair) William Butler Mehaka Tokopounamu Tutakangahau	6

25	Paraeroa	13,416	1,724	Ngati Hinekura Ngati Mura	96	213	David Scannell (chair) William Butler Te Pou Mehaka Tokopounamu	10
26	Ruatahuna	63,230	4,045	Te Urewera Ngai Te Riu Ngati Kuri Ngati Tu Ngati Manunui Ngati Kakahutapiki Ngati Ruatahuna	324	884	David Scannell (chair) William Butler Te Pou	15
27	Omahuru	6,600	2,271	Ngai Tatua	87	237	David Scannell (chair) William Butler Hurae Puketapu Te Pou Mehaka Tokopounamu	6
28	Te Ranga-a-Ruanuku	16,288	6,117	Ngati Ha	191	563	David Scannell (chair) William Butler Hurae Puketapu Te Pou	5
29	Tarapounamu– Matawhero	65,984	3,950	Ngati Tawhaki Ngati Te Wehi	320	883	David Scannell (chair) William Butler Numia Kereru Hurae Puketapu Te Pou	14

Block	No	Name	Area (acres) 'more or less'	Shares	Hapu	Families	Individuals	Commissioners	Appeals per block
30	Otairi		8,670	1,118	Ngai te Au	52	133	David Scannell (chair) William Butler Numia Kereru Te Pou	3 (Maraetahia and Otairi 6)
31	Te Whaiti-nui-a-Toi		72,970	3,242	Tuhoe Ngati Whare Ngati Manawa	217	424	David Scannell (chair) William Butler Numia Kereru Te Pou	19
32	Parekohe		20,900	6,132	Ngai Turanga Te Urewera Ngai Te Kapo	261	703	David Scannell (chair) William Butler Hurae Puketapu	10
33	Ruatoki 1		8,735	3,832		195	497	William Butler (chair) Gilbert Mair Hurae Puketapu	17
34	Ruatoki 2		5,910	4,167		214	558	William Butler (chair) Gilbert Mair Hurae Puketapu	16
35	Ruatoki 3		6,800	4,382		222	603	William Butler (chair) Gilbert Mair Hurae Puketapu	16

APPENDIX VI

THE UREWERA LANDS ACT 1921–22

ANALYSIS

- | | |
|------------------------------------|---|
| Title. | 11. Outside lands affected. |
| Preamble. | 12. Appointment of trustee for person under disability. |
| 1. Short Title. | 13. Scheme may be modified. |
| 2. Confirming dealings. | 14. Amendment after orders made. |
| 3. Vesting in Crown. | 15. Orders to be final. |
| 4. Commissioners appointed. | 16. Rates deferred. |
| 5. Crown awards. | 17. Crown to survey. |
| 6. Crown exchanges. | 18. Transfer of powers to Court. |
| 7. Native awards. | 19. Operation of past orders. |
| 8. Operation of orders. | 20. Repeals. |
| 9. Exchanging Crown land. | Schedules. |
| 10. Payment in cash or debentures. | |

1921–22, No 55.

AN ACT to facilitate the Settlement of the Lands in the Urewera District.

[*11th February, 1922.*]

WHEREAS the Native lands within the district referred to in the First Schedule to this Act have for a number of years been under special administration, and it is now desirable to apply the ordinary law thereto: And whereas during such administration the Crown, pursuant to powers in that behalf, has purported to deal with certain portions of the said lands, and arrangements have been entered into between representatives of the Crown and of the Natives interested in such lands for the consolidation and location of interests in such lands and in certain lands outside such district, and it is desirable that such arrangements should be carried into effect:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. Short Title—This Act may be cited as the Urewera Lands Act, 1921–22.

2. Confirming dealings—All purchases of land purporting to have been made by the Crown within the district mentioned in the First Schedule hereto shall, subject as hereinafter mentioned, be deemed to have been valid and effective, and the general

committee and the individual Natives concerned shall be deemed to have been duly authorized to execute all transfers and other instruments for the purposes of completing any such purchase. Any transaction so entered into in good faith shall be sufficient authority for making orders in favour of the Crown as hereinafter mentioned.

3. Vesting in Crown—Upon any such order being made the land to which the order relates shall, subject to the terms of the order, absolutely vest in His Majesty the King free from all right, title, estate, or interests (whether customary or otherwise) of the Natives interested in such land, and such land may thereupon be proclaimed to be Crown land in the same manner and with the same effect as if it had been Native freehold land acquired by the Crown under the authority of the Native Land Act, 1909, and its amendments.

4. Commissioners appointed—(1.) For the purpose of carrying into effect the scheme of consolidation referred to in parliamentary paper G-7, 1921 (hereinafter called the said scheme), with regard to the lands within the district comprised in the First Schedule hereto and such other lands as may be affected, the Governor General shall appoint two Commissioners, to be known as the Urewera Consolidation Commissioners (hereinafter called the Commissioners).

