Local Government on the East Coast

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Introduction

Tihei Mauri Ora
He mihi nui tenei ki a koutou o Te Tai Rawhiti
E nga mana, e nga reo, e nga karangatanga maha o te rohe
Tena koutou katoa
E nga whanau, e nga hapu, e nga iwi
Tena koutou, tena koutou, tena koutou katoa.

Local Government

Local government was an import from Great Britain, a very important tool in the colonial bag of tricks. In the old country, the municipal corporations – the cities, counties, towns, villages and boroughs – were ruled by a self-selecting oligarchy, either tradesmen's guilds or landed aristocracy, who made sure that the roads were in repair, that law and order was kept, and rates were collected. An established order was maintained. In the new colony of Aotearoa on the other hand, the traditional role of local government – those mundane matters of roads and bridges and wharves – became in fact the backbone of the new Imperial frontier. Without roads, the productive and exploitative potential of the land could not be reached. Without port facilities, trade and communications would flounder. Developing this infrastructure was so integral to the success of colonisation that, for the first 35 years after the Treaty of Waitangi, 'local government' was largely funded by the colonial treasury, not least through the profit generated by the Crown's sale of cheaply acquired Maori land to settlers. In this provincial period, 'local' government also included legislative and executive components.

It was not until after the New Zealand wars that local government was clipped back to a more traditional form. The formal system of local government developed since 1876 was made up

of many local authorities, both territorial and special-purpose. In the heavily indebted colony, rating was introduced to contribute towards the ongoing infrastructural development. Though separate, local government was subordinate to central government, as the powers of local authorities were limited to those conferred on them by Parliament through statute. Ever since 1876, local government in New Zealand has been characterised by the following general principles:

- Every local authority is created by an Act of Parliament, either by a special or local statute, or, more commonly, general legislation;
- Every local authority has its powers defined in the Act under which it is established, and under other general local government legislation, meaning it is unlawful for local bodies to exercise powers or fund works for any purpose other than those specified in its constituting Act;
- Each local authority has a specific district in which it operates;
- Every local authority is controlled by its own council or board;
- All local authorities rely on local taxes on land – rates - or levies on other local authorities. They are also empowered to borrow money for capital works, closely monitored by central government until 1986; and
- All local authorities can determine their own expenditure priorities, and are free to set their own overall levels of expenditure.

The role of local government has changed over time, with an increasing trend towards centralisation. Functions once seen as being of local concern, such as the provision of health and education services, have subsequently become the responsibility of central government. The second reform of local government in the late 1980s resulted in the privatisation of many former local government functions and the delegation of responsibility for resource management to newly created local authority units.

The following report is an historical account of the development of local government on the East Coast, with a particular focus on the impact of this development on tangata whenua. It is the result of over a year's work, commissioned by the Crown Forestry Rental Trust in March 2008, following the scoping report on the same topic, by the same author. Two broad issues that emerged from the scoping exercise were the Crown's failure to protect the existing te tino rangatiratanga of tangata whenua on the Coast (through, for instance, empowering legislation), and the similar failure to ensure equal opportunity for participation in the local government regime that developed from 1876.

The scoping report envisaged that a full report would explore and describe the role of local government in the transition of power and control on the East Coast from what was exclusively a Maori preserve, to that of the landed Pakeha newcomers. It would document how Maori local self-government – te tino rangatiratanga – has been affected by local government legislation. It would demonstrate, in some detail, the extent to which Maori were prevented from taking part in local government and the consequences of this in terms of service provision. And it was hoped that such a report would inform current debates surrounding rangatiratanga and representation issues in local government on the coast.

Project Brief

The Project Brief required a consideration of the legislative background and development of local government, both on the East Coast specifically, and within the national context. In addition, within the broad themes identified above, a number of issues were listed for further inquiry:

Self-government:

- To what extent were Maori structures of tribal organisation (including hapu, runanga, komiti, and Maori councils) effectively exercising 'local government' functions for their communities after 1840?
- To what extent were they precluded from continuing to do so by a lack of legislative provision and funding support for Maori self-government? What was the effect of this?
- Why were Maori in the northern part of the East Coast able to maintain cohesive tribal governing structures and provision for their own local needs for a longer period of time? Select case studies that reflect the way Maori historical experience of local government on the East Coast varied by location.
- How has te tino rangatiratanga over resources been impacted by the increasing influence of local government over time? Consider the events surrounding the Potaka Marae hatchery as a case study.

Participation and Representation:

- Document the early development of local government on the East Coast. What, if any, provision was made for tribal participation in the local government machinery?
- What has been the level and nature of the ongoing interaction between local government and Maori institutions? To what extent has local government sought to consult and cooperate with tribal bodies?

- Analyse the extent of Maori participation in and representation on provincial and county government bodies. What has been the effect of systems based on rates and individual land tenure on the franchise and representation of East Coast Maori?
- Assess the factors behind and effects of commissioner control of Matakaoa County from 1933. Consider the extent to which county rates were applied to debt servicing, and the extent to which residents were considered in the reunion with Waiapu County.
- How did local government reforms in the late twentieth century impact on Maori representation? Assess the impact of the 1989 amalgamation of the Gisborne District Council, including the disposal of county assets.
- What are the reasons behind the current under-representation and lack of participation of East Coast Maori in local government? Document the disbandment of the Tangata Whenua Standing Committee in 2001.

Provision of Service:

- Assess the impact of low levels of representation and involvement of Maori in local government on the provision of services to Maori.
- To what extent have Maori interests been considered and provided for in the past compared with Pakeha ratepayers? In particular, analyse the delivery of services (including the role of central government) in the areas of: road development; electricity supply, the East Coast Rabbit Board, Town and Country Planning bodies, and contemporary issues (such as water supply, sanitation, roading, and cemeteries).
- What has been the effect of building, planning, and zoning restrictions on East Coast Maori, and did these effects include migration to urban centres? Consider the specific Treaty of Waitangi claim relating to the Uawa County Council.
- What was the effect of the increasing responsibility of central government (particularly Maori Affairs) for local government functions?

In the interests of coherence, these issues have been reorganised to some extent in the report. In a small number of specific cases research has failed to turn up any information. In line with the scoping report recommendations, the activities of ad hoc local authorities such as harbour boards, hospital boards, rabbit boards, power boards, river boards and catchment boards are not dealt with in the report, for the reason that the functions of many of these authorities fall within the parameters of the Environmental Impacts Report.

Statements of Claim

Many of the statements of claim relate to the Crown's failure to protect te tino rangatiratanga, either through failing to recognise or provide for tribal ownership, control, protection and use of resources or taonga (such as harbours, rivers, foreshore and seabed) or by vesting management and control of such resources or taonga in local bodies.[1] In particular the following Acts are cited:

Constitution Act 1852
Native Lands Act 1863
Harbour Boards Acts of 1866, 1878, 1908
Municipal Corporations Act 1867
Gisborne Harbour Empowering Act 1884
River Boards Act 1908
Bylaws Act 1910
Town and Country Planning Act 1926
Rabbit Nuisance Act 1928
Harbour Boards Act 1950
Soil Conservation and Rivers Control Amendment Act 1959
Maori Purposes Act 1960
Counties Amendment Act 1961
Water and Soil Conservation Act 1967
Town and Country Planning Act 1953
Local Government Act 1974
Town and Country Planning Act 1977
Resource Management Act 1991
Local Government Act 2002
Foreshore and Seabed Act 2004

It is claimed that hapu have been prejudicially affected by the power of local government to make bylaws, or that local body bylaws have prohibited hapu from exercising customary rights (Wai 272, 976, 1331).

There are claims that the Crown's failure to protect te tino rangatiratanga lies in its relinquishment of this duty to colonial government (and provincial and local government),

[1] Wai 63, 129, 971, 976, 1080, 1093, 1270, 1272, 1273, 1282, 1288, 1291, 1300, 1302, 1303, 1318, 1319, 1321, 1331.

allowing the New Zealand Parliament “to impersonate a sovereign” (Wai 1319, 1300). Parliament and local government, it is claimed, have failed to recognise Maori law and self governance and have no jurisdiction over tangata whenua (Wai 1288).

Alternatively, it is claimed that the right of kawanatanga ceded to the Crown in Te Tiriti required consultation with tangata whenua. The failure of both central and local government to consult hapu over land and resource management constitutes a breach of the principle of partnership, and a failure to act with the utmost good faith (Wai 1273, 1282).

Claims are made regarding planning, in particular that the Town and Country Planning Act 1953 prevented Maori from building on their land, forcing tangata whenua to migrate to cities (Wai 1270, 1291, 1318).

In addition to the general claims summarised above, specific claims were made about the following issues:

- Gravel extraction from the Waiapu river (Wai 173, 1183, 1187);
- Sewerage disposal (Wai 1000, 1089), and into the Waiapu river (Wai 1183);
- Reserves and other Lands Disposal Act 1948 – validating the sale of land vested in fee simple in the East Coast Rabbit Board (Wai 1303);
- The taking of land by the Uawa County Council for a night soil reserve, and its return to the owners as a campsite, with new building restrictions (Wai 272); and
- Tolaga Bay wharf – land taken not returned to owners, and no compensation (Wai 1331).

At a claimant hui held in Gisborne on 2 August 2007, the idea of positing a study of local government on the East Coast within the broader context of rangatiratanga was generally approved of by those present. A number of contemporary issues were raised which can be categorised as the ongoing lack of service, poor representation in local government, and the continuing impact of local government on te tino rangatiratanga.

A number of specific issues that were raised at CFRT claimant hui have not been addressed, such as the sale of council houses at Te Puia post-1989 local body amalgamation. Nor has information regarding the sale of land by the East Coast Rabbit Board come to light. There are many aspects of a study of local government that overlap with other reports commissioned for the East Coast Inquiry District. Richard Towers has reported on rating, which historically has been the basis of local government representation and invariably tied to service provision. The

Environmental Impacts scoping report proposes to review past resource management by local authorities, and the degree to which Maori have been involved in, and affected by, management decisions. As a result, this report deals primarily with territorial local authorities, although it should be noted that, based as they were on county franchise, the same issues around representation are applicable to the special purpose bodies. County government initiated many of the public works takings, which have been covered in a separate report by David Alexander, and counties were also instrumental in central government's establishment of native townships, explored in the report of Heather Bassett and Richard Kay. Finally, the East Coast Commissioner has also had an impact on representation, and the research on the East Coast Trust by Tony Walzl and Christine Taylor has informed this report.

The report is divided into two parts. Part One sets out the historical development of local government on the East Coast until 1989. Part Two explores contemporary issues arising since the amalgamation of the Gisborne District and the delegation of resource management functions to local government. In particular, the case studies of the Tangata Whenua Standing Committee and the Potaka Marae hatchery are examined to inform contemporary debate about Maori representation on local government, and the impact of local government on te tino rangatiratanga.

In order to meet the sensitivities of claimants regarding identity and manawhenua, the term 'Ngati Porou' has been used throughout the report only when the sources on which the narrative is based have used that appellation, and to describe the iwi entity which came to the fore of tangata whenua politics after the wars of 1865, based around the lower Waiapu Valley under the leadership of Rapata Wahawaha, Mokena Kohere, and others.

The Author

Heoi ano. Ko Jane Luiten taku ingoa. E noho ana i Kirikiriroa. No Ngati Tiriti ahau, ara, he Pakeha. I have a BA (Hons) from the University of Waikato. I have worked as a researcher for the Waitangi Tribunal from 1990–1993, principally on the *Ngai Tahu Report (1992)* and the *Ngai Tahu Ancillary Claims Report.* In 1995 I was employed by Te Runanga o Tuwharetoa Ki Kawerau to report on the historical background to their claims. I am currently self-employed as an historical researcher. This project has been undertaken for HistoryWorks Ltd. I would like to thank A. J. Weir from SKM who created the maps in the report, for her patience and creativity in achieving the desired result. I would also like to acknowledge the help of Matekino Smith and Jason Koia who saved many hours of research by providing documents

relevant to the background of the Potaka Marae hatchery. I appreciate too, the assistance of the records staff of Gisborne District Council, both at Gisborne and Te Puia, and the staff at Te Puni Kokiri, Gisborne. Tena koutou katoa.

