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Wai 898, #3.1.22

THE WAITANGI TRIBUNAL

WAI No 898

IN THE MATTER

of the Treaty of Waitangi
Act 1975

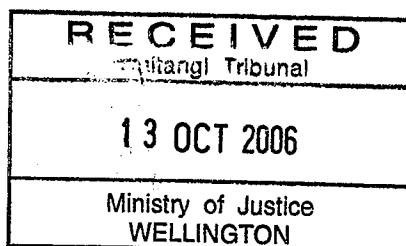
AND

IN THE MATTER

of the King Country
Claims

MEMORANDUM OF CROWN COUNSEL CONCERNING RESEARCH
REPORTS TO BE FILED ON THE COMBINED RECORD OF INQUIRY
FOR THE KING COUNTRY CLAIMS

Dated 13 October 2006



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MAY IT PLEASE THE TRIBUNAL:**Introduction**

1. This memorandum is filed in response to the oral directions of Judge DJ Ambler at the judicial conference in Te Kuiti on 3 October 2006 that counsel advise the Tribunal of any research reports from other inquiries that should be filed on the Wai 898 combined record of inquiry for the King Country claims. (These were confirmed by memorandum-directions dated 4 October 2006, Wai 898, # 2.5.5.)

Comment on Approach

2. In this memorandum we list several reports that clearly should appear on the record of inquiry. However, at this stage of the inquiry we understand that the Tribunal is also seeking to compile a list of research reports that may provide useful information, background or context, for a research programme for the King Country inquiry district. Thus, we also list in this memorandum a series of reports that might meet this objective.
3. In some cases these reports will not be relevant to the issues the Tribunal decides to inquire into in future. For this reason, we wish to reserve our position as to whether they should be placed on the record of inquiry. Put simply, at this very early stage a broader set of reports may potentially be relevant than at a later stage when there is greater focus on issues relevant to the claims that are made on the basis of research.
4. The second list set out below is therefore simply a list of secondary sources that ought to be consulted as context to issues that arise within the King Country. This list might form part of a research bibliography, or the case book review being conducted by Dr Vincent O'Malley.
5. The course of action proposed by counsel for Wai 1327; Wai 125; Wai 551, 948 & 846; and Wai 440 claimants in paragraph 4 of their memorandum is supported. The modification we suggest is that the case book review of generic/related research reports be used as a research bibliography that claimants and the Crown be consulted on.

Research Reports for Record of Inquiry

6. The Crown memorandum dated 19 September 2005 filed for the judicial conference listed a number of reports that should be filed on the record of inquiry. The list, with an additional document, is as follows:
 - 6.1 Alan Ward, "Whanganui ki Maniapoto", a preliminary historical report, Wai 48 and related claims. (Wai 48, # A20; and filed on other records of inquiry.)
 - 6.2 Cathy Marr, *Alienation of Maori Land in the Rohe Potae (Aotea Block) 1840-1920*, Rangahaua Whanui District 8, Waitangi Tribunal Rangahaua Whanui Series, December 1996.
 - 6.3 Alan Ward, *National Overview*, Volume III, Waitangi Tribunal Rangahaua Whanui Series, 1997, Chapter 8: The King Country.
 - 6.4 Cathy Marr, *Alienation of Maori Land in the Rohe Potae (Aotea Block Part 2: 1900-1960)*, Rangahaua Whanui District 8, Waitangi Tribunal Rangahaua Whanui Series, August 1999.
 - 6.5 Donald Loveridge, "The Crown and the Opening of the King Country 1882-1885", February 2006, A Report for the Crown Law Office (Wai 1130, # A72; Wai 903, # A76).

Other Research Reports

7. In addition to these reports are a number of generic reports that appear relevant to issues raised by these reports. As proposed above, these could form part of a research bibliography for use in constructing a research programme. These reports are listed and addressed under relevant topic headings. The bibliographies associated with these reports may also contain relevant published material that will assist in constructing a research bibliography.

Kingitanga

8. Ann Parsonson, "Te Mana o te Kingitanga Maori: a study of Waikato-Maniapoto relations during the struggle for the King Country 1878-84", MA Thesis, Canterbury, 1973 (Wai 167, # A22).

Native Land Legislation and Native Land Court Process

9. Donald Loveridge, "Origins of the Native Land Acts and Native Land Court in New Zealand", November 2000, (Wai 686, # P1); and the *précis* of this report, January 2005 (Wai 894, # L5). Dr D M Loveridge's report on the policies and debates from which the native land legislation in 1862 and in 1865 emerged covered relatively unexplored ground and supplies much of the context that informs the Crown on the background to the Native Land Court's statement of response regarding the Native Land Court. His report focuses on the generic policy approaches of the Crown to the colony as a whole. This report is unlikely to be directly relevant to the King Country claims but may provide useful background to a number of issues arising in the 1860s.
10. Robert Hayes, "Native Land Legislation post 1865 and the Operation of the Native Land Court in Hauraki", (Wai 686, # Q1; and filed on other records of inquiry). This report contains a generic analysis of native land legislation post 1865 that is used as a point of departure for considering the Crown's response to the claims concerning native land legislation.