(2.) If for any reason either of the said Commissioners shall be unable or unwilling or shall neglect to act, the Native Minister may appoint a deputy, being an officer in the service of the Crown, to act in the place of such Commissioner; and, while the appointment remains unrevoked, the deputy so appointed shall have and may exercise all the powers and functions of the Commissioner whose deputy he is.

(3.) The fact of a person appointed as aforesaid acting as a deputy shall be conclusive proof of his authority so to act, and no appointment of such deputy shall be questioned on the ground that the occasion for making the same may not have arisen or had ceased, or that the Commissioner whose deputy he is may be deceased, nor shall the authority or act of any Commissioner be questioned in any proceedings on the ground that a deputy of that Commissioner was in office at the time when that authority was exercised or that act was done.

(4.) If any difference shall arise between the Commissioners the matter in dispute may be referred to the Chief Judge of the Native Land Court, whose ruling shall be binding on the Commissioners.

(5.) It shall not be necessary for the Commissioners while acting under this Act to hold formal sittings or act judicially in any matter.

5. Crown awards—(1.) The Commissioners shall with all convenient speed proceed to inquire as to what interests in the said lands are alleged to have been sold to the Crown, and shall for that purpose have power to inquire into any objections to such sales that do not arise from any alleged defect in the title or power to sell. The Commissioners shall allot to the Crown portions of the lands in accordance with the said scheme, including in such allotment land to the value of forty thousand dollars given by the Natives for roading purposes and a further area of land to represent the probable cost of surveys of Natives portions, and shall make one or more orders

defining the Crown's interest and allotting to His Majesty the King the area to which it is found the Crown is entitled, whether it represents the block or blocks referred to in the instruments of alienation or not.

(2.) Subject to the foregoing provisions of this section, the Commissioners shall be the sole judges of the location and boundaries of the portions so awarded to the Crown, but shall, in fixing any boundary, consult so far as practicable the wishes and convenience of the Natives.

(3.) The Commissioners may include in any such order such portion of the Waikaremoana Block mentioned in paragraph 12 of the said scheme as they deem fit in accordance with the scheme, although no instrument of alienation to the Crown may have been executed by the Natives affected or interested.

6. Crown exchanges—Where the land to be awarded to the Crown is land not situate within the district set out in the First Schedule the Commissioners shall make an order vesting such land in His Majesty the King by way of exchange, and thereupon the land shall vest and all proceedings shall be taken as if it were an order for exchange in favour of the Crown made by the Court under the Native Land Act, 1909.

7. Native awards—(1.) After providing for the portion of land to be allotted to the Crown, the Commissioners shall make and issue orders, as near as may be in accordance with the said scheme, with respect to the balance of the land in the district described in the First Schedule hereto and affected by the scheme, and shall allot to persons to be named in such orders the portions to which they are entitled after making adjustments for the area taken for roads and surveys.

(2.) The allotment may be of any land within the district mentioned in the First Schedule, notwithstanding that it may not be the portion originally intended to be awarded to such persons or not.

(3.) The Commissioners shall fix the boundaries of the land contained in each such order, and may give to the respective blocks such names as they think fit irrespective of the original names of such blocks.

(4.) The Commissioners are authorized to ascertain, so far as possible, if any of the persons whose names appear on the lists attached to the said scheme are deceased, and in such cases to substitute, when practicable, the names of living successors in the shares to which they would be entitled. The fact that the name of any person that is deceased remains in any order shall not invalidate it, but the interest of such deceased person shall enure for the benefit of such persons as would be entitled to succeed on the intestacy of such person if he had died immediately after the order takes effect.

8. Operation of orders—(1.) Any order made as aforesaid shall be drawn up in duplicate and dated as of the day of the making thereof.

(2.) The order as so drawn up shall have endorsed thereon or annexed thereto a plan sufficient for the purposes of the Land Transfer Act, 1915, or a compiled plan certified by the Chief Surveyor as sufficiently accurate for the purpose and shall be

authenticated by the signature of at least one Commissioner, and countersigned by the Chief Judge of the Native Land Court, and sealed with the seal of that Court.

(3.) The order as so drawn up and perfected shall relate back to the day of the date thereof, and be deemed, subject to subsection four hereof, to have taken effect in all respects according to the tenor thereof as from the commencement of that day, and the validity and operation of all intermediate orders, instruments, proceedings, and transactions shall be determined accordingly.

(4.) Until the order is drawn up and perfected, the date of which shall be noted after the Chief Judge's countersignature, no Native beneficially interested thereunder shall be capable of making any alienation (except by will) of his beneficial interest, except to the Crown.

