Wai 898

IN THE WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND the Te Rohe Pōtae District Inquiry

DIRECTION COMMISSIONING RESEARCH

1. Pursuant to clause 5A of the second schedule to the Treaty of Waitangi Act 1975, the Tribunal commissions Dr Terry Hearn, an independent researcher, to prepare an overview research report on Māori economic capability and development issues in Te Rohe Pōtae inquiry district from the 1880s up to the present. This project is a result of the Tribunal's Chief Historian's rapid appraisal review of the Te Rohe Pōtae research casebook and subsequent discussions with parties to the inquiry (Wai 898, #6.2.43 and #2.5.126).

2. Complementing the existing casebook research, the report will provide a district overview of the main economic opportunities for Te Rohe Pōtae Māori from the 1880s to the present, Māori economic capability, any significant barriers to Māori economic participation, and the extent to which Crown legislation, policy and practice created or failed to mitigate such barriers.

3. The report will address the following questions and themes:

    a) Crown and Te Rohe Pōtae Māori perspectives on economic development:

        i. What general expectations did Te Rohe Pōtae Māori, the government and non-Māori have of the potential for the economic development of the district following the opening of the Rohe Pōtae in the 1880s and 1890s?

        ii. What main international and national factors relevant to the district's economy influenced government economic policy as applied to the district from the 1880s to the present day?

        iii. What main forms did the evolution of the district's economy, including land and resource use, take from the 1880s to the present day? What differences emerged between Māori and non-Māori economic participation?

        iv. How did Māori, non-Māori and Crown perceptions and expectations of the district's economic development path evolve from the early twentieth century to the present day?

    b) The economic impact of the land title regime and Crown land purchasing in Te Rohe Pōtae inquiry district:

        i. What was the impact of the processes of Māori land title adjudication and alienation on the ability of Te Rohe Pōtae Māori to make effective

economic use of their remaining land and resources for development purposes?

v. What opportunities and barriers were there for Te Rohe Pōtae Māori to raise commercial and state finance for land and resource development purposes?

vi. How effective was the creation of institutional forms of ownership and management intended to enable Māori control, such as incorporations and trusts, in facilitating Te Rohe Pōtae Māori land and resource development and engagement in the commercial economy?

vii. To what extent over time was either selling or leasing part of their land and resource base a viable means for Te Rohe Pōtae Māori to undertake the development of their remaining land?

viii. To what extent were Te Rohe Pōtae Māori able to engage in business opportunities in the district's commercial economy as it evolved?

c) Crown engagement with and response to Te Rohe Pōtae Māori economic development:

i. To what extent did the Crown envisage and plan for Te Rohe Pōtae Māori participation in the commercial economy? Did the Crown involve them in decisions concerning the design and delivery of government economic services, infrastructure and resources relevant to Māori?

ii. To what extent did the Crown consult Te Rohe Pōtae Māori leaders and communities on their development preferences and on mitigating any identified barriers to economic participation?

iii. How adequately did the Crown inform itself over time on opportunities for and obstacles to Te Rohe Pōtae Māori economic participation?

iv. Did the Crown take sufficient account of how its land purchase strategy in the district might affect the ability of Te Rohe Pōtae Māori to develop their remaining lands? In what ways, if any, did the Crown attempt to mitigate any negative economic effects and with what results?

v. How effective were Crown policies, programmes and administrative regimes in such areas as land tenure and management, access to finance, and technical inputs and know-how in mitigating identified obstacles to Māori economic participation and to developing Te Rohe Pōtae Māori land and resources?

vi. How did Crown assistance and mitigation for Māori compare with support for non-Māori land and resource development in the district?

d) Te Rohe Pōtae Māori economic capability, opportunities and outcomes:

i. What have been the economic outcomes for Te Rohe Pōtae Māori of development within their region? How do these compare with similar outcomes for non-Māori in the district?

ii. To what extent can Crown legislation, policy and practice be said to have been responsible for any disparities in economic outcomes?

iii. What employment opportunities did the district's commercial economy open up in the state and private sectors? What were the outcomes for Māori in labour force participation, employment and income and how did they compare with outcomes for non-Māori?

iv. What effect, if any, did Crown policy and practice, including employment, education and training programmes, have on Te Rohe Pōtae Māori employment and income outcomes?

v. What were the patterns of and reasons for Te Rohe Pōtae Māori migration to urban centres outside the district and abroad after the Second World War? Was Crown policy and practice a factor?

vi. What economic impact, whether positive or negative, did urban migration have on Māori communities in the district in terms of population, labour-force, income and economic activity?

4. A complete draft of the report will be circulated to claimants and the Crown for comment prior to the report being finalised.

5. The commission ends on 29 November 2013, at which time one copy of the final report must be submitted for filing in unbound form. An electronic copy of the report should also be provided in Microsoft Word or Adobe Acrobat format. Indexed copies of any supporting documents are also to be provided in paper and electronic copies as soon as practicable after the final report is filed. The report and any subsequent evidential material based on it must be filed through the Registrar.

6. At the discretion of the Presiding Officer the commission may be extended if one or more of the following conditions apply:

   a) The terms of the commission are changed so as to increase the scope of work;

   b) More time is required for completing one or more project components owing to unforeseeable circumstances, such as illness or denial of access to primary sources; and

   c) The Presiding Officer directs that the services of the commissionee be temporarily reassigned to a higher priority task for the inquiry.

7. The report may be received as evidence and the researcher may be cross-examined on it.

8. The Registrar is to send copies of this direction to:
   Dr Terry Hearn, independent researcher
   Claimant counsel and unrepresented claimants in the Te Rohe Pōtae district inquiry
   Director, Waitangi Tribunal
   Chief Historian, Waitangi Tribunal
   Manager – Research and Inquiry Facilitation, Waitangi Tribunal
   Inquiry Supervisor, Waitangi Tribunal
   Inquiry Facilitator, Waitangi Tribunal
   Solicitor-General, Crown Law Office
   Director, Office of Treaty Settlements
   Chief Executive, Crown Forestry Rental Trust
   Chief Executive, Te Puni Kōkiri

DATED at Wellington this 18th day of December 2012.

Judge D J Ambler
Presiding Officer
WAITANGI TRIBUNAL