Crown Purchasing Policy

11. Donald Loveridge, "The Development of Crown Policy on the Purchase of Maori Lands, 1865-1910", (Wai 1200, # A77); "Summary of Evidence of Donald Loveridge, The Development of Crown Policy on the Purchase of Maori Lands, 1865-1910: A Preliminary Survey", January 2005 (Wai 686, # L6). This is a generic study of Crown purchase policy. It will inform the Crown's understanding of, and response to, claims concerning Crown purchasing during this period. This is one of the foundation reports for the research report referred to in paragraph 5.5.

12. Michael Macky, "Crown Purchasing in the Central North Island Inquiry District, 1870-1890", November 2004 (Wai 1200, # A81), and the summary of this report, (Wai 1200, # A81(a)). Again, while not directly relevant to the King Country claims, this report contains specific consideration of the application of Crown purchasing policies and may be relevant as context and comparison for the Crown's activities in the King Country.

The Rohe Potae

13. Robyn Anderson, "Tongariro National Park", An overview Report commissioned by the Crown Forestry Rental Trust, April 2005 (Wai 903, # A52). This report touches on the Rohe Potae in Chapter Three drawing largely on Judith Binney's *Redemption Songs: A life of te Kooti Arikirangi Te Turuki* (1995, GP print, Wellington) and Cathy Marr's first report listed above in paragraph 6.2.
14. Cathy Marr, "The Waimarino Purchase Report: The investigation, purchase and creation of reserves in the Waimarino block, and associated issues", Report for the Waitangi Tribunal, 2004 (Wai 903, # A60).

Compulsory Land Alienation/ Public Works Takings

15. Cathy Marr, "Public Works Takings of Maori Land 1840-1981", Waitangi Tribunal Rangahaua Whanui Series, May 1997.

Twentieth Century Maori Land Administration

16. Don Loveridge, "Maori Land Councils and Maori Land Boards 1900-1952", Rangahaua Whanui Series, National Theme K, Waitangi Tribunal, Wellington, December 1996.
17. There are also a number of potentially relevant reports in the Twentieth Century Maori Land Administration Research Programme commissioned by the Crown Forestry Rental Trust with the goal of producing a set of well-researched studies on key institutions and processes to provide a reliable framework for research on the way Maori land has been dealt with in the Twentieth Century. A report with particular relevance to the King Country is John Hutton, "The Operation of the Waikato-Maniapoto

District Maori Land Board”, report written for the Crown Forestry Rental Trust, 3 May 1996.

Land Consolidation and Development Schemes

18. As part of the Maori Land Administration Programme, one of the set of topics was Maori Land Development. The overview report by Ashley Gould is relevant: “Maori Land Development 1929-1954: An Introductory Overview with Representative Case Studies” Report for the Crown Forestry Rental Trust, 1996. The case studies appear not to be relevant but we note that the Ranana Development Scheme is bounded on the north by the Waikato-Maniapoto Maori Land District.
19. Ashley Gould, “Maori Land Development Schemes, Generic Overview, c1920-1993”, An overview report commissioned by Crown Forestry Rental Trust, 24 September 2004 (Wai 1200, # A67). This reports develops and updates Dr Gould’s earlier work on development schemes and provides a foundation for assessment of all development schemes.

Native Townships

20. Leanne Boulton, “Native Townships in the Whanganui Inquiry District Research Report”, Report commissioned by the Waitangi Tribunal, Wai 903, # A39. Sections II, III, IV contain generic material, and there may be some overlap with issues in the proposed inquiry district in Section VII.

Reports not yet completed


21. In the context of the Whanganui inquiry reports have been commissioned on issues being addressed in that inquiry, which may have relevance to issues in the King Country claims. These are reports by:
 - 21.1 Marian Horan, “Te Aotea District Maori Land Council and Board, 1900-1950s”.
 - 21.2 Andrew Joel, “Government Purchase and Survey of Waimarino Block”.

- 21.3 Andrew Joel, "Allocation and Survey of Waimarino Seller Reserves and Government Purchase Policy with respect to Waimarino.
22. These reports will be made available for consideration when they are complete if it is considered they contain relevant information.

Conclusion

23. The research reports referred to in this memorandum are not an exhaustive list. They are listed in order to assist in getting a research programme underway. Counsel can assist further as necessary.

DATED in Wellington this 13th day of October 2006.

for 
Annsley Kerr/ Phirak Appleton
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal
AND TO: Claimant Counsel