(5.) Any order made as aforesaid shall have the effect of vesting the land comprised in it in the persons named therein for an estate of fee simple in possession, and, if there are more than one, as tenants in common. A duplicate of such order or a copy thereof certified by the Chief Judge may be forwarded to the District Land Registrar, who shall embody the order in the provisional register. No warrant other than this Act shall be necessary for the issue of a certificate of title, but the District Land Registrar may, at his discretion, retain the title on the provisional register so long as the number of owners named in such title exceeds ten.

(6.) All land comprised in any order as aforesaid, other than an order made in favour of the Crown, shall be deemed to be Native freehold land within the meaning of the Native Land Act, 1909.

(7.) All orders made under the authority of this Act shall be forwarded to the Registrar of the Native Land Court of the district wherein the land affected is situated, by whom they shall be recorded, and when perfected such orders shall be deemed to be and be treated as orders of the Native Land Court made in its ordinary jurisdiction, and shall take effect accordingly.

9. Exchanging Crown land—(1.) If the Commissioners in the course of any proceedings or inquiry deem it necessary or expedient for the purpose of consolidating interests as referred to in the said scheme to deal with Crown lands situate outside the district referred to in the First Schedule, they shall certify to the Minister of Lands that in their opinion the Natives mentioned in such certificate are entitled or ought to have vested in them the Crown lands or portions of or interests in Crown lands therein named, and the Governor General may, by Warrant under his hand, direct the District Land Registrar to issue a certificate of title in lieu of grant to the persons named in such Warrant for any such land accordingly. No assurance or other fees shall be payable in respect of the issue of such title. All lands so granted shall be deemed to be Native freehold land, and a memorial to that effect shall be endorsed on any certificate of title issued in accordance with such Warrant.

(2.) The Minister of Lands is hereby authorized, out of any fund available for the purchase or acquisition of Native land, to acquire on behalf of the Crown from Europeans or others any land that may be necessary to give effect to the said scheme, which land may be treated as if it were land already owned by the Crown, and may,

subject to the foregoing provisions of this section, be awarded by the Commissioners to Natives, and titles therefor issued accordingly.

(3.) The Commissioners may, subject to the approval of the Minister of Lands, vest any portion of land vested in His Majesty, and notwithstanding such land may form part of any reserve, in any Native whom the Commissioners find entitled thereto, and no warrant other than this Act shall be necessary for the issue of a certificate of title therefor.

10. Payment in cash or debentures—(1.) If the Commissioners find that any sum of money ought in equity to be paid to any person in connection with the consolidation or exchanges required to carry out the said scheme, the Commissioners, under the hand of at least one of them, shall certify to the Minister of Lands the respective sum and the person to whom it is to be paid. The Minister of Finance may from time to time, without further appropriation than this Act, pay all such moneys as are so certified out of any funds that may be available under any Act for the purchase or acquisition of Native lands.

(2.) If instead of payment in cash the Commissioners think that the amount of any payment required for the purposes of the said scheme should be paid in debentures they shall certify accordingly, and shall in such certificate specify the amount of the debentures required and the names of the proposed beneficial owners thereof. The Minister of Finance may thereupon issue debentures accordingly to the Native Trustee, who shall hold the same on behalf of the beneficiaries so certified to be entitled thereto.

(3.) Any money payable under this section and the money or investment represented by the debentures issued as aforesaid shall, until payment or maturity, be deemed to be a trust fund within the meaning of section four hundred and twenty-four of the Native Land Act, 1909, as if the money or investment was in the hands of the Native Trustee, and all the provisions of that section shall apply accordingly.

11. Outside lands affected—(1.) If the Commissioners in carrying out the said scheme think it necessary or expedient to deal with or affect lands owned by Natives, whether such lands are situate within or outside the district referred to in the First Schedule, they may make and issue orders by way of exchange vesting the interests of the owners referred to either in the Crown or in any other persons. The provisions of section eight hereof, as to making and perfecting of orders, shall apply there to, except that a plan shall not be necessary; and, when perfected, such order shall take effect and may be registered as if it were an order of exchange made by the Court under the Native Land Act, 1909.

(2.) If, instead of going through the formality of making an exchange order, the Commissioners think the title affected might be more conveniently dealt with by way of amendment, they may certify to the Chief Judge what amendment in their opinion is necessary, and the Chief Judge, on being satisfied that the amendment is one that may properly be made, is hereby authorized to make such amendment. The provisions of section twentyseven of the Native Land Act, 1909 (as to the effect and recording of such amendment), shall apply to any amendment so made.

12. Appointment of trustee for person under disability—If any person found by the Commissioners to be entitled to any land, money, or debentures is a person under disability, the Commissioners may make an order appointing a trustee or trustees for such person, and any order so made shall be countersigned by a Judge of the Native Land Court, and shall have the same effect as an order of the Court under Part 10 of the Native Land Act, 1909, and may be dealt with and registered accordingly.

