OFFICIAL

BEFORE THE WAITANGI TRIBUNAL **WAI 898**
WELLINGTON

IN THE MATTER OF The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Wai 614

BRIEF OF EVIDENCE OF EDITH URUTAWHANA DOCKERY
Dated: 22 February 2013

RECEIVED
Waitangi Tribunal
22 Feb 2013
Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL

Introduction

1. I am Edith Uau Tawhana Dockery, the chairperson for the Te Maika Trust ("the trust"). To begin my story I refer back to the failure of Te Maika township.

Failure of Te Maika Township

2. The land taken in pristine condition and was now encumbered with a failed Native Township plan, land now surveyed into 90 different sections, vacant sections that are rated separately, and houses on the road that are occupying the area without paying rates and with no lease, but having the benefit of free-ranging over Te Maika; this situation still prevails today.

3. The rents for these lands have been an ongoing issue. In 1948 the Waikato Maniapoto Maori Land Board wrote to Koroki asking for consent to renew three leases. Koroki responded by saying "my chief formally advises you that he does not approve of the renewals at the rentals proposed but understands that irrespective of this approval the board will renew the leases on these terms." This shows that even the King knew that the Crown would not listen to his wishes over the land and its leases.

4. There was the cost of surveys at the request of Council, desecrated Wahi Tapu and urupa, weed and pest control problems, the section set aside for a school house had been sold and to this day the Te Maika Trust and Ngati Mahuta ask, how could the government or its agent, sell land it did not own?

5. The ongoing costs of administration, including the maintenance of buildings such as a shearing shed and a workers' bach, the problem with wandering stock, vandalism because we have no on-site caretaker, the costs the Trustees incur which are not included in a small meeting allowance they receive, to mention but some.

Maori Trustee

6. A loan for $60,000 (finally rising to 22% compound interest) was taken by earlier trustees in order to drain the swamp at Parawai. This loan was made from the Maori Trustee. It was unable to be repaid and remained a debt incurring interest until 1992, when the Trust owed approximately $240,000. The then Chairman Isaac Kuila, Tumate Mahuta, Dermot O'Shea and I went to Wellington to meet with the Maori Trustee to negotiate a reduction in the amount then owed.

7. Mr Luxton was the Minister of Maori Affairs and attended the meeting. We were reluctantly given a reduction, so that we were left with the original loan amount of $60,000, even though some of the interest had already been paid.

8. Once again the money that had been gained from rents and the sale of wool and stock had to be used to repay the debt instead of being used to fund improvements to the land such as weed control, fertilisation, improving sheep quality, fencing and the administration of leases.

9. The Maori Trustee, instead of assisting Maori, has hindered us at every step of the way since the loan was made.

Local Government

10. Since my appointment to the Trust in 1991 we have been dealing largely with the Waitomo District Council, which has been through 6 different Mayors and we are still dealing with no result.

11. These issues include the fact that there are still baches illegally built on a public road, which means that they do not pay rates or leases for this land.

12. Further to this the Trust pays rates on Te Maika but does not receive any of the services that rates usually cover such as water and power supply, rubbish collection, storm and wastewater disposal, animal control or a rural fire service. We also contribute to a road maintenance levy despite the fact that not only are there baches built on the road so you cannot drive on it, there is no road access to the peninsula in the first place, you can only access it by sea.

The Future

13. Who can tell what the future of Te Maika would have been without the intervention of the Government of the day?

14. The owners of Te Maika were left with a mess to deal with and the gifting of the land to their King was seen as the only means of gaining protection from a Government that ignored their rights under the Treaty, and even then that didn't protect it.

15. Previous presentations have dealt with the historic background. I have talked a little about the present day Trust's problems and frustrations. I have included a summary of the plan prepared by Mr Errol Balks for inclusion in the Waitomo District Council Long Term Plan (Annexed mark "A"). This plan was commissioned by the Trustees out of frustration at the lack of positive action from local government.

16. The Trust continues to deal with its duties within the limitations of income from the tenants. The rates alone were over $8,000 last year.

17. A major upgrade of the school building is needed so that it could be used as a base for school visits, and as an outdoor centre for study - Te Maika has

unique geological features and endangered species of worms as well as other natural sites of interests.

18. As Trustees, many of us have found the frustrations of the job stressful. The lack of sufficient funds to deal with the problems of Te Maika, and the day-to-day demands done at our expense, means that family life suffers.

Dated 22 February 2013

Edith UruTawhana Dockery