Executive Summary

The role of Maori in local government

In initiating the local government reform pushed through in 1989 the government co-ordinating committee made the observation that Maori had not historically enjoyed any special provisions in local government as tangata whenua.[2] The observation was not particularly profound, or even new: the exclusion of Maori from the local government regime was remarked on in Parliament by Native Minister Carroll 90 years before.

The invisibility of Maori within local government is also reflected in reviews of local government development, such as they are, that have taken place periodically in the twentieth century.[3] Dalmer and Southern's post-war critique of rural local government for example condemned the "mercenary or parochial self-interest" resulting from the weighted voting privileges of the wealthy land-owning class.[4] Encapsulated in the title of this survey, the contributors argued that counties were at a crossroads, and rural New Zealand doomed if local government rulers continued to pursue their narrow focus on facilitating farming operations and improving the value of their land at the expense of promoting benefits for the wider community. No mention of Maori was made, despite the fact that at this point Maori were, in many districts, a large component of the rural New Zealand community.

The parliamentary-inspired local government reviews of 1945 and 1960 are similarly silent with regard to Maori. They are in fact, a non-issue. One might expect more commentary in a modern history, such as Bush's *Local Government & Politics in New Zealand*, but while some analysis is made of representation issues and the way in which electoral systems historically have produced local government bodies that do not reflect the community, once again, the history is markedly silent on the Maori dimension in this analysis. Even within Hayward's study targeted at local government and the Treaty of Waitangi, the historical analysis behind the lack of Maori participation and representation is thin, the focus being on more contemporary issues. The subject then, is a new one.

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[2] Hayward, p.6.
[3] E. Dalmer and H. Southern, *Counties at the Crossroads: A Survey of Rural Local Government in New Zealand*, Christchurch, The Caxton Press, 1948; F. B. Stephens (ed.), *Local Government in New Zealand*, Wellington, Department of Internal Affairs, 1949; J. G. A. Polaschek (ed.), *Local Government in New Zealand*, New Zealand Institute of Public Administration, Oxford University Press, 1956.
[4] Dalmer and Southern, p.38.

The dearth of any discussion may arise, in part, from the lack of any statutory bar to Maori participation and representation historically. In fact, the lack of such a bar has been used to support the myth of New Zealand as an exemplar of colonial best-practice, the 'inclusion' of indigenous peoples in the franchise dating back to Grey's umbrage at the Colonial Office's 1846 edict to include only those men who could read and write in English. Why then, are the bearded men staring steadfastly from past local body photos Pakeha?

Chapter 1: Local government in the provincial era

The report begins by considering the early provision for municipal government in the new colony and explores the underlying principles behind its development. Chapter 1 also explores the limited provision for Maori local self-government, particularly in districts such as Te Tairawhiti which remained beyond the pale of Pakeha settlement for the entire provincial period.

Directed at the geographically and disparate Pakeha toeholds on Aotearoa soil, the earliest piece of local government legislation nonetheless set out the ideological basis behind it: the good health and convenience of inhabitants; local knowledge and interest in local affairs; and the promotion of self-reliance and respect for the law. The Municipal Corporations Ordinances of the Crown colony period recognised the longstanding principle that no one should have the power of taxation, or of spending those taxes, who had not himself contributed. But in view of its objective, all male residents were to participate, with provision for a financial contribution in lieu of rates for those not owning property. Crown and Maori land were exempt from rating.

Municipal government – those mundane matters of roads and bridges and bylaws – was intended to be the nursery of eventual self-government, but these early provisions of the Crown colony period did not meet the expectations of new immigrants, who were as equally reluctant to shoulder the cost of financing the requisite public works through property taxes. Under the system of provincial government established by the Constitution Act 1852, local government matters became the preserve of the provincial councils. Each province, and originally there were six, varied considerably in area, population and wealth, and each had a legislative council with a wide jurisdiction extending to hospitals, education, police and prison.

The qualification to participate in provincial government was relatively liberal for its time, amounting to a small household franchise. Plural voting - the entitlement of an elector to vote

in every electorate in which property was held - was a feature of this local government system that was to prevail for well over a century. The generosity of the franchise can be attributed to the way public works were financed throughout the provincial period: through the profit made by the Crown's Treaty-based monopoly on the purchase of customary Maori land at a nominal price, and the onsale of the same for considerably more. This profit was called the land fund, and a large portion of this revenue was returned to the provinces to be expended on the requisite public works to facilitate settlement. There was no individual income tax or general property tax during this provincial period.

In the small defined districts where a direct property tax was involved, franchise became much more closely guarded. A subordinate level of local organisation evolved in the provincial era as Pakeha settlement crept inland and away. The precursor of the county government that followed, road boards were the creatures of provincial government, empowered to make and maintain roads and bridges within a defined district, and to levy and collect rates on the real property within to pay for it. Self-interest dictated that such districts were small. Board members were elected by paid-up adult ratepayers (the gender bar being an early casualty of road board legislation). Significantly, the number of votes of any one ratepayer rose in proportion to the value of property held (and the rates paid), a phenomenon described in the report as "weighted voting". This too, was to be a lasting feature of New Zealand's local government regime. In addition to rates raised, road boards were the legal entity to receive land fund subsidies. Again, both Crown and Maori land were exempt from rating, effectively removing tangata whenua from the process.

It is manifestly clear that the local government system introduced to New Zealand was intended exclusively for Pakeha. While not explicitly barred from participating, the fact that electorates were drawn from Pakeha settlement meant that Maori outside these townships were effectively shut out from participating in provincial government. Auckland Province, into which the East Coast fell, was a vast geographical area extending over half of the North Island, but the initial electorates were clustered around Auckland and its suburbs, and new electorates were only created once the satellites of Pakeha settlement - Marsden, Franklin, Mongonui, Raglan etc – warranted it. The negligible presence of Pakeha on the East Coast meant that it was 1873 before Turanga was granted a single seat on the 44-member provincial council. The Poverty Bay Highways Board, established three years before, was one of 116 district roads boards operating in province. The £438 of rates collected by the board in 1873

was topped up by as much again from provincial government coffers, and more than tripled by central government subsidies.

A fundamental issue of this report is what local government sought to replace. Te Tiriti o Waitangi, signed by the chiefs of Te Tairawhiti, guaranteed to them and their hapu te tino rangatiratanga "o ratou wenua o ratou kainga me o ratou taonga katoa." Under Article 3 they were to be granted "nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani." The constitutional problems this posed for the colonial power remain unresolved to this day.

Contrary to such guarantees, from the outset the Crown envisaged that resolving the tension in the Treaty – between Crown sovereignty and Maori rangatiratanga – was only a matter of time. Within the early constitutions of 1846 and 1852, political reality dictated that government regulation – whether municipal or provincial – only applied to areas of Pakeha settlement. The setting aside of aboriginal districts in both constitutions where Maori laws, customs and usages were to prevail, although compliant with the terms of the Treaty, was not envisaged to be permanent. As Earl Grey expounded in 1846, "…with the advance of the natives in the arts of civilised life, the provincial district will progressively extend into the aboriginal, until at length, the distinction shall have entirely disappeared." Indeed, the native districts envisaged by the constitution were never established and little was subsequently done by the Crown to support Maori to codify or enforce their practice of te tino rangatiratanga. As set out above, Pakeha settlement would expand; Maori would assimilate – problem solved.

Te Tairawhiti was just such a "native district" outside the provincial purview, and left largely left to its own customary devices, at least as far as local government was concerned. Local government, in Pakeha terms, could only take root once the government had secured political control of an area, either with force or with the cooperation of tangata whenua. It is no coincidence that its beginnings on the East Coast trace back to 1870, following military intervention in the area and a continued military presence.

Chapter 2: County government

The East Coast Inquiry District is largely a rural one, and the study of local government is, until 1989, primarily a study of the five constituent counties of Cook, Waikohu, Uawa, Waiapu and Matakaoa. Heavily in debt, and set on an ambitious public works programme, by the 1870s the New Zealand government could no longer sustain the business of colonisation on customs duties and dwindling land fund revenue alone. Faced with the inevitability of

territorial taxation, in 1876 the provincial system was replaced by the division of the country into counties, incorporated municipal bodies empowered to undertake public works and regulate local affairs within each district, and to levy and collect rates in order to do so. The emphasis in local government became local accountability to ratepayers, those individuals listed as occupiers on each county's valuation roll. The basis of a local government system on the rating of individual land titles is a fundamental issue in a consideration of local government and Maori. Even in areas where East Coast Maori retained a relatively large proportion of their land, the practice of local government became the preserve of the Pakeha newcomers to the area. In counties where large-scale land alienation occurred, it remained so. One half of the story of the development of local government on the East Coast therefore, is that of the imposition of a system in which Maori did not participate. Chapter 2 explores the issues of franchise, functions, and funding of county government over time, and the repeated attempts at reforming the system in the interests of democracy and effectiveness.

Following the establishment of county government after 1876, in addition to the obvious consequences of land alienation, few Maori had the opportunity to be ratepayers until the twentieth century. Maori land was kept out of the rating system until 1882. From 1882 to 1904 the "five mile rule" prevailed, in which Maori land within five miles of a public road was liable for rates. This was extended in 1904 to include all Maori freehold land. In the deliberate absence of any mechanism to take into account communal ownership, however, the continuing dependence on Maori land to finance developing infrastructure was not matched by increasing franchise. The "nominated owner" system developed in the 1890s was formalised in 1908, with only one listed owner of multiply-owned land enfranchised in local government politics as a result. The 1920 amendment regarding defaultors can also be seen to have played a major role in keeping Maori participation to a minimum.

The restriction of county franchise to a rate-paying constituency can be seen to have its roots in municipal provisions within the provincial era, but its adoption in the 1876 local government reform was deplored by a number of politicians at the time, including the country's past governor (Grey), particularly when rates were to be supplemented by publicly-funded subsidies and grants. Moreover the weighted franchise, giving wealthy landholders three times of the clout of more modest farmers, ensured that rural local government remained in the hands of the landed elite. Both the weighted and plural franchise provisions were at odds with developments both on a national level and within urban local government. Nor, as the report demonstrates, did the inclusion of residents in the rural franchise in 1944 substantially alter the power dynamics. The endurance of such privilege until the 1970s and

1980s can be regarded as rural local government's dirty little secret, relegated, for example to the footnoted fine print in the 1945 Select Committee's Report. On the East Coast, post-World War Two, the primary strategy to keep Maori out of county office became the configuration of riding boundaries.

Chapter 3 – The Counties of Cook, Waikohu, Uawa

Having set out the national context, the report turns to consider its application on the East Coast. Research bears out the different experiences of Maori and local government, depending on the extent of land alienation and Pakeha settlement. In the southern half of the Inquiry District, land alienation after 1880 was rapid and widespread, and the local government regime had little reason to take Maori communities into account. Sharing as they do a similar pattern of Pakeha settlement, the development of the counties of Cook, Waikohu, and Uawa is considered in a single chapter. The fact that the records of Waikohu and Uawa Counties have not been located has resulted in an incomplete account, further adding to the 'invisibility' of the Maori communities within their boundaries.

In their history of the East Coast, Oliver and Thompson have described the outcome of the 1865 war, particularly the last battle at Waerenga a hika, as "the hinge of fate" for the Maori coast.[5] In terms of local government, this report contends that the real watershed for the East Coast came in the 1870s. The failure of the Crown to provide for existing Maori local self-government through committees coincided with the unilateral establishment of Pakeha county government over the district. Research has revealed that post-1876 a number of Maori communities on the coast organized to control the extent and pace of Pakeha settlement, and sought to participate in the new order. It is contended that these aspirations were the basis of the Rees-Pere trusts (that led instead to the East Coast Native Trust), subsequently disallowed by the government and the Native Land Court. For the hapu south of Tokomaru, the result of the Crown's failure to protect and provide for this autonomous self-government was spectacularly devastating: the alienation of much of their tribal estate, and the transfer of control of the district to Pakeha hands.

