Appendix 1: Questions of Clarification for D Alexander in respect of his report, "Public Works and Other Takings in Te Rohe Pōtae District" (Wai 898, A63)

1. At page 19, you state:

> The Public Works Department sent a copy of the Notice of Intention to Take to the Native/Māori Land Court, but Registrars were not expected to inform owners unless it was easy for them to do so.

1.1 What is your authority for the statement that Registrars were not expected to inform owners unless it was easy for them to do so?

2. At page 31, you say that the first recorded use of the public works legislation in the Rohe Pōtae dates from 1903. However, at page 72 you state that the Public Works Act 1894 was first used in the Rohe Pōtae in 1897.

2.1 Are these two statements inconsistent?

2.2 What was the use of the public works legislation in the Rohe Pōtae in 1903?

2.3 By "public works legislation", are you excluding the "5 per cent provisions" of the Native lands legislation (since, at page 114, you state that the first known issue by the Governor of a warrant for laying off a road in the Rohe Pōtae district was in April 1888 in connection with the Mohakatino-Parininihi 2 block).

3. At page 58, you say:

> For about the first twenty years of colonial government, tracks generally followed the routes created by Māori, and there was a 'live and let live' attitude towards their use. Māori did not think about such tracks in terms of tolling their users.

3.1 However, in her Rangahaua Whanui report, "Public Work Takings of Māori Land 1840-1981" (May 1997, First Release) at page 36, Cathy Marr says that Māori sometimes did toll users.

3.2 Do you disagree with Ms Marr on this point?

4. At footnote 16, page 58, you state that:

> many countries in the world survive and prosper without requiring the type of statist freehold ownership of public roads practised in New Zealand.

4.1 Which countries are you referring to?

5. At page 63, you state that "Māori almost never asked for their land to be taken for public roads." However, at page 92 of her Rangahaua Whanui report, Cathy Marr, speaking of the post-war period, states that:

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> Reports of numerous negotiations over roads show, for example that where there seemed to be obvious economic benefit, Māori were keen for roads and often competed among themselves over where the roads should go. The first Public Works annual report noted that some delays in obtaining consent for roads arose from arguments among Māori as to whose land the roads would go through.

5.1 How do you reconcile your position with that of Ms Marr?

6. At page 63, you state:

> Although it might be argued that the provision of public roads would enhance the Māori land through which the roads passed, better enabling Māori to engage in commerce with the wider community, and thereby being of benefit to the Māori landowners, such an argument is a weak one.

6.1 Are you contending that Māori landowners obtained little or no benefit from roads?

7. At page 63, you state that roads could be destructive of existing occupational patterns. Apart from the effect of flood protection works at Otorohanga, which you mention at page 276, what examples do you give in your report?

8. At page 67, you state:

> There was legislation affecting some (but not all) settler-owned land that shared some parallels with that for Māori-owned land, but it was nowhere near as harsh. The 5% provision, with its associated time limitations, applied to European settlers who had purchased their land from Māori owners within the time period, meaning that potentially they could lose some of their land without being compensated.

8.1 Would you please clarify the legislation to which you referring?

9. In table 4.1 at page 109, you state that takings for roads from Māori-owned land in the Rohe Pōtae district was 81 per cent of the total gazetted takings. Would you please clarify how you calculate that figure?

10. Are you able to complete footnote 74 at page 110?

11. At page 123, you refer to a warrant issued in September 1902 for the Mangaroa block and record a notation on the survey plan that the owners did not "appear on the ground on the day appointed".

11.1 Do you have any information about the surveyor's making of the arrangements to meet with the owners?

11.2 Do you agree that, in the notation on the survey plan, the surveyor goes on to certify:

11.3 "That no Pa, Village, Native cultivation, or burial ground has been included in the road shown on this plan"?

12. Are you able to provide the extent of the road takings listed in:

12.1 Table5.5 (roads taken through customary lands); and

12.2 Table 6.1 (roads taken with payment of compensation)?

13. At page 298, you state:

> There were a number of instances in Te Rohe Pōtae where, in the absence of evidence to counter the special valuation presented by the Crown, the Native Land Court felt obliged to accept the Crown's evidence, and make that the basis for its award.

13.1 What do you mean by the words "felt obliged to accept" the Crown's evidence?

13.2 What examples do you provide of the Native Land Court having "felt obliged to accept" the Crown's evidence?

14. At page 578, you state:

> If the Cabinet decision authorised the acquisition of Māori-owned land at Tokanui, then it had been made without informing or consulting the Native Department.

14.1 What is the authority upon which you rely for the statement that the Native Department was not informed or consulted on the matter?

14.2 Would it not be the case that the Minister of Māori Affairs would have been privy to the relevant Cabinet papers?

15. At page 621, you note that, in January 1933, 484 ½ acres of Tokanui 1D1, 1D2 and C18B was declared to be Crown land.

15.1 Do you know the reason for the change of status?

16. At page 622, you state, with reference to the sale in 1938 of 224 acres 0 roods 22 perches of Tokanui C14B, C15B and C16B:

> After a public tender process, the land was sold to an adjoining owner for £1900; this amount had been paid to the Crown before the notice directing sale was issued [footnote omitted].

16.1 Are you suggesting some impropriety occurred in respect of this sale?

16.2 Do you mean that the successful tenderer paid the purchase money to the Crown before the Order in Council directing the sale of the land was issued?

16.3 Do you accept that the Order in Council was necessary in order to give title to the purchaser?

17. At page 625, you state that, in the 1950s, nearly 1,000 acres of the Waikeria property was transferred to the Department of Lands and Survey, including portions of Tokanui C14B, C15B, C16B and C17B taken from Māori owners in 1910, as well as some land the Crown purchased in 1910.

17.1 What was the acreage of the portions of Tokanui C14B, C15B, C16B and C17B transferred, and the acreage of the land the Crown had purchased in 1910?