13. Scheme may be modified—While observing generally the terms of the said scheme, the Commissioners may make such alterations in the details thereof as may, in their opinion, be necessary for giving effect to the general purpose and intent of the scheme.

14. Amendment after orders made—Where by reason of any mistake of law or of fact, or of any error or omission, the Commissioners by their order have in effect done or left undone anything which they did not actually intend to do or leave undone, or would not, but for such mistake, error, or omission, have done or left undone, the Chief Judge of the Native Land Court may at any time (whether the title is in the District Land Registry or not) make such order in the matter for the purpose of remedying the same or the effect thereof as the nature of the case may require, and may, when he deems it necessary, vary or annul the actual or intended decision of the Commissioners, but no such amendment shall prejudicially affect the rights of any person claiming bona fide under any lawful alienation.

15. Orders to be final—Subject to the powers of amendment set forth in the last preceding section, all orders made by the Commissioners shall be final and conclusive, and there shall be no appeal therefrom.

16. Rates deferred—The land within the district described in the First Schedule shall, so far as it is not awarded to the Crown, be deemed to be excepted from the term rateable property as defined by the Rating Powers Act, 1988, unless and until a notice is signed by the Native Minister and published in the *Gazette* that the land named therein shall cease to be so excepted. Such notification shall not be made with respect to any area of land until the expiry of at least twelve months after the order relating thereto shall have been countersigned by the Chief Judge.

17. Crown to survey—The Crown shall, on the requisition of any Commissioner or of a Judge of the Native Land Court, undertake all surveys required for the completion of any order under this Act. Any requisition heretofore made in anticipation of this Act coming into force shall be deemed to have been made under this Act. Any plan prepared may be approved by a Commissioner or Judge, and the provisions of Part 21 of the Native Land Act, 1909, shall apply in all other respects as if the requisition for survey had been made under that Act. Where the Commissioners think it expedient they may authorize any surveyor to undertake a survey required for the purposes of this Act.

18. Transfer of powers to Court—The Governor General, if he deems it expedient, may by Order in Council appoint the Native Land Court to exercise the duties or powers conferred on the said Commissioners, and thereupon any Judge of the Native Land Court may exercise all the powers, functions, and authorities of both Commissioners conferred on them by this Act, with power to adopt any act, matter, or decision of the Commissioners as if it were his own, and to make and complete any order accordingly.

19. Operation of past orders—(1.) Any order purporting to be made under the provision or authority of the Urewera District Native Reserve Act, 1896, may be countersigned by the Chief Judge, and may thereupon be recorded and shall take effect as an order on investigation of title or a freehold order under the Native Land Acts, as the case may require, and may be dealt with and registered accordingly.

(2.) Any partition, succession, or exchange orders under the said Act, so far as they are not superseded by orders under this Act, shall be deemed to be valid and within the jurisdiction of the Native Land Court, notwithstanding any defect in the original order, or the exercise of the Court's jurisdiction, or that any portion of the land included in them may not have been investigated under the Urewera District Native Reserve Act, 1896, or its amendments, and any such order shall have effect and may be dealt with and registered accordingly.

(3.) Any land within the said district not affected by orders under this Act, or by any order as in this section mentioned, may be dealt with as customary land within the ordinary jurisdiction of the Native Land Court.

(4.) The Chief Judge may, on the application of any of the parties interested, exercise with respect to any orders purporting to have been made under the said Urewera District Native Reserve Act, 1896, the same powers of amendment as are conferred on him by section fourteen hereof with respect to orders made by the Commissioners, but there shall be no appeal against the Chief Judge's exercise or refusal to exercise such powers.

20. Repeals—The Acts or portions of Acts referred to in the Second Schedule hereto are hereby repealed.

SCHEDULES

FIRST SCHEDULE

ALL that area in the Auckland and Hawke's Bay Land Districts, containing by admeasurement 656,000 acres, more or less: bounded towards the north by the Confiscation Boundary-line; towards the east generally by the Waimana and Tahora, No 2 Blocks; towards the south-east by the Waipaoa Block, the Waikaremoana Lake, by forest reserve, educational reserve, Block v, Waiau Survey District, and Section No 1, Block

VIII, Mangahopai Survey District; towards the south-west by the Waiau River to the northernmost corner of Maungataniwha Block, thence by a right line to the trig station on Maungataniwha, and thence by Heruiwi No 4 Block; and towards the west generally by Whirinaki, Kuhawaea No 1, Waiohau Nos 1B, 1A, and 2, and Tuararangaia Blocks to the Confiscation Boundary-line at Tapapa-Kiekie.

SECOND SCHEDULE

- 1896, No 27.—The Urewera District Native Reserve Act, 1896.
 1900, No 66.—The Urewera District Native Reserve Act Amendment Act, 1900.
 1907, No 76.—The Maori Land Claims Adjustment and Laws Amendment Act, 1907: Section 7.
 1908, No 253.—The Maori Land Laws Amendment Act, 1908: Sections 21 and 22.
 1909, No 24.—The Urewera District Native Reserve Amendment Act, 1909.
 1910, No 31 (Local).—The Urewera District Native Reserve Amendment Act, 1910.
 1911, No 35.—The Native Land Claims Adjustment Act, 1911, section 12.
 1913, No 58.—The Native Land Amendment Act, 1913: The words ‘The Urewera District Native Reserve Act, 1896,’ in section 117.
 1916, No 12.—The Native Land Amendment and Native Land Claims Adjustment Act, 1916: Section 4.

APPENDIX VII

OUTCOMES OF THE CONSOLIDATION PROCESS IN THE UDNR

This appendix illustrates the outcomes of the consolidation process in 13 different parts of the former Reserve. For the purposes of our analysis of the issues relating to the Urewera Consolidation Scheme, we found it necessary to establish how far the division of the land in the scheme was decided at the Tauarau hui and how far those decisions were subsequently changed at the hands of the consolidation commissioners (see section 14.5.2.2). This required a comparison of the location of Maori owners' interests at three points in time: first, in July 1921, when Crown purchasing had nominally come to an end; secondly, in October 1921, after the provisional division of the land had been negotiated at the Tauarau hui (as recorded in the consolidation scheme report); and thirdly, in February 1925, when the consolidation commissioners had finalised the location of all 183 Maori-owned blocks.

We began by grouping the former Reserve blocks into 13 areas, ranging in size from 2490 acres to 106,790 acres, with 35,506 acres as the median and averaging approximately 40,000 acres each. These roughly corresponded to the nine 'series' of blocks into which Maori land was organised during the implementation of the scheme. We also included four more pools of Maori owner shares which were recognised in the consolidation scheme report: shares in suspense (for which owners had as yet no location); shares destined for Crown land in Whirinaki; shares destined for Crown land in Hereheretau B2; and the Tuhoe allocation of shares in the Waikaremoana block, which were destined to be redistributed throughout the rest of the UCS. The Crown's purchasing figures allowed us to establish how much it had acquired in each of these 13 areas by July 1921, in the form of undivided interests. We compared the remaining Maori interests in the 13 groups of former Reserve blocks with the provisional division of the land negotiated at the Tauarau hui. The consolidation scheme report organised consolidation groups according to former UDNR blocks, thus allowing for an easy point of comparison. We then compared the provisional division of Maori interests negotiated at Tauarau with the final distribution of interests among the UCS blocks (before the deductions were made to account for survey and roading costs), as recorded in the consolidation commissioners' minute books and depicted in the survey plans for the Maori-owned blocks. Because the consolidated blocks did not match the boundaries of the old Reserve blocks, we used maps of the UCS and Reserve block boundaries where the two were superimposed to assign the various UCS blocks (or, in rare cases, the separate parts of the UCS blocks) into one of the 13 groups of Reserve blocks.¹

1. 'Te Urewera Inquiry District Overview Map Book, Part 3', August 2003 (doc A132)

UDNR blocks	Original area (acres)	July 1921			October 1921	
		Value of Maori owner interests (£)	Equivalent acreage	Percentage of original area	Value of Maori owner interests (£)	Equivalent acreage
Parekohe, Ruatoki South, Waipotiki, and Te Wairiko	37,420	9,945	12,162	32.5	17,787	25,079
Otara, Omahuru	9,280	628	628	6.8	1,457	1,457
Paraonui North and Paraonui South	8,910	358	409	4.6	1,183	1,352
Tauranga and Tauwharemanuka	75,668	4,849	9,128	12.1	2,553	4,443
Maungapohatu	28,462	6,121	10,202	35.8	6,253	10,422
Paraeroa, Paraeroa B, Taneatua, Karioi, and Te Poroporo	35,506	7,814	15,627	44	5,732	11,464
Te Tuahu and Te Purenga	11,980	878	1,756	14.7	0	0
Waikarewhenua, Te Ranga- a-Ruanuku, Ierenui-Ohaua, Tarapounamu–Matawhero, and Kohuru–Tukuroa	106,790	18,403	43,549	40.8	16,456	40,068
Ohiorangi and Tauwhare	2,490	441	882	35.4	0	0
Ruatuhuna	57,823	14,360	42,123	72.8	18,003	54,677
Hikurangi–Horomanga	55,174	6,923	21,096	38.2	6,177	19,006
Otairi, Maraetahia, and Tawhiuau	17,486	669	3,254	18.6	0	0
Te Whaiti 1 and 2	71,340	7,091	12,437	17.4	7,191	15,422
Sub-total of blocks subject to Crown purchase to 1921	518,329	78,480	173,253	33.4	82,792	183,390
Shares in suspense (under negotiation)	N/A	N/A	N/A		2,135	N/A
Waikaremoana (interests not exchanged for debentures)	29,060	8,696	29,060	100.0	868	N/A
Whirinaki	N/A	N/A	N/A		713	N/A
Hereheretau B2	N/A	N/A	N/A		300	N/A
Total	N/A	87,176 *	202,313		86,808	183,390

* Approximate

Table VII.1: The outcomes of the division of the land between the Maori owners and the Crown at the Taurau hui (as set out in the October 1921 consolidation scheme report) compared with the February 1925 final awards

Sources: July 1921 figures are taken from Tamara Nikora, 'The Urewera Consolidation Scheme (1921–1926): An Analysis', June 2004' (doc E7), tbl A. October 1921 figures are taken from RJ Knight, H Carr, and HRH Balneavis, 'Urewera Lands Consolidation Scheme', 31 October 1921, AJHR, 1921, G-7, pp 9–14. February 1925 figures are compiled from Nikora, 'The

Percentage of original area	February 1925				Acreage change, October 1921 to February 1925	Change as percentage of original area
	Value of Maori owner interests (£)	Equivalent acreage	Percentage of original area	Reserves (not from shares)		
67.0	16,689	21,495	57.4	17	– 3,584	– 9.6
15.7	3,060	3,181	34.3	0	+ 1,724	+ 28.6
15.2	535	611	6.9	0	– 741	– 8.3
5.9	2,852	5,051	6.7	1	+ 608	+ 0.8
36.6	6,768	11,280	39.6	3	+ 858	+ 3.0
32.3	10,302	17,632	49.7	0	+ 6,168	+ 17.4
0.0	0	0	0.0	0		N/A
37.5	17,944	43,421	40.7	19	+ 3,353	+ 3.2
0.0	0	0	0.0	0	N/A	
94.6	14,965	39,968	69.1	14	– 14,709	– 25.5
34.4	5,994	17,903	32.4	0	– 1,103	– 2.0
0.0	0	0	0.0	0	N/A	
21.6	7,523	15,688	22.0	36	+ 266	+ 0.4
35.4	86,632	176,230	34.0	90	– 7,160	– 1.4
N/A	N/A	N/A	N/A	N/A	N/A	
0.0	0	0	0.0	N/A	0	
	111	N/A		N/A	N/A	
	300	256		N/A	N/A	
	87,043	176,486		90	– 7,160	

Urewera Consolidation Scheme' (doc E7), tbl D; Urewera minute book 1 (doc M29), p 292; Urewera minute book 2A (doc M30), pp 60, 68, 203–218; and Urewera Consolidation Block Orders (docs M12(c), (d)). Block valuations are from Stephen Robertson, 'Te Urewera Surveys: Survey Costs and Land Valuations in the Urewera Consolidation Scheme, 1921–22' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2003) (doc A120), pp 38, 60; Cecilia Edwards, 'The Urewera District Native Reserve Act 1986, Part 3: Local Government and Land Alienation under the Act' (commissioned research report, Wellington: Crown Law Office, 2004) (doc D7(b)), pp 114, 176–177; and Nikora, 'The Urewera Consolidation Scheme' (doc E7), tbl A.

Table iv.1 records the outcomes of this exercise. Most notably, by comparing the provisional division of the land at the Tauarau hui with the final awards, we were able to establish that the consolidation commissioners authorised the movement of interests equating to a total of 33,114 acres – or 18 per cent of the 183,390 acres that were earmarked for award to Maori owners at the hui. As noted in chapter 14, this analysis does not take into account the small-scale changes of boundaries when surveying took place on the ground. Yet, it is sufficient to show where the total allocation of land to Maori owners increased or decreased. In short, this analysis demonstrates the importance of the outcomes of the Tauarau hui for the division of the land between the Crown and Maori owners: of the land that was apportioned variously to the Crown or Maori owners at the hui, only one-fifth of the decisions underwent substantial change during the implementation phase; four-fifths remained substantially the same.

The changes made during the implementation of the scheme varied from area to area. As negotiated at the Tauarau hui, the amount of land earmarked for award to Maori owners in the 13 areas averaged approximately 14,100 acres. The changes made to these areas averaged 2775 acres, either as a reduction or an addition – ranging from a reduction of 14,709 acres (in the former Ruatahuna blocks) to an addition 6168 acres (in what became the Ruatoki series), with a median of no change. These changes had consequences for the overall amount of land that the Maori owners were awarded from the scheme, which was reduced by 7160 acres from what was negotiated in 1921, largely as a consequence of owners moving their interests from land with a low value into land with a high value. We explained the reasons behind these changes in section 14.5.2.4.

The table also takes into account the inclusion of the interests of Tuhoe owners of the Waikaremoana block in the scheme. These interests were equivalent to 29,060 acres in the Waikaremoana block. When seen alongside the blocks in which the Crown had purchased interests, this addition took the total pre-consolidation interests of Maori owners to the equivalent of 202,313 acres. This figure was never recorded in the consolidation scheme report (which only gave the total pre-consolidation interests of Maori owners in blocks the Crown had purchased in – 173,252 acres, valued at £78,479 15s), even though the additional interests were included in the lists of consolidation groups in schedule 2 of the report. But after they were added to the interests of Maori owners within the scheme, and those owners took up more and more land at the Tauarau hui at a higher value, the outcome was only a marginal increase on the total landholding (the equivalent of 173,253 acres in July 1921 to 183,390 acres in October 1921). As we explained in section 14.5.2.3, this process in part explains how the Crown acquired what Steven Webster initially claimed was a ‘windfall’ to the Crown of 45,000 acres, but was in fact merely the process of transferring interests between land of different values.

GLOSSARY OF MAORI TERMS

<i>ahi ka</i>	burning fire; continuous occupation; rights to land by occupation
<i>ahi ka roa</i>	long burning fires; rights to land by occupation
<i>ahi mataotao</i>	cooled off fires
<i>ahi tahutahu</i>	temporary fires
<i>aho ariki</i>	line of descent of chiefs
<i>ao marama</i>	world of light, material world
<i>ariki</i>	leader of the people, chief
<i>atua</i>	god, deity, spirit, supernatural being
<i>aukati</i>	constraint, barrier
<i>haka</i>	fierce war dance
<i>hakari</i>	feast
<i>hangi</i>	feast, method of cooking
<i>hapu</i>	tribe, descent group, wider kin group than whanau
<i>harakeke</i>	flax
<i>hau</i>	spirit, vitality of human life, vital essence of land
<i>hinaki</i>	eel trap
<i>hongī</i>	press noses, greet
<i>huahua</i>	preserved birds
<i>hue</i>	gourd
<i>hui</i>	meeting, gathering, assembly
<i>iwi</i>	tribe, people
<i>kaka</i>	parrot
<i>kai</i>	food, to eat
<i>kaimoana</i>	seafood
<i>kainga</i>	home, village, settlement
<i>kaitiaki</i>	guardian, trustee, protector, steward, controller; spirit guardians
<i>kaitiakitanga</i>	ethic of guardianship, protection
<i>karakia</i>	incantation, chant, prayer, ritual
<i>kaumatua</i>	family elder
<i>kauwae runga</i>	spiritual domain
<i>kawai rangatira</i>	nobility
<i>Kawanatanga</i>	government
<i>kereru</i>	pigeon
<i>Kingitanga</i>	Maori king movement founded in the 1850s
<i>kioro</i>	rat
<i>kohuru</i>	to kill unjustly without provocation or just cause, murder
<i>kokiri</i>	enterprise, war party
<i>komiti</i>	committee, Maori council
<i>korero</i>	discussion, speech, to speak
<i>kuia</i>	old lady

GLOSSARY OF MAORI TERMS

<i>kumara</i>	sweet potato
<i>kupapa</i>	government sympathiser, lay low
<i>mahinga mataitai</i>	traditional fishing grounds
<i>mana</i>	authority, control, influence, prestige, power, reputation
<i>mana motuhake</i>	absolute power, independent sovereignty; the right to be a distinct people, to territorial integrity, to determine one's destiny and to self-government
<i>manaaki</i>	hospitality, generosity, compassion, respect, kindness
<i>manaakitanga</i>	ethic of hospitality, generosity, care-giving
<i>manawawera</i>	song admonishing those who had made them widows
<i>manuhiri</i>	guests, visitors
<i>mara</i>	cultivation, garden
<i>marae</i>	enclosed space in front of house, courtyard, community meeting place
<i>matemateaone</i>	to value each day as though it is your last, a yearning for your own kind
<i>matua</i>	parents
<i>maunga</i>	mountain
<i>maunga rongo</i>	amnesty
<i>mauri</i>	life force, life principle
<i>meremere</i>	morning star
<i>moana</i>	lake, sea
<i>mokai</i>	slave, pet
<i>mokopuna</i>	grandchild
<i>murū</i>	plunder
<i>noa</i>	ordinary, free from tapu or restrictions, safe, touchable
<i>nohoanga</i>	place of occupation, breeding grounds
<i>ope</i>	group of
<i>pa</i>	fortified village, or more recently, any village
<i>pa harakeke</i>	a whanau; hapu origins
<i>pa ti</i>	a whanau; hapu origins
<i>Pai Marire</i>	a religion
<i>pakaokao</i>	lateral lineages
<i>Pakeha</i>	European, non-Māori
<i>papa</i>	ground, earth
<i>papamoana</i>	seabed
<i>papatuanuku</i>	the earth
<i>patere</i>	the type of Tuhoe waiata that defines its territories, its mountains, and pa sites, and chiefs
<i>pepeha</i>	tribal saying
<i>pou</i>	upright post, support, pole, sustenance
<i>pou rahui</i>	sacred landmarks
<i>pou whenua</i>	long club
<i>pounamu</i>	greenstone, jade

GLOSSARY OF MAORI TERMS

<i>powhiri</i>	welcome, opening ceremony
<i>pukana</i>	stare wildly, grimace
<i>rahui</i>	restriction on access or prohibition on use of land or resources; reserve, preserve
<i>rangatira</i>	chief
<i>rangi</i>	sky, weather
<i>raupatu</i>	confiscation
<i>ringa kaha</i>	literally 'strong hand', but connoting the power to exercise physical force; conquest
<i>Ringatu</i>	a religion founded by Te Kooti Arikirangi Te Turuki
<i>roharohai</i>	common land, land shared by a number of iwi
<i>rohe</i>	boundary, territory, district, area, region
<i>rongoa</i>	medicine, remedy, solution to problem, take care of
<i>rongopai</i>	peace
<i>ruru</i>	morepork
<i>Taha Ngawari</i>	peaceful side
<i>taharua</i>	linkages to more than one iwi
<i>tahei</i>	rat traps
<i>take</i>	issue, grievance, cause, reason
<i>take ahi ka</i>	rights derived by keeping one's fires alight, connoting use and occupation
<i>take kite hou</i>	rights derived from discovery
<i>take raupatu</i>	rights derived from conquest
<i>take tipuna</i>	rights derived from ancestral connection
<i>take tuku</i>	rights derived from customary gift exchanges
<i>taketake</i>	root, origin, direct descent
<i>takiwa</i>	district
<i>takutai moana</i>	foreshore and seabed, but possibly connoting the inshore rather than the outer waters
<i>tangata tiaki</i>	caretaker
<i>tangata whenua</i>	people of the land, people of a given place
<i>tangi</i>	cry, weep, grieve
<i>taniwha</i>	supernatural guardian of water of waterway; protector
<i>taonga</i>	treasured possession, property
<i>tapu</i>	religious or spiritual restriction, sacred, consecrated, prohibited
<i>tatau pounamu</i>	'green doors' peace agreements
<i>taua</i>	war party
<i>tauiwi</i>	foreigner
<i>taumau</i>	arranged marriage
<i>tauranga ika</i>	traditional fishing ground
<i>tauranga waka</i>	traditional waka landing site
<i>tawhiti kiore</i>	rat traps
<i>Te Ika a Maui</i>	the North Island
<i>Te Moana a Toi</i>	Sea of Toi, Bay of Plenty
<i>Te Tini a Toi</i>	the multitudes of Toi
<i>tika</i>	correct, proper, fair, just, according to traditional ways

GLOSSARY OF MAORI TERMS

<i>tikanga</i>	custom, habit, rule, plan, method, rights, law
<i>tipua</i>	supernatural being
<i>tipuna</i>	ancestor/s
<i>tipuna taketake</i>	connections through ancestors
<i>tipuna whare</i>	meeting house
<i>tohunga</i>	specialist, expert
<i>tuakana</i>	elder brother
<i>Tuhoetanga</i>	Tuhoe culture, Tuhoe perspective
<i>tuna</i>	eel
<i>tupapaku</i>	dead body
<i>uri</i>	descendant
<i>urupa</i>	burial site, cemetery
<i>utu</i>	reciprocation, recompense, revenge, response, price
<i>wahi tapu</i>	sacred place, repository of sacred objects
<i>wai</i>	water
<i>waiata</i>	song
<i>wairua</i>	spirit, spiritual aspects
<i>waka</i>	canoe
<i>whakapapa</i>	ancestry, lineage, family connections, genealogy; to layer
<i>whakatea</i>	song admonishing those who had made them widows
<i>whakataki</i>	introduction
<i>Whakataauaki</i>	proverb, saying
<i>whakatauki</i>	proverb, saying
<i>whanau</i>	family, extended family
<i>whanaunga</i>	relative, blood relationship
<i>whanaungatanga</i>	ethic of connectedness by blood; relationships, kinship
<i>whanui</i>	broader family group
<i>whare</i>	house, building
<i>whare mairi</i>	house of learning
<i>whare mata</i>	house where equipment needed for fowling and fishing is made and stored
<i>whare whakairo</i>	carved house
<i>wharenuī</i>	meeting house
<i>whenua</i>	land, ground, placenta, afterbirth
<i>whenua tuku</i>	gifted land

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