Counties were structured, for the purposes of finance and representation, on the riding unit: a geographical area thought to reflect a community of economic interest. Over time, disaffected ridings often broke away from their parent county to form counties in their own right. Waikohu County was constituted in 1909 from the former Cook County ridings of Waikohu

[5] Oliver and Thompson, p.93.

and Waipaoa. As at 1911, Pakeha outnumbered Maori by about five to one and accounted for 98.6 per cent of the rateable value in the new county. By 1945, although Maori now accounted for one-third of the county population, collectively they still occupied less than 2 per cent of the county's rateable value. Less detail is known about the relative Maori/Pakeha occupancy in the Uawa County, established in 1918 from the former Tolaga Riding of Cook County, because the county's rates books were not located. One factor materially impacting on the ability of Te Aitanga a Hauiti to participate in local government as ratepaying electors was the East Coast Commissioner control of their lands from 1900. For in the case of leased trust estate, it was the lessee as occupier who was enfranchised.

Chapters 4 & 5: Waiapu County

From Tokomaru north, tangata whenua were able to retain the ownership of their land for a longer period. This affected the pace of Pakeha settlement, and therefore the impact of local government. Moreover, the limited extent of Pakeha settlement until the turn of the century meant that Maori autonomy was more transparent. The development of Waiapu County from 1890 to 1920, considered in Chapter 4, provides an insight into the role of local government in facilitating, rather than simply reflecting, Pakeha settlement, and the processes that were involved.

The establishment of county government in 1876 was devoid of any overarching philosophical basis, and in fact the vesting of power in the propertied elite and the exclusion of all other non-propertied residents runs counter to the ideological principles espoused in 1842. The counties set up at this time were little more than glorified road boards, compelled by both the stick of rates, and the carrot of subsidies and grants, to pursue the self-interest of their farming activities. That said, the role of these authorities in 'opening up' the rural hinterlands cannot be overstated. In many respects, county councils were the busy fingers of colonisation, determining the pattern of settlement and development in rural New Zealand.

A study of the first 30 years of the Waiapu County Council demonstrates the degree to which this pattern was guided by the council, its decisions over road development determined by the influence of ratepayers and business interests, and sponsored by close links to government funding and the statutory might of Parliament to reinforce its chosen course. Private gain was guaranteed by public risk in the way of grants, loan debt, and future rates payments. The chapter examines the role of the county council in the establishment of native townships, the development of the Tokomaru harbour, and the briding of the Waiapu river to illustrate these points.

Within all of the county chapters, the issues of comparative representation, enfranchisement and service provision are explored. In the case of Waiapu County it has been possible to establish both the cause and extent of Maori disenfranchisement in local government at different periods from the county rates books. The results have been mapped and graphed for effective presentation in Chapter 5. That the report deals mainly with the counties of Waiapu and Matakaoa is a reflection of the available historical sources.

The structural discrimination preventing Maori from participating in local government was essentially assimilationist in intent. From the earliest visit of Native Minister Ballance in 1885, in response to opposition to the Cook County Council's road alignment, East Coast communities were exhorted to "pay rates, and be elected, or elect members" in order to have a stake in the new order. The same rhetoric was used by Native Minister Coates at Waiomatatini in 1923, when complaints regarding the inequity of service provision were aired: "[G]et your own sections, your own houses, a wife apiece, and we will see whether we can carry out your finance and supervision."[6] Since the nationwide application of local government in 1876 Maori have repeatedly been told that the "privileges" of participation would come once they shouldered the "responsibilities." This rhetoric was the bedrock behind local body pressure to fully haul Maori into the rating regime from the 1920s–1940s. The whole basis of local infrastructural development based on an individual property tax can be seen as a large component in the assimilationist policy to have Maori conform to this eurocentric norm.

In many parts of New Zealand where Maori comprise but a small portion within a larger Pakeha population, the inequity of representation and service provision is perhaps not as readily apparent. In terms of local government, Maori simply disappear. Within the Waiapu and Matakaoa Counties, however, the large proportion of Maori population and their retention of a significant land base throws the inequities within the local government system into sharp relief. Standing outside of the rating regime, Maori on the East Coast were served poorest and last. The needs of traditional Maori communities were ignored altogether. Research indicates that even rate-paying Maori farmers got the raw end of the deal. By 1920, the road infrastructure in the Pakeha south was in place and well maintained. The poor service to Maori farmers on the other hand was the subject of bitter complaint in 1933, and it was another 30 years before road access was extended to the Maori farmers in the north. The discrimination was structural, due largely to the inherent inequity of the riding system in which poorer ridings struggled to meet their county commitments with little left over for road development. Another material factor in such late provision was the level of county

[6] *Poverty Bay Herald*, 27 November 1923; Towers DB:1345.

indebtedness incurred for the benefit of Pakeha early on. It is difficult to quantify the impact of poor access on economic and social opportunity for Maori whanau, but the fact that this was acknowledged by Maori Affairs staff and even the Matakaoa Commissioner at the time, indicates that the lack of service provision substantially contributed to the outward migration of Maori from the district from the 1950s, and the economic stagnation of the coast as a whole.

Chapter 6: Matakaoa County

Maori communities of the East Coast, to an extent unparalleled in New Zealand, attempted to meet local government requirements in terms of productive land use through the emulation of Pakeha pastoral farming and the pioneering of land consolidation and development. The story of Matakaoa County arguably exposes the assimilation myth for what it is.

The creation of Matakaoa County in 1919 provided the best opportunity yet for Maori to participate as ratepayers in local government. Having cleared the requisite hurdles of paying rates on productive farms as individuals, under the prevailing rhetoric Maori should have had a stake in local government. Indeed three of the eight inaugural councillors were Maori. The county began am ambitious works programme, building a wharf at Hicks Bay and developing a roading infrastructure which had been neglected under Waiapu County. In the slough of depression, a commissioner was put in charge of the struggling county by the government, to make sure the county debtors were repaid. Commissioner control was maintained for the next 35 years. The report examines a number of received stories surrounding Matakaoa County:

- That Maori ratepayers were to blame for the collapse;

In fact, by 1932 there was widespread default from all ratepayers hurting in the global depression. Maori defaulting in Matakaoa was off-set by five separate rates compromise payments negotiated by a sympathetic Ngata between 1928-1932. It is also the case that the debt was sanctioned in the first place by the Pakeha ratepayers, who largely benefited from the road development.

- That government intervention helped stave off the creditors;

In fact, the government stepped in because a number of the county debts were unsecured, and recourse to a receivor would have left these creditors without remedy. Commissioner control was a deliberate devise invoked to make sure the creditors got paid.

- That commissioner control would be temporary;

Ratepayers were assured that commissioner control was to last only until the county was out of financial trouble. This fiction was maintained by the commissioner's three year terms, which were rolled over with increasingly little thought. Ratepayer anger came to a head in 1937 and was appeased by promises to maintain the existing road infrastructure. As quid pro quo, no new works were to be undertaken. A material factor behind the decision not to return the county to ratepayer control was that it would mean a Maori council.

- That commissioner control "rehabilitated" the county;

For the duration of commissioner control rates in Matakaoa County were applied to paying back debt with no corresponding service or benefit to the county ratepayers. The result was white flight and economic stagnation. Many Maori farmers did not get road access until the 1950s with the aid of Maori Affairs finance. The Hicks Bay wharf, the asset for which much of the debt had been incurred, was left to deteriorate.

The commissioner's administration of the county is recorded in Internal Affairs archives, and the sorry story is detailed in Chapter 6. The reluctance to return the county to Maori ratepayer control raises the issue of Article Three Treaty abuses by the Crown. It should also raise questions regarding the ultimate purpose of local government in terms of the interests that it serves.

Chapter 7: Planning

From the 1960s onwards, planning became an increasingly important function of county government. Chapter Seven explores the development of rural zoning and subdivision, and the impact of the application of national planning guidelines on Maori settlement on the coast. The emphasis on Waiapu County is again a reflection of the availability of sources, but the problems it created apply to Maori communities the length of the coast.

It has been found that early planning principles did in fact negatively impact on Maori. The guidelines against sporadic settlement, ribbon development along main highways, and 'uneconomic' subdivision were all directly opposed to the existing landholding patterns of the East Coast; patterns wrought not so much by Maori custom but by decades of Native Land Court activity, by title consolidation, and by the establishment of dairy units to take advantage of existing roads.

The Town and Country Planning Act 1977 was the first occasion where Maori interests were stipulated as a consideration to be taken into account in local government planning, but only

in so far as the wider "public" interest was protected. The most exciting development of the Waiapu County in its closing years is the dawning recognition that as a result of their numerical strength, Maori were in fact the 'public'. Such a development was only realised once ratepayer privilege was ended and a Maori majority on council achieved, a coincidence which serves to highlight the relationship between representation and service provision. Waiapu County Council's district scheme review of 1989 is possibly unique in New Zealand for its proactive stance towards the utilisation and retention of Maori land, which would be an example to many district councils today. The fact that this was possible to achieve within existing legislation is also instructive for modern day planners. The amalgamation of 1989, however, has had the effect of reducing Maori within this Inquiry District once again to the status of an interest group; an interest group whose interests, including the statutory directive to take into account the principles of the Treaty, can only be considered in as much as they do not, once again, compromise 'public' interests. The review of planning regulations includes a survey of current provisions for rural settlement under Gisborne District Council administration.

The impact of local government on te tino rangatiratanga

Autonomy, self-government – or te tino rangatiratanga in this report – are terms used to describe the practice and aspirations of a Maori collective to "manage its own affairs, members, and possessions."[7] The impact of local government legislation on the ability of East Coast Maori to continue to practice te tino rangatiratanga over their traditional resources is a recurring theme in their statements of claim. The issue is double-edged, incorporating both the failure of the Crown to recognise and protect the independent use and development of tangata whenua institutions, as well as the increasing encroachment by local government into areas of Maori autonomy and resource management.

The failure of the Crown to actively protect and provide for te tino rangatiratanga is increasingly seen as the fundamental issue behind all Treaty breaches. Indeed, the gradual ebbing away of Maori autonomy on the East Coast has its roots in a range of factors beyond the purview of local government issues. The challenge for this report has been to confine the study of diminishing autonomy to the impact of the local government regime, and the failure of government to recognise Maori local governance. It should also be borne in mind that the exercise of rangatiratanga, although necessarily local, should not be confused with 'local

[7] R. S. Hill, *State Authority, Indigenous Autonomy: Crown-Maori Relations in New Zealand/Aotearoa 1900-1950*, Wellington, Victoria University Press, 2004, p.13.

government', which, for most of New Zealand's history, has been restricted to a Parliamentary delegation of very defined and narrow powers to statutory local bodies.

Evidence of tangata whenua autonomy has been incorporated into the chapters on a chronological basis. The survey of such expressions of autonomy is far from complete, and latter developments in tribal organisation from the 1960s have not been included. Again, in doing so, the dual aspects of tangata whenua autonomy must be kept in mind: that which was government-sanctioned tribal organisation, and that which was the spontaneous tangata whenua-driven expression of te tino rangatiratanga. It is perhaps no accident that the two modern-day case studies in Part Two also fit within this paradigm: the one initiative designed to improve the Maori voice within the existing local government system, and the other insisting on their right to manage themselves and their resources without.

As Ward and O'Malley have shown with regard to the nineteenth century, government provision for Maori local self-government within "native" districts – in 1860, 1883, and 1900 – was primarily directed at appropriating existing structures for the Crown's own ends, and often as a means to curb rising demands for te tino rangatiratanga. Such provisions were invariably undermined by subsequent Crown policy, either through a lack of funding or competing jurisdictions. The trend of 'native' legislation has been an ever-decreasing role for Maori local governing entities: in the 1870s, the envisaged committees were to determine land title and judicial matters, as well as the regulation of local affairs within the district. By the 1900 legislation, very limited (and unfunded) local government functions were separated from land questions, and the judicial role was dropped.

Richard Hill has demonstrated that this trend has continued into the twentieth century, with, for example, the takeover of Maori land development initiatives by the Native Department, and the Crown's appropriation of the independent and spontaneous MWEO organisation after World War Two. By the time of the Maori Health Councils in 1920, the focus of such bodies was further reduced to a few health and sanitation issues. Despite official recognition for Maori local bodies, such as the post-1945 tribal committees, to regulate matters such as their traditional fishing grounds, over time these jurisdictions too have been whittled away to nothing. From a district control in the 1870s, to the control of village affairs in the early part of the twentieth century, today the encroachment of government regulations can be seen to have extended onto the marae atea itself.

The impact of the local government system on the East Coast, in concert with the Crown's continuing failure to provide for local Maori self-government are far and wide-ranging, encompassing as it does the transfer of control over development, natural resources and in more modern times, regulations over land use. It has involved at least two major movements of communities; the first to take up consolidated titles in the vicinity of a road in the face of continuing council neglect, and the second away from the district altogether in search of a livelihood. While the second of these migrations cannot be blamed entirely on the activities of the local government, the systemic prioritising of Pakeha farming interests over and above those of local Maori communities has played its part. The planning regime from the 1960s onwards has also been a contributing factor.

Part Two – modern developments in local government

Part Two explores relatively recent changes in local government wrought by the reforms since 1989, including the rationalisation of territorial authorities and the delegation to them of important resource management functions. It is acknowledged that this review stretches the bounds of an "historical" report, but it is included nonetheless given its importance and relevance to ongoing concerns Maori have with local government. The reform, undertaken at a time when the Treaty had become part of the national discourse, promised much for Maori. It has delivered considerably less. The purpose of this section of the report is to illuminate and inform current debate surrounding local government issues on the East Coast and nationally. The contemporary case studies in this section point to the conclusion that the problems besetting New Zealand's first governors are no closer to resolution.

Chapter 9 sets out the story of the Tangata Whenua Committee, which began as a combined initiative by the Gisborne District Council and tangata whenua of the region to provide a Maori voice in local government. Mindful of statutory obligations under the Resource Management Act 1991, early attempts embracing a Treaty-based partnership gave way to a more cautious agreement to include a representative committee as part of the council's duty to meet the needs of its communities. Approved in principle, the Tangata Whenua Committee became bogged down over representation issues, and was then axed by the council. Research reveals that the committee was in fact built on shaky ground, possessing for example a dual terms of reference to bridge the gulf in expectations of councillors on the one hand, and tangata whenua on the other. Together with the government's abject failure to incorporate the Treaty guarantees within recent local government legislation, the story of the Tangata Whenua Committee demonstrates the continuing inability of New Zealand to make room for a Maori

voice in Pakeha-style local government. Even when attempts to incorporate Maori representation are genuine, they fall down in the implementation, as Pakeha insist on Maori fitting within existing paradigms and practices. The limit on numbers for the Tangata Whenua Standing Committee is a case in point. The Maori Advisory Councils Bill of 1989 similarly proposed to limit the number of members on such councils to ten. Pakeha continue to place their faith in 'representative' democracy as a means to achieve an equitable community outcome, even in the face of the acknowledged failure that the outcome is anything but.

Contrary to the assimilationists' dream that the Maori penchant for te tino rangatiratanga will fade, on the East Coast recurring demands for the rights promised in the Treaty have been manifested in almost every decade. The Potaka Marae hatchery, the subject of Chapter 10, is but the latest chapter. It is the subject of specific claim. In 2004, primarily as a response to the Crown's foreshore and seabed policy, a hatchery was built on Potaka Marae, under "tikanga", a symbolic assertion of hapu rights to local marine resources and, ultimately, te tino rangatiratanga. The political stand was a joint venture between the newly established tribal authority and the resident hapu of Te Whanau a Tapaeururangi. Under intense public and government pressure to comply with local body building codes and resource consent, nowhere was the conflict over compliance fought harder than on the marae itself. The case study raises fundamental questions regarding the nature and extent of customary and Treaty rights, and the challenge this poses to local government. In the last twenty years, legislation and local government policy statements have included references to such Treaty guarantees. The modern-day case study highlights the gulf between policy and practice. Despite ongoing and lengthy litigation in the Maori Land Court, the basis of the hatchery on tikanga has not been resolved, or even seriously considered. A national constitutional debate on the customary and Treaty rights of Maori seems long overdue.

Part One:

The Historical Development of Local Government

1. Local Government in the Colonial Context: 1840-1876

> Whereas it is necessary that provision should be made for the good health and convenience of inhabitants of towns and their neighbourhood, and whereas the inhabitants themselves are best qualified as well as by their more intimate knowledge of local affairs as by their more direct interest therein, effectually to provide for the same, and whereas the habit of self-government in such cases has been found to keep alive the spirit of self-reliance and respect for the laws, and to prepare men for the due exercise of other political privileges, be it therefore enacted…[8]

1.1 Introduction

For the first 12 years following the Treaty of Waitangi, Pakeha New Zealand was ruled as a Crown colony under a governor with almost unlimited powers, assisted by Crown-appointed Legislative and Executive Councils. Despite regular and repeated calls from both colonists and the Colonial Office for the development of municipal institutions to control local affairs, throughout this period successive governors kept a tight rein on the colony, denying to Pakeha settlers even the "stale crumbs of petty government."[9] When Pakeha residents gained representative self-government through the Constitution Act 1852, local government functions were given to the provincial councils which also enjoyed a large measure of legislative freedom. Importantly, provincial councils also gained control of the land fund which was used in preference to a self-imposed property or income tax to fund local public works. The provision of municipal institutions, either as boroughs in the towns or as road boards in the outlying districts, extended only as far as Pakeha settlement, and expanded as Pakeha settlement took root. Maori in outlying districts were outside provincial jurisdiction.

Although far from exhaustive, the following account of municipal development in the provincial era attempts to tease out the underlying principles driving local government, particularly the fundamental issues of representation and finance. It also explores the limited provision for Maori particularly in districts such as Te Tai Rawhiti which were beyond the

[8] Preamble to Municipal Corporations Ordinance 1842.
[9] A. H. McLintock, *Crown Colony Government in New Zealand*, R. E. Owen/Government Printer, Wellington, 1958, p.268.

frontier of Pakeha settlement. It then reviews developments on the coast in relation to the issue of local government.

1.2 Local Government in the Crown Colony, 1840-1852

Colonial Office directions regarding local government were conveyed in the earliest instructions to newly-appointed Governor Hobson in December 1840. Included in the lengthy (and mostly impractical) directives to Hobson was that to begin a survey of the colony, dividing it into counties, hundreds and parishes – mimicking the English model of local government – the inhabitants of each to be granted, "the franchises, immunities, rights and privileges" enjoyed by their English compatriots, "as far as the circumstances of the said colony may admit."[10] In his covering letter enclosing the instructions, Secretary of State for the Colonies Lord Russell exhorted Hobson to promote, "the establishment of municipal and district governments for the conduct of all local affairs, such as drainages, by-roads, police, the erecting and repair of local prisons, courthouses and the like."[11] Deemed too politically immature for self-government, the development of municipal and district institutions would, it was thought, satisfy settler demands for representative governance in the fledgling colony.

As it was, the circumstances of the colony did not admit of much. Hobson sought to delay the establishment of local government until settlements were, in his opinion, sufficiently populated and prosperous to manage and finance their own affairs, in order to avoid the government having to deal with the "enormous expense" which might follow the rash of haphazard establishment of municipalities.[12] Notwithstanding this reluctance, and with the interests of the New Zealand Company settlements of Cook Strait principally in mind, in 1842 a Municipal Corporations Ordinance was passed which provided for the incorporation by proclamation of municipalities for any settlement comprising more than 2,000 souls. The preamble was set out at the beginning of this chapter. Twelve-member borough councils were to be elected annually by all male inhabitants of full age. This liberal franchise was tempered by a 20 shilling voting fee payable by men without rateable property, to uphold the principle that "it is not fitting that any man should have (directly or indirectly) any power of taxing the inhabitants of any borough or any share in the management of the funds thereof who shall not himself contribute thereto" (Section 12).

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[10] Russell to Hobson, 9 December 1840, *IUP BPP* vol.3 1841[311] p.39.
[11] Ibid, quoted in W. P. Morrell, *The Provincial System in New Zealand, 1852-76*, Whitcombe & Tombs, 1964), p.28.
[12] McLintock, p.268.

The councils to be established under this 1842 ordinance were empowered to make and maintain the facilities required by settlement: roads, streets, bridges, wells, waterways, sewers, as well as make bylaws for the prevention of fires and nuisances, the establishment of marketplaces, and the watching, paving, lighting and cleaning of streets. It was also empowered to levy a rate on real property within the town, and impose tolls on public facilities, and to borrow money on the security of such tolls. The measure was described unfavourably by the southern representative to the Legislative Council as, "being based upon the principle of unlimited self-taxation with very limited powers of self-Government…"[13] Port Nicholson was incorporated as a borough under the ordinance in July 1842. However the legislation was subsequently disallowed by Britain: it transgressed on Crown prerogatives regarding the erection of lights and beacons, and also purported to vest Crown waste lands within the borough in the corporation.[14] In 1844 a second attempt was passed, minus the offending clauses. The 1844 revision also exempted Crown land and Maori land from the borough's rateable property. The ordinance was never subsequently gazetted or implemented, apparently being overtaken by the controversial 1846 constitution (see below).

By 1845 the steady stream of petitions from New Zealand colonists and their supporters in London for representative self-government gained the attention of the British Parliament. In June 1845 the colony was the subject of an unprecedented three-day debate in the House of Commons. Although there was general support for the principle of representative self-government, the particular circumstances of New Zealand – the scanty and scattered Pakeha settlements, the alleged dearth of leaders, and the problems of enfranchising a large Maori population – resulted in a consensus that self-government would best be implemented by way of municipalities, albeit "… with extensive powers of local taxation, and of meeting all local demands … widening their sphere by degrees according as the land becomes settled and peopled."[15]

When Grey took up his role as governor shortly after, he was encouraged by the Secretary of State to press on with the establishment of municipal bodies with the authority to make bylaws and impose taxation for local purposes. In particular Grey was instructed to proclaim municipalities at Auckland, Wellington, and Nelson under the unused 1844 ordinance. To further accommodate settler aspirations of self-government, each of these municipal corporations would have the right to nominate a representative to the Legislative Council,

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[13] Minutes, Legislative Council of New Zealand, 18 January 1842, quoted in McLintock, p.268.

[14] Crown 'waste lands' in this context meaning lands owned by the Crown that were not set aside for any Crown or public purposes; making them 'waste' and available for sale to settlers.

[15] Prime Minister Peel, *Hansard,* third series, vol.lxxxi, cols. 950-1, quoted in Morrell, p.33.

which would in turn amend the Municipal Ordinance of 1844 to widen municipal powers to include local courts of justice, the foundation and support of schools, and requisite public works. "In effect," wrote Stanley, "each of these communities should enjoy as much of the right of self-government as may be reconciled to the subordination to the Colonial Legislature in everything which affects the welfare of the colony at large, or the general interest of the colonists."[16] Municipal government was to be the nursery of eventual self-government. When Gladstone took over from Stanley in January 1846, the new Secretary of State again impressed on Grey the importance of establishing municipalities as a means of self-government. The guiding principle, Grey was told, was that colonists "should undertake as early and with as little exception as may be, the administration of their own affairs."[17]

In keeping with the tenor of the 1845 debate, municipal institutions took the leading light in the constitution drafted by Colonial Secretary Earl Grey the following year and enacted by Parliament. Within the two provinces (New Ulster and New Munster) created by the New Zealand Government Act 1846, areas of Pakeha settlement were to be incorporated as municipalities, called boroughs, each based around a capital town. Each such borough was to have a mayor, aldermen, and council elected by those men within the district who occupied a tenement and who could read and write in English. The council was empowered to make bylaws for the "good order and government of the borough," including the making and maintenance of roads; the erection and repair of public buildings; the maintenance of police; the adjudication of justice of the peace disputes; the suppression of nuisances; the draining, paving, lighting, watching and cleaning of streets; the establishment of schools and hospitals; and the imposition and collection of rates on property. Each borough would be represented in the provincial assembly according to its contribution to revenue.

These local government provisions were not to extend outside the pale of Pakeha settlement. Rather, the Act provided for "aboriginal districts" to be set apart in which Maori laws, customs, and usages, "in so far as they are not repugnant to the general principles of humanity, shall for the present be maintained."[18] Pakeha within these districts would live by tribal lore. "The chiefs or others, according to their usages, should be allowed to interpret and to administer their own laws," wrote Earl Grey, but this tribal self-government was only ever intended to be temporary:

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[16] Stanley to Grey, 29 November 1845, quoted in Morrell, p.34.
[17] Gladstone to Grey, 31 January 1846, quoted in Morrell, p.35.
[18] Royal instructions, chapter XIV, encl. in Earl Grey to Governor Grey, 23 December 1846, *IUP BPP* vol.5 1847 [763], p.87.

> With an increasing British population, and with the advance of the natives in the arts of civilised life, the provincial districts will progressively extend into the aboriginal, until, at length, the distinction shall have entirely disappeared.[19]

McLintock has described the 1846 constitution as, "a classic illustration of the extent to which the doctrinaire mind can divorce itself from the plain facts of reality."[20] In any case, Grey had different ideas, both as to local and central governance. He had earlier conveyed his disapproval of the idea of municipal government, arguing that such authorities would, "endeavour to usurp an authority which did not belong to them, and, neglecting their own duties, would busy themselves with those properly belonging to the Legislature."[21] In terms of the larger issue of representative self-government provided for in the Constitution Act 1846, he successfully argued that the colony was not ready for change, primarily on the grounds that Maori would not submit to the political dominance of a handful of Pakeha.[22]

As a result of Grey's advice, the constitution was suspended for five years in December 1847. The suspension was not supposed to apply to the pattern of municipal institutions set down in the constitution. In debating the Suspension Bill, Peel saw no reason why municipal government should not be granted immediately, "making in respect to them no distinction between European and native blood, but dealing with the population as on the footing of British subjects."[23] In practise however, prevarication by Grey was followed by his proposals for Provincial Legislative Councils formulated in 1848. Over the next four years the governor continued to push for local government at the provincial level, although the colonists themselves considered these subordinate legislative bodies unnecessary, as well as "cumbrous, expensive, and ostentatious."[24] According to Lieutenant-Governor Eyre, the New Zealand Company settlements sought a central legislative assembly, in conjunction with municipal government, "in its widest and most ancient sense."

Instead, under Grey's provincial scheme, municipal institutions were merely incidental to "those large powers of self-government" of the proposed provincial legislatures, which were indeed given a considerably wider jurisdiction.[25] Rather than rising through the municipal corporations, two-thirds of the provincial legislative power-house was to be directly elected: by literate Pakeha men with a small property qualification, and by Maori men with a

[19] Ibid, Earl Grey to Governor Grey, 23 December 1846, p.73.
[20] McLintock, p.287.
[21] Governor Grey to Stanley, 27 January 1846, quoted in Morrell, p.35.
[22] McLintock, pp.289-90.
[23] *GBPD*, 14 February 1848, quoted in McLintock,p. 293.
[24] Lieut.-Governor Eyre's speech in Legislative Council, 18 June 1851*, IUP BPP* vol.8 1852 [1475], p.42.
[25] Governor Grey to Earl Grey, 29 November 1848, *IUP BPP* vol.6 1850 [1136], p.12.

considerably higher property qualification or certification from the governor himself. In a subsequent revision, Grey proposed that electoral districts would be constituted only from those portions of the province densely inhabited by Europeans. In those districts, a common rate of franchise would be fixed for both races. Similarly, Maori and Pakeha living outside these electoral districts would be equally disenfranchised.[26]

To his superiors in London, Grey continued to argue that the disparate and geographically isolated nature of Pakeha settlement, particularly in the face of commensurate tribal military strength, made central government impractical. Conversely, the establishment of an "ordinary European settlement" – exclusively Pakeha municipalities – in what were essentially Maori districts, he argued, would quickly lead to jealousy and harassment. What was required then, was a means to gradually incorporate Maori into British settlement "with mutual advantage to both races."[27] At the close of 1851 the Colonial Office could be forgiven for thinking this had in fact occurred, as Grey reported to it that:

> Each European settlement has also now attracted to its vicinity, or contains mixed up with its white inhabitants, a considerable Maori population. In these cases both races already form one harmonious community connected together by commercial and agricultural pursuits; they profess the same faith; resort to the same courts of justice; join in the same public sports; stand mutually and indifferently to each other in the relation of landlord and tenant, and are insensibly forming one people.[28]

In a further plug for provincial government as the five-year moratorium on constitutional change was drawing to a close, Grey set out his objections in more detail. In contrast to the perception of municipal government as a training ground for higher things, the pettiness of office, the frequency of meetings, the carelessness of law-making were all posited as reasons why municipal government would not attract the best leaders, rural participation, or public interest, and, ultimately, would prove fatal as the principal means of governing the country.[29]

Notwithstanding his disdain for municipal institutions, in August 1851 Grey submitted a charter for the incorporation of the borough of Auckland. The area between the Waitemata and Manukau harbours, including the town and surrounding districts, was divided into 14 wards, each returning one resident member, a device Grey prided himself would result in a council "in which every class and portion of the borough may be fairly represented."[30] The generous franchise – for male householders of six months residency – did not exclude Maori,

[26] Governor Grey to Earl Grey, 24 October 1850, *IUP BPP* vol.7 1851 [1420], p.58.
[27] Governor Grey to Earl Grey, 30 August 1851, *IUP BPP* vol. 8 1852 [1475] p.21.
[28] Ibid, p.22.
[29] Ibid, p.23.
[30] Governor Grey to Lieut.-Governor Wynyard, 29 July 1851, *IUP BPP* vol.8 1852 [1475], p.16.

but, Grey reassured New Ulster Lieutenant-Governor Wynyard, the small number of Maori resident in Tamaki West, "will be practically found to exercise but little influence even in the return of a single member."[31]

The Auckland Borough Council was to have all the usual powers of local government with regards to the maintenance and development of the local infrastructure, including the construction of necessary docks, basins, locks, wharves, quays, piers and landing places to facilitate trade and commerce. The borough council would also be empowered to establish its own police force, schools and hospitals; to impose rates on property, real or personal, and to make bylaws for the "good order and convenience of the borough." In addition to the rates and tolls imposed by the council, the council's public works programme would be funded from one-third of the gross proceeds from the sale of Crown land in the district.

The objections of the town's propertied class to the Auckland charter illuminate the perennial tensions at work within local government regarding representation and funding. The petitioners described as a "mere mockery" the power to impose additional taxes on themselves, rather than being given control of public expenditure: either the large customs revenue or similarly large land endowments. Conversely, the nub of their grievance was that the power of direct taxation, through a rate on property, had been extended to those on whom the weight of payment would not fall. They instanced the four military pensioner wards – representing little property – having a "preponderating power" in taxing the three Auckland wards encompassing the most valuable property in the district. Maori, too, should not be included for the same reason:

> your petitioners approve of the principle of admitting the native population, by degrees, to the elective franchise, yet they object to the conferring on them of power to influence the imposition of taxes which they cannot be called upon themselves to pay; for that, as no rate can be levied upon any land not comprised within a grant from the Crown, the natives, as well as the pensioners, may be enabled to tax without contributing.[32]

The failure to both provide a sufficient endowment, by grant of Crown lands or otherwise, or to restrict voting and taxing power to those on whom the payment of the taxes would fall was deemed to be "un-English." In the event, Auckland's municipal charter was superseded by the provincial arrangements of the Constitution Act 1852, discussed below.

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[31] Ibid.
[32] 'Petition of inhabitants of Auckland', sub-encl. 2 to encl. in No.48, *IUP BPP* vol.9 1854 [1779] p.105.

In the absence of municipal institutions throughout the Crown colony period, the Legislative Council had the diverse functions of a colonial legislature and a municipal corporation, legislating on a range of matters which, at the mundane level normally reserved to municipal government, included cattle trespass, wandering dogs, fencing and footpaths. One such Act, a forerunner of road boards to come, was the Public Roads and Works Ordinance 1845. On the petition of a majority of owners or long-term occupiers of land in any defined district, such area could be proclaimed a highway district by the governor. Annual meetings of freeholders or long-term leaseholders would determine whether to levy a rate and, if so, to then elect seven commissioners from among themselves to carry out the works. In addition to main roads, these Highway Commissioners were empowered to make and maintain other public works such as bridges, waterworks, sewers, market places and landing places, and to levy rates for defraying their expenses. Labour could be given in lieu of money for rates payment and once again, Crown land and Maori land was exempt.

The absence of municipal development in the Crown colony period then, was not solely due to the lack of enthusiasm on the part of the governors, but also to the reluctance or inability of settlers to fund public works through a self-imposed tax on real property. McLintock's assessment suggests that Grey's enthusiasm for provincial government over a strong central legislature was motivated by selfish reasons, principally his unwillingness to share power. His insistence that these same provincial legislatures should assume municipal functions is understandable in the context of colonisation, where local government was not merely required to maintain and regulate existing infrastructure, but to build the edifice of settlement from the foundations up. Given Grey's liberal and egalitarian tendencies (in theory, if not in practise) which despised the privileges of property and class, his promotion of representative institutions based on inclusive franchise, transparent processes, robust debate and public scrutiny can arguably be seen as an attempt to democratise local government.

1.3 Constitution Act 1852

The Constitution Act 1852 was shaped in large measure by Grey's advice. The Act established the six provinces of Auckland, New Plymouth, Wellington, Nelson, Canterbury and Otago, each with its own elected superintendent and provincial council of not less than nine members. The provincial legislatures were given power to "make and ordain all such Laws and Ordinances … as may be required for the Peace, Order, and good Government" of each province, provided that these were not repugnant to the Laws of England. The exceptions to this wide purview were set out in Section 19. Provincial government could not legislate on

matters regarding customs duties; civil or criminal courts; currency; weights and measures; post office and mail; bankruptcy and insolvency, beacons and lighthouses; shipping dues; marriages; Crown land and customary Maori land; discriminatory laws against Maori; criminal law, and inheritance laws.

Based around the principal Pakeha port settlements of the time, the six provinces varied considerably in area, population, demography and wealth. By far the largest and most populous, Auckland province encompassed the North Island down as far as Mokau on the west coast, and the 39th parallel of latitude on the east. The East Coast was included in this vast area. New Plymouth on the other hand, had less than one-fifth of Auckland's Pakeha population, and one-tenth of its customs revenue.[33] Although the Act provided for the creation of municipal corporations, for many years these were unnecessary – the councils performing the municipal functions in the settlements – and only became so as settlement spread to outlying areas.

The 1852 Act also established a bicameral General Assembly with an appointed Legislative Council and an elected House of Representatives. Within the terms of the Constitution, the General Assembly was given supremacy over the provincial councils, having power to legislate on the matters of general interest to the colony listed above, with the exception of Maori Affairs (control of which was still reserved to the Governor). Control of the administration of Crown land was given to the General Assembly and surplus revenue from taxes, duties, and the sale of Crown land was first subject to appropriation by it before its distribution to the provinces. Much of its power however was undermined by Grey's delay in calling the Assembly together before his departure in December 1853, and his financial arrangements of August 1853 which passed revenue to provincial government without the authority of the General Assembly.[34]

The qualification, both to stand and to vote, applied equally to the provincial councils and to the General Assembly. This was limited to men of 21 years of age, with a freehold estate worth £50, or a leasehold estate of three years duration worth £10; or a householder with a town tenement worth £10, or rural tenement worth £5. Qualified men could vote in every electorate in which they held property. However the configuration of electoral districts for the two legislative tiers differed. Although Maori were not explicitly debarred from voting, Grey's proposal that the electoral districts of each province include only those areas which were occupied by a large European population was adopted, although in the Act provision was

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[33] R. H. Wynyard, Address to the General Assembly, 27 May 1854, *IUP BPP* vol.10 1860 [2719] p.33.
[34] McLintock, pp.374-6.

made for the extension of provincial electoral districts as Pakeha settlement increased. With regard to the General Assembly, however, Earl Grey advised that provision should be made for those qualified living outside the provincial electorates, and this sentiment was carried through in the Act.

1.4 Financing Public Works

In the first decades of the colony, in addition to financial assistance from the empire, colonisation was funded in two principal ways. The least unpopular revenue-raising device, among Pakeha at least, was an indirect tax on imports and exports: a customs duty. This was imposed on goods from 1841 onwards and Maori were large contributors to this source of revenue. The disenfranchisement of Maori under both the 1846 and 1852 constitutions despite their considerable tax contribution was the reason behind the Civil List designation of £7,000 for "native purposes", a fund that remained under the control of the governor. [35] By 1867 McLean estimated Maori were contributing £45,000 every year in customs duties.[36] The customs revenue was used to meet the expenses of the general government, with a portion returned to the provinces, in proportion to their collection.

A second source of revenue, and one related directly to public works, was the land fund. It had its basis in the Crown's right of pre-emption set down in the Treaty of Waitangi and reiterated in the Constitution Act 1852. As Earl Grey explained in 1846: "It is the mode by which, with least inconvenience and difficulty, funds can be realised for emigration, and for executing those public works which are necessary for the profitable occupation of the soil; in short, it is the very foundation upon which systematic colonization must be based."[37] Essentially the Crown, through its pre-emptive monopoly, purchased land from Maori at a nominal price and on-sold it to settlers for considerably more. The profit, once all the costs had been defrayed, was to be applied in developing the requisite infrastructure needed for settlement, and, initially at least, 15 percent of it was supposed to be set aside for Maori purposes. The rationale for Maori skeptical of the merits of the Crown's low purchase prices was that:

> … the Crown receives the money so paid for land only as trustee for the public, and that it is applied for their [Maori] benefit as forming part of the community; that the price obtained for land which is sold to settlers affords the means of constructing roads and bridges, of building churches and schools, and of introducing an additional European population; thus really conducing far more to their advantage than the paltry supply of

[35] Governor Grey to Earl Grey, 30 August 1851, *IUP BPP* vol. 8 1852 [1475] p.32.
[36] *NZPD* 1867, p.458.
[37] Earl Grey to G.Grey, 23 December 1846, *IUPBPP* vol.5 1847 [763] p.70.

goods which, if they sold the land for themselves, they would obtain for it.[38]

From the time of its signing there was controversy over the tribal property rights which had been acknowledged by Te Tiriti. Earl Grey, the New Zealand Company and many Pakeha considered that Maori property rights extended only to land under tribal occupation that was actively cultivated or utilised; the rest being 'waste lands' over which the Crown could assume ownership.[39] The Colonial Office's dream of obtaining vast areas of these waste lands were not directly realised, not least because Governor Grey pointed out the impossibility of enforcing such a policy on Maori who did not see any land as unclaimed, unused, or otherwise 'waste'. Nonetheless, the waste lands philosophy underpins the nominal payment to Maori for their land. It also explains the lack of gratitude – or even acknowledgement – of the fact that Maori effectively financed the colonisation of New Zealand through the cheap sale of their land.

This land fund, or territorial revenue as it was also called, was considered to be a public estate, for the benefit of the community as a whole. Grey referred to it in debating the Counties Bill in 1876 as the inheritance of every man, woman and child in New Zealand.[40] In 1851 he initiated the first municipal land fund subsidies to finance local public works, with the added ideological object "to induce all persons inhabiting the colony to take an interest in the disposal and management of the waste lands of the Crown."[41] The Land Fund Appropriation Ordinance 1851 provided that one-third of the gross proceeds from the sale or lease of Crown land be returned to the hundreds or to the municipalities from which it derived, to be expended on public works in the area. This subsidy became an important principle of municipal financing, made sacrosanct in the financial understanding reached between provincial and general government in 1856. The 'localisation' of the land fund in this manner increasingly led to the demand that the expenditure on public works in any district should be proportionate to the amount of land purchased, or, put another way, the expectation from land-owners that they had 'paid' for public works in the relatively high price of the land they purchased from the monopoly vendor, the Crown. Large land-owners, having paid more, expected more. One final observation is the fact that the land fund was a finite resource: customary Maori land could only be on-sold for a profit once.

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[38] Ibid.
[39] That is, this version of 'waste lands' refers to 'unused' Maori land to be assumed by the Crown, whereas the more usual form of 'Crown waste lands' consisted, as noted earlier, of land acquired more formally from Maori by the Crown and available for sale to settlers.
[40] Grey, 18 August 1876, *NZPD* 1876, p.460.
[41] Governor Grey to Earl Grey, 25 June 1851, *IUP BPP* vol.8 1852 [1475] p.1.

Under the terms of the Constitution Act, of the gross profits from Crown land sales, one-fourth was to be paid to the New Zealand Company in settlement of its claims (although this was a short-lived expedient). Half of the net balance was to fund government emigration schemes, and the remaining half distributed to the provinces, in proportion to their contributions to it. From an early stage provincial governments sought to gain control over the land fund. After all, as Morrell explains, "the control of the lands and of the land revenue, out of which the money for public works and immigration would come, meant simply the control of colonisation, and the whole point of the provincial system lay in the fact the New Zealand was being colonised provincially."[42]

In the first session of the General Assembly the Provincial Waste Lands Act was passed, empowering the General Assembly to vest the control of the lands and the administration of the land revenue in the hands of the provincial councils. Following the achievement of responsible government, the "compact of 1856" was hammered out in Parliament. By contracting a half million pound loan in London, this agreement saw the South Island provinces take over the government's debt to the New Zealand Company and the North Island provinces assume liability for a land purchase fund, which would no longer be a drain on the land fund. On this basis, the land fund was given over to the provincial governments "to be dedicated to Public Works, Immigration, and other local purposes, giving value to the waste lands from the sale of which it is derived."[43] The administration of the lands was also transferred.

In retrospect, localisation of the land fund is said to have reduced the once-powerful Auckland Province to beggary.[44] Within the first decade of provincial rule the South Island had outstripped its northern counterpart in both Pakeha population and in revenue. Unlike the South Island, which had been purchased by the Crown in sweeping transactions within the first 20 years of colonisation, nine-tenths of the Auckland Province remained in Maori hands, and prospects of future revenue from Crown land sales evaporated after the Native Land Act 1865 permitted the private purchase of Maori land. And unlike the trouble-free south, war was a real and imagined prospect in the Auckland Province for much of the provincial period. Free land grants to newcomers were resorted to by the province in order to attract settlement. On the other hand, the £3 million loan taken out by the colonial government to pay for the New Zealand wars meant that the once-lucrative source of surplus revenue from customs duties to

[42] Morrell, p.83.
[43] *AJHR* 1858, B-5, p.7 quoted in Morrell, p.98.
[44] Morrell, p.253.

the provinces was slowly turned off. The province could not afford to implement the confiscation policy in the Waikato, and this was eventually handed over to the general government. By 1868 the Auckland Province was so stretched it sought to cut back education funding and to impose a poll tax for charitable institutions. It was spared only by the discovery of gold in the Thames district.[45]

The principle of applying a proportion of the land fund to the areas from which it derived was not scrupulously followed by provincial government and complaints of council neglect from outlying districts were common. In 1858 the government resolved to meet the problem by creating new provinces from the disgruntled districts. Under the New Provinces Act 1858, on the petition of three-fifths of the electors in any district of a province over half a million acres, with a Pakeha population of 1,000 or more, and with a centre and port of its own more than 60 miles away from an existing provincial capital, the governor could constitute a new province by order in council. Shortly afterwards, Marlborough broke away from Nelson; Southland separated from Otago; and Hawkes Bay broke free of Wellington. The experiment was not a success: the new provinces were financially weak and in time fell victim to the same criticisms – the tendency to extravagance and the neglect of their own outlying districts.[46]

1.5 Local Government in the Provinces

The development of municipal institutions for provincial towns proceeded under provincial government in various forms. By 1867 general government introduced a Municipal Corporations Bill to instil some nationwide uniformity to municipal government and provide a framework for the country's 23 incorporated towns. The Act provided for the constitution of boroughs from any settlement of 250 or more households within nine square miles. It set out the procedure for the election of the borough council, by owners or occupiers of rateable property, the number of votes of each elector rising with the value of property so that those with property worth over £350 were entitled to five votes. Women with property could vote, but not stand for office. Ratepayers with property worth less than £25 were similarly debarred from standing. The Act set out model bylaws dealing with streets, footpaths, waterworks, drains, wharves, regulation of buildings, fire prevention, nuisances and other responsibilities. Councils were also given power to run gasworks, public baths, libraries, museums, gymnasia, recreation reserves, and charitable institutions. Rates were set at a maximum of one shilling in the pound and the council also received land fund appropriations via the provincial council.

[45] Morrell, p.204.
[46] Ibid, p.113.

In rural areas, municipal institutions had taken the form of road boards, although these were not incorporated bodies. Like their town cousins, the form and regulations of road boards varied from province to province. Under the Auckland Provincial Council's Highways Act Amendment Act 1866, the Provincial Superintendent was empowered to divide the province into districts over which the Act would operate. In such highways districts, a board of five trustees was to be elected from paid-up male ratepayers over the age of 21 years at an annual meeting. The degree of voting clout rose in proportion to rates contribution on a scale of 1 to 6, so that those paying over £15 in rates every year were entitled to six votes. The yearly rate was also set at these meetings, not to exceed 1 shilling per acre or 3½ pence in the pound. Crown land and Maori land were exempt. The highways boards were empowered to make and maintain public roads in the district and were the legal entities to which the provincial government distributed the land fund appropriation. Self-interest dictated that road districts were small. In a subsequent enactment the following year, the bar against female ratepayers was dropped.

Having standardised and provided local government for boroughs in 1867, the government attempted a similar reform of rural local government. The Local Government Bill 1867 was partly in response to complaints from outlying districts that provincial government was reaping land revenue without returning a proportionate amount to the districts. It was also an attempt to reform the whole structure of colonisation and how to pay for it, by introducing a nationwide property tax. The Local Government Bill proposed greater district control through the creation of counties, with the power to rate themselves, to borrow, and to make bylaws. As the carrot, the government promised that up to 30 percent of the revenue from Crown land sales would be returned to counties to be spent within the boundaries of the district where the revenue had been derived. In addition, the government promised a 2-for-1 subsidy on every pound raised from rates, the spending of which would be determined by the districts themselves.[47] The Bill was defeated by those who saw it as undermining provincial government but the real opposition, it is suggested, came from established and powerful land-holders resisting territorial taxation.[48] The following year when electors in Westland petitioned to separate from Canterbury Province, rather than grant them provincial status, Parliament resolved instead to constitute the district as a county, "less cumbrous and costly," with executive authority vested in the governor, including the power to appoint the chairperson of the county council. In spite of amending legislation to increase the powers of

[47] W. B. Sutch, 'Local Government in New Zealand: a History of Defeat', in R. J. Polaschek, (ed.), *Local Government in New Zealand,* NZ Institute of Public Administration, 1956, pp. 20-21.
[48] Ibid.

the council, settler dissatisfaction with the structure saw the district proclaimed a province in 1873.

By the 1870s general government had assumed responsibility for many of the functions of the flagging provinces. From 1870 too, the general government began a massive investment – through borrowing – in the country's road and railway development, renewed government land purchase and in immigration schemes. As part of Vogel's public works programme, the financial arrangement with provinces was changed to a capitation system, per head of Pakeha population, with special grants to North Island provinces with substantial Maori populations. Significantly, money tagged for provincial road development was to be distributed among the district road boards, rather than to provincial government.[49] To this end the Highway Boards Empowering Act 1871 sought to standardise existing provincial road boards, and to extend their powers. The Act empowered district road boards to make penal bylaws and to take land for public works. For the first time, rating was extended to occupants of Crown and Maori land (other than the Maori owners), although lessees of Crown lands for pastoral purposes were to be levied at half-rate. Because of this, it is also the first time that Maori Members in the House took part in the debating local government legislation. All four Maori Members were opposed to the Bill, which the Member for Southern Maori, H. K. Taiaroa alleged had been framed without Maori knowledge or consent. Taiaroa drew Parliament's attention to the Treaty of Waitangi, with its guarantee to reserve to Maori their lands, fisheries, forests and all matters connected with the land.[50]

1.6 The End of Provincialism

Direct financing of the outlying districts – via subsidies to the road boards – was continued by the general government throughout the first half of the 1870s. One result was the proliferation of some 314 such boards by 1875. By this time the centralist faction of government succeeded in having a resolution passed to abolish the provinces. Applying initially only to the North Island provinces, by July 1875 the abolition was extended to the whole of New Zealand. The localisation of the land fund would continue, it was promised, with lavish subsidies to road boards from the land fund, and the development of a municipal system to replace the provinces.[51] As Stout criticised in debating the Counties Bill the following year, the

[49] Morrell, p.221.
[50] Taiaroa, 12 September 1871, *NZPD* 1871, p.358.
[51] Morrell, p.255.

constitutional reform was entirely driven by financial considerations - "money bribes" - rather than any political ideals of local governance.[52]

By the session of 1876, the government had decided to go with the system of counties. Under the Counties Bill introduced by Vogel, New Zealand was to be divided into counties, larger than the existing road boards, but not including the boroughs falling within each district. Each county was to be divided into between six to nine ridings, geographic areas that reflected a community of (economic) interest, much like the existing road boards. Although it was hoped that the system would rationalise, or indeed replace, the multiplicity of existing road boards, the incorporation of these boards into the county was made permissive. A county council was to be elected every three years by ratepayers with from one to five votes according to the value of their property. The county council, with representation from each riding, was empowered to levy a general rate up to one shilling in the pound, to raise special loans with the consent of the ratepayers up to four times the amount of the general rates, and to incur a limited overdraft. The powers of the councils were clearly defined, including the control of "county roads," and power to make bylaws, construct public works, subsidise constituent road boards, and aid charitable institutions, museums, and public libraries. Under the proposed Financial Arrangements Bill, counties would be subsidised two-to-one from the Consolidated Fund for any general rates raised.

A handful of members took a principled stand against the property qualification and the weighted voting system in the proposed legislation, including the colony's past governor:

> it is a retrograde step in civilization; it is one which ought never to have been made in any country in the world – that persons are to exercise votes in proportion to their property…. that one person is to balance five of his fellow-men. No change whatever is to be made in the franchise in the direction of freedom – no change beneficial to the people is made.[53]

Lumsden too, opposed the Bill on the same grounds:

> I hold that one citizen is as good as another, if he is an honest man; and I hold that an intelligent and enterprising tradesman should have as much voice in the management of the public affairs of the State, as the man who possesses property. This House is not elected by plurality of votes. Why should we, in creating counties or small provinces, adopt a system of plurality of votes?[54]

[52] Stout, 18 August 1876, *NZPD* 1876, vol.21, p.477.
[53] Ibid, Grey, p. 460.
[54] Ibid, Lumsden, p.485.

The inequity of the franchise, when the proposed counties would be subsidised by the general taxpayer, was also pointed out: "As all these [licenses, tolls, land revenue, consolidated fund] are really public revenue, contributed by the mass of the people rather than by the rich, who are fewer in number, I think it is wrong that these latter should have greater voting power in the distribution of the revenue."[55]

Grey also denounced the subsidising of county government on the same grounds and objected to the placing of surplus land fund "in the hands of persons who are certain to spend it principally upon their own objects."[56] Stout too, remonstrated against placing control of local administration in the hands of the propertied class:

> Do honourable members believe this is the way to raise a great nation? How do nations grow? One has only to look to history to see that no nation has ever grown to be great that has been an oligarchy. That nation will only grow to greatness that gives, in the true spirit of national life, to every man equal rights with his neighbour, and tells him to look upon that country as his home.[57]

Stout also condemned the separation of town and country, prophesying an influx of poor into the towns resulting from the lack of provision by a county government dominated by large landowners.

During the third reading of the Bill, Rees added his voice to the opposition: "This Counties Bill provides no self-government whatever. It is not self-government to have the control of rating, or the power of making roads and bridges."[58] In doing so, he challenged the fundamental premise behind the legislation which purported to replace provincial government as a system of local government:

> After all the time which we have devoted to the measure, it simply comes to this: that New Zealand is split up into different parts, called counties, which have the power of levying rates in their districts to make roads and bridges. And they have this further responsibility which the people have never yet had: that this House can compel them to levy rates to make such roads and bridges as the House pleases – that is, that this House or the Government can fix upon certain roads and bridges to be made, and can then compel the people to tax themselves to make them. That is not a very great privilege.[59]

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[55] Ibid, Thomson, p.487.
[56] Ibid, p.461.
[57] Stout, ibid., p.482
[58] Rees, *NZPD 1876*, vol.22, p.73.
[59] Ibid, p.74.

Like Grey, Rees argued that the Bill was a retrograde step, "it takes away the real local self-government given by the Constitution Act."[60]

Parliament was scarcely likely to take the criticisms into account. As Stout pointed out, the voting power of property in the House being "actually almost something like what it will be in the counties – about five to one…," men who believed that those who paid the greatest share of rates should have the largest share of control over the expenditure.[61] Indeed, most of the debate was focussed on the more worrying issue of select committee membership to determine county boundaries. By the third reading, Vogel's initial proposition of 41 counties had risen to 63.

No Maori Members in either chamber spoke on the Bill and the parliamentary debate on the legislation was devoid of any Maori considerations, except that Kawhia County was exempted on the grounds that it was an entirely Maori district. No thought appears to have been given to the constitutional issues of extending the county system over areas which were in many respects still largely "native districts", suggesting perhaps a belligerence on the part of Pakeha lawmakers as a result of military domination. The system so introduced in 1876 was to be the basis of local government for more than a century.

1.7 The Provision for Maori Local Government, 1840-1876

Despite Grey's publicly expressed concern to incorporate Maori into British settlement, little of substance was done to tackle the fundamental issues of governance or representation. The householder franchise of his 1851 constitution would have included Maori in the capital, but this franchise was an anomaly in the provincial era which invariably set a ratepayer qualification on municipal voting rights and exempted customary Maori land from the rating regime. For these reasons, Maori living on the fringes of Pakeha settlement or within the provincial road districts were kept from participating in the governance of these developing towns and districts.[62]

With regard to regions untouched by Pakeha settlement, both the constitutions of 1846 and 1852 provided for the setting apart of 'native districts' in which native custom prevailed. Section 71 of the Constitution Act 1852 provided:

> And whereas it may be expedient that the Laws, Customs, and usages of the aboriginal or native Inhabitants of New Zealand, so far as they are not

[60] Ibid, p.78.
[61] Ibid, p.469.
[62] McLintock, pp.395-9.

> repugnant to the general Principles of humanity, should for the present be maintained for the Government of themselves, in all their Relations to and Dealings with each other, and that particular Districts should be set apart within which such Laws, Customs or usages should be so observed.

These constitutional provisions, reflecting the realities of the time, can be seen as the closest the Crown has ever come to acknowledging the Treaty guarantees of te tino rangatiratanga, but no further action was taken to give them meaningful effect. No such districts were set apart under the Act. Nor was any attempt subsequently made to codify tribal lore or give statutory weight to the practice of rangatiratanga. Grey was opposed to the concept of native districts, arguing that such districts would perpetuate "the barbarous customs of the Native Race."[63] He sought instead to bring Maori within the gambit of British law, enacting the Resident Magistrates' Courts Ordinance 1846 which gave appointed chiefs a role as assessor in the arbitration of disputes between Maori. To ameliorate what amounted to the blanket disenfranchisement of Maori from provincial government, Grey had recommended that £7,000 be set aside from provincial revenue for their benefit by way of hospitals, schools, resident magistrates, Maori police, and gifts for chiefs, all at the governor's discretion. This was amended slightly in the Act so that the £7,000 Maori Vote became part of the Civil List.

Grey's successor Governor Gore-Browne built on the resident magistrate system. The Native Circuit Courts Act 1858 and the Native Districts Regulations Act 1858 were two pieces of legislation designed by Gore-Browne to bring Maori districts closer to the form of English law, through the empowerment of runanga to make bylaws on matters of local concern, and itinerant courts with Maori assessors to enforce them. As Vincent O'Malley observes, indirect rule and not genuine self-government was the aim. O'Malley also points out that the utilisation of runanga as a state-sponsored authority was largely directed at undermining the growing King movement.[64] Gore-Browne also convened the first annual conference of Maori leaders at Kohimarama in 1860. To the repeated request from chiefs that Maori be included in the machinery of state and participate in the shaping of laws and institutions for the country, Native Secretary Donald McLean responded "Children cannot have what belongs to persons of mature age; and a child does not grow to be a man in a day."[65]

On Grey's return as Governor in October 1861, he set about developing a comprehensive scheme of "new institutions" based on village and district runanga, to be overseen by resident

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[63] Quoted in Alan Ward, *A Show of Justice: Racial 'amalgamation' in nineteenth century New Zealand*, Auckland, Auckland University Press, 1995 reprint, p.86.
[64] V. O'Malley, *Agents of Autonomy: Maori Committees in the Nineteenth Century*, Wellington, Huia, 1998, p.19.
[65] Quoted in Ward, p.118.

magistrates and civil commissioners. The district runanga were empowered to make bylaws to deal with problems such as stock trespass, fencing, health and sanitation, which would be enforced by an itinerant Pakeha circuit court judge and Maori assessors. Maori police or wardens would also be appointed for every hundred. In addition to local affairs, runanga were to both determine title to their land and to control alienation to bona fide settlers. As Premier Fox persuaded the House in 1862:

> We look to the runanga, or Native council, as the *point d'appui* to which to attach the machinery of self-government, and by which to connect them with our own institutions.... We have no choice but to use it, it exists as a fact, it is part of the very existence of the Maori – we can nor more put it down than we can stay the advancing waves of the rising tide; and, if we do not use it for good purpose, it will assuredly be used against us for bad.[66]

Any provision for Maori self-government through their runanga or otherwise was brought to an end by the government's military operations against Waikato in July 1863. Military victory was quickly followed by confiscatory legislation depriving iwi of vast tracts of land in Waikato, Taranaki and the Bay of Plenty. The Native Land Act 1865 repealed the 1862 Act, creating the Native Land Court to investigate and determine entitlement to land. Alan Ward attributes the government's suppression of Maori independence to economic conflict for land and official alignment with the settlers.[67] He also points to British ethnocentrism as the root of the denial to Maori of both the independent use and development of their own institutions, and the full and prompt participation in the new order.

Falling outside the rate paying regime, Maori could not participate in the road board apparatus set up by provincial government. Three weeks after the Highway Boards Empowering Act 1871 was debated, a Native Districts Road Board Bill was introduced at the behest of the Northern Maori Member, Katene. The Bill provided for Maori to form road boards in districts where they were a clear majority, on the petition of a majority of its inhabitants. Three-quarters of the members of such boards would be Maori. As Katene stated, "I wish that we ourselves – the Maoris – should carry out the arrangements with regard to Road Boards within our districts."[68] Bay of Islands MP McLeod explained that it was necessary to provide a legal entity to receive government subsidies: none of the £50,000 earmarked for road boards had been expended in the Far North despite Ngapuhi's contribution to road development. The legislation was passed but never subsequently implemented.

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[66] Fox, 22 July 1862, *NZPD,* 1861-63, p. 422, quoted in O'Malley, p. 25.
[67] Ward, p.160.
[68] Katene, *NZPD*, vol.10, p.604.

Of paramount concern to many Maori communities at this time was, not roads, but the authority to determine land ownership and govern their own affairs. Faced with post-war Pakeha belligerence in the form of the Native Land Court and provincial road boards, Maori were once again seeking to maintain control. In October 1872 the newly appointed Premier George Waterhouse addressed the new phenomenon in his inaugural speech to the House:

> A matter that has excited great interest in the Native mind is what is by themselves called 'Local Committees'. There is among the Natives a general desire that matters simply affecting... the ownership of land, and various kindred matters, shall be settled by means of Committees, to be elected by the Natives in the various districts. ....[S]o firm a hold on the Native mind has this question obtained, that it has now risen to the prominence the king movement did some years ago. It may be now availed of beneficially, or, if it be allowed to be disregarded, this agitation may be attended with injurious consequences.[69]

The Native Councils Bill, introduced by Native Minister Donald McLean shortly after, was the government's response to the "reiterated applications" for "some simple machinery of local self-government." On the application of any six Maori individuals, the governor could declare any district with a majority Maori population to be subject to the Act. A council of 6 to 12 members would be elected by resident Maori adults over the age of 21. Together with the resident magistrate, such councils would be empowered to pass bylaws on local matters such as sanitation, alcohol, and wandering stock. Moreover, all applications to the Native Land Court were to be referred first to the council whose decisions would be binding except where the parties could not agree. The councils would be financed from the Consolidation Fund.

The Bill was warmly received by the Maori Members of Parliament, and also supported by William Kelly, MP for the East Coast who specifically mentioned the presence of "leading chiefs from the East Coast" at a Taupo gathering the previous February where a resolution regarding local councils had been made.[70] The Bill was withdrawn until the 1873 session in the face of considerable opposition in the House. In December 1872 McLean visited Waiapu and instructed his protégée and resident magistrate there, JH Campbell, to establish an experimental council among the people there. The scheme was enthusiastically received: after the inaugural meeting in January 1873 Campbell reported the chiefs were "very much pleased

[69] Waterhouse, 11 October 1872, *NZPD,* vol 13, p. 587, quoted in O'Malley, pp. 52-53.
[70] W. Kelly, 22 October 1872, *NZPD* 1872, p.895.

with it." He went on: "They are very anxious to have the Council and will not believe me that it must first become Law. They say you can make it so – and accordingly have written."[71]

In the 1873 parliamentary session McLean submitted a modified version of the Bill with significant concessions to appease the detractors. Under the new Bill, a petition from a majority of residents was now required to implement the Act. Councils would lose their jurisdiction as soon as customary title was extinguished in the district and resident Pakeha could opt to come under the jurisdiction of the council, or not. Nor was it now mandatory for all applications to the Native Land Court to be referred to the councils. In withdrawing the Bill a second time, McLean stated his intention to introduce a revised version the following year and once again Ngati Porou was singled out as a people who had "expressed a wish that some such law should be enacted, to enable them to take part in the management of their own affairs."[72]

The CNI Tribunal has commented that the opposition to the Bill on this occasion was not so forceful and determined that the government could not have persevered.[73] McLean was subsequently told that Hawke's Bay and East Coast Maori considered that the Bill "was never intended by you to be passed and was only put forward to get your land taking measures secured."[74] The fact that McLean introduced the legislation at the "fag end" of the parliamentary session on both occasions certainly suggests a lack of commitment. No further measures to meet Maori aspirations for local self-government were introduced in the 1870s.

1.8 General Government on the East Coast, 1840-1876

The turbulent debate over representative self-government raging in the Pakeha settlements in the Crown colony period barely ruffled the waters of the East Coast. Pakeha settlement on the coast was negligible, no recognised land alienation had occurred. Attempts to investigate old land claims were rebuffed by tangata whenua in 1844, and again in 1859. Herbert Wardell was appointed resident magistrate at Poverty Bay in 1855 with a district stretching from Mohaka to the East Cape. But the acknowledged failure of these magistrates "placed there independently of the will of the people, and utterly without power to enforce their own decisions" was true of Wardell and he was withdrawn in 1859 in the face of repeated and concerted declarations by the people of Turanganui a Kiwa that the Queen's authority held no

[71] J. H. Campbell to D McLean, 24 January 1873, MS-papers-0032-0201, ATL Wgtn, [online] at http://mp.natlib.govt.nz/static/introduction-mclean
[72] McLean, 30 September 1873, *NZPD*, vol. 15, p.1514.
[73] Waitangi Tribunal, *He Maunga Rongo: the Report on the Central North Island Claims*, Wai 1200, Wellington, Legislation Direct, 2008, vol.1, p.312.
[74] Ormond to McLean, 8 October 1873, quoted in O'Malley, p.57.

sway there.[75] Attempts in 1851 by Donald McLean to purchase land for the government met a similar fate. The spectre of government further north was only indirectly felt through the presence of the Anglican missionaries stationed at Uawa, Rangitukia and Kawakawa at the pleasure of tangata whenua. The close association between church and state was manifest in Williams' promotion of Te Tiriti within Te Tairawhiti in 1840; by government financial support of missionary schools; and by the subsequent appointment of a local missionary's son as resident magistrate on the coast.

The East Coast was proclaimed a native district under the Native Circuit Courts Act 1858 and the Native Districts Regulations Act 1858.[76] The "Native districts" of Tokomaru and Waiapu were proclaimed in February 1862 on the recommendation of William Baker, Resident Magistrate at Waiapu. The combined districts stretched from Te Kaha in the north to Whangara in the south and inland as far as the Hikurangi and Tawhiti mountains. At the time the total Pakeha population on the coast was estimated to be 20, while that of Maori 4,900.[77]

Baker had been raised on the coast, being the son of CMS missionary Charles Baker, who had taught Christianity in the district since 1843, first at Uawa and later at Waiapu.[78] Baker junior took up his appointment as Resident Magistrate and Civil Commissioner in November 1861, charged with implementing Grey's "New Institutions" scheme on the coast. Every day affairs on the coast at this time were said to be arranged by runanga. Baker reported that "Almost every village has its own, in which everything, from far country news to domestic life, is freely discussed."[79] Based at Rangitukia, Baker defined existing runanga as a community, consisting of any number of persons exceeding one family:

> Thus, within a few hundred yards of my present residence, there is a collection of some three or four huts, the inhabitants of which style themselves "Te Runanga o Pahairomiromi;" the latter being the name of the village. These, and many other similar Runangas, assume all the powers and privileges of the largest Runanga (as at present constituted), and claim to be independent ... of any control by the general Runanga, if such a term may be applied to the voice of the mass of the people.[80]

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[75] 'Memorandum by responsible advisors on native affairs', 29 September 1858, *IUP BPP* 11 1860 [492]; also W. H. Oliver and J. M. Thompson, *Challenge and Response: a study of the development of the Gisborne East Coast Region*, Gisborne, East Coast Development Research Association, 1974 pp.78-79; Ward, p.109.
[76] *AJHR* 1862, E-6, pp.7-8.
[77] H. Wardell, 25 October 1861, *AJHR* 1862, E-1, pp. 51-52; H. Wardell, 23 August 1861, *AJHR* 1861, E-7, p. 30.
[78] E. Subasic, 'East Coast Wars and the Aftermath. A Scoping Report', CFRT, 2007 p.16.
[79] W. Baker to Native Secretary, 3 January 1862, *AJHR* 1862, E-9, p. 4.
[80] W. Baker to Attorney-General, 9 June 1862, *AJHR* 1863, E-4, p. 50.

Despite this recognition of intrinsic local autonomy, for the next 18 months Baker endeavoured to organise the government-sponsored over-arching "Runanga" along the length of the coast which he divided into Hundreds, arranging the appointment of appropriate representatives for each (with modifications to take in the vagaries of hapu). The stipends of the necessary assessors, wardens and karere for both districts – not the least of the attractions of adopting the government scheme – was £638.[81]

As Subasic has noted in his account, the introduction of salaries for these roles was regarded with suspicion, and both the scheme itself and Baker were unwelcome in communities unwilling to compromise their autonomy through engagement with the government.[82] In correspondence, Maori who did take part referred to the organisation as both the "Runanga" and the "Kotahitanga," or "Union." Ever the diplomat, Baker did his utmost "to secure the co-operation of Maori chieftainship with British law, without which the latter was comparatively impotent and ineffective."[83] When he left the district in June 1863 in the face of escalating tension, the salaries of the runanga officials were also stopped.[84]

When Waikato was invaded, the lack of a government or Pakeha presence on the coast did not make the dilemma facing the hapu of Te Tairawhiti any less real. Allegiances and opinions were split, and it became increasingly difficult to maintain a neutral stance. Those sympathetic to the Maori King and opposed to government authority have been labelled "Kingitanga" or "Pai Marire" hapu, but such labels are misnomers in as much as their deep-seated opposition to Crown authority predated both of these movements. According to Subasic, the 15 whanau identified by Paratene Ngata as Pai Marire converts represented a geographical dominion encompassing almost the entire East Cape region north of the Waiapu river.[85] Pai Marire also enjoyed a strong following in many communities south of the Waiapu, including Tokomaru and Uawa.

In the summer and autumn of 1864, three contingents of fighting men departed from the coast to support the Kingitanga front in Waikato.[86] Their defeat at Te Kaokaoroa and at Te Ranga did not dampen the support at home for their cause, and the state of unease between the rival camps – those for the Crown and those opposed – suffused the following summer. The arrival of Pai Marire emissaries to Waiapu in May 1865 sparked the ensuing conflict. The

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[81] Encl. in Baker to Native Minister, 7 January 1862, *AJHR* 1863, E-4, pp. 40-41.
[82] Subasic, p.45.
[83] W. Baker to Attorney-General, 3 June 1862, *AJHR* 1863 E-4, p.49.
[84] 'Return of Officers Employed in Native Districts', *AJHR* 1864, E-7.
[85] Subasic, p.86. Subasic's source is M. Soutar, 'Ngati Porou Leadership – Rapata Wahawaha and the Politics of Conflict', PhD thesis, Massey University, Palmerston North, 2000, p.241.
[86] The following account is summarised from Subasic's report.

government agreed to arm and support their Maori sympathisers in the district, led by Mokena Kohere, Iharaira Te Houkamau, Hotene Porourangi, Rapata Wahawaha, Wikiriwhi and Henare Potae. These locals were reinforced by 130 Pakeha armed men, a mixture of volunteers and professional soldiers, and supported by canon from the sea. Battles were fought in the Waiapu Valley, north at Kawakawa and Horoera, and south at Tokomaru from June to October. The surrender of some 500 men, women and children to the government allies at Hungahungatoroa on 11 October 1865 marked the end to the fighting in the north. The women and children were released. The men were forced to take the oath of allegiance and threatened with execution, deportation and hard labour for future insurrection. A number of the men taken to Napier were released a few months later.

The outcome of the conflict brought a sea-change to the coast, which was not lost on Donald McLean, the government's agent provocateur on the scene: "The several successful engagements … will I feel assured be the means of enabling the Govt in conjunction with our Native allies to establish British authority along the whole line of coast from Hick's Bay on the East to Uawa or Tologa Bay on the South."[87] To these allies shortly after the surrender he declared, "the Government do not wish to interfere with the land taken from the Hauhaus, but would make it all over to the (friendly chiefs) subject to their allowing the Hauhaus to have a maintenance."[88] In short, the Crown-allied hapu were now in control, backed by the might of the Crown, a fact which became manifest in a number of ways. Some hapu captured at Hungahungatoroa, although released, were not permitted to return to their homes, living instead at Te Hatepe and Tuparoa under the supervision of their victors. Former bastions of anti-government resistance were either destroyed (Pukemaire), or occupied (Waiomatatini and Horoera) in a telling demonstration of the new order. Over a decade later Paratene Ngata gave an account of what occurred:

> This is what Mr. McLean said: "The power and authority in connection with the fighting at Waiapu lies with you, the Maori chiefs of Ngatiporou. The Government will merely assist you in the matter. The whole of Waiapu is returned to you, the chiefs, and it is for you to deal with your relatives who joined the Hau Haus; it will be for you to replace them upon the lands of which they are the owners. But they themselves must not have anything to say on the subject; that is, they must not consider that they can overrule or set aside your arrangements." And so the Hau-Haus were replaced on their lands by the chiefs, and none of them said land was retained by the chiefs for themselves. All they did was to

[87] McLean to Colonial Secretary, 26 October 1865, quoted in Subasic, p.100.
[88] 'Minutes of a Conference held at Waiapu, 6 November 1865', quoted in Subasic, p.116.

> reserve to themselves the control of all public questions affecting Waiapu; which power they still continue to exercise.[89]

The statement is an important one. For the purposes of local government, it is a clear assertion that as at 1879, control of local affairs at Waiapu was still the preserve of rangatira, albeit the victorious ones. Ngata went on to say that in this role, the chiefs were "the protectors of the people." Yet, significantly, the mandate of these Ngati Porou chiefs to exert control is said to have derived from the Crown. "Although your land is your own, and you are desirous of selling or leasing it, you must first apply to the chiefs, *to whom the direction of these matters was given by the Government*, and it is for them to approve or disapprove."[90]

The government's role in bringing about the new order increased its leverage over the district. Although confiscation had not been insisted on immediately after the conflict, various means were subsequently employed – through legislation and through negotiation for "voluntary concessions" – to obtain land for the Crown on account of the "rebellion." These measures were opposed by Ngati Porou chiefs, but it was only the government's dependence on these men to fight the renewed threat from Te Kooti that in April 1870 the Crown gave up all claims to "rebel" land on the coast, save 100 acres at Waiapu and five acres at Awanui. At a time when the Vote for the Native Department was slashed and the runanga system with its civil commissioners closed down, the government presence on the coast was re-established in 1866 with the appointment of J.H. Campbell as resident magistrate at Waiapu. Another outcome was the descent of private land speculators to the district. In November 1866 Henry Rice, himself on the hustle for land for the Auckland Provincial Government reported, "Napier continues to send her emissaries to lease land on this coast; in fact on my return, I found Turanga full of Hawkes Bay people land-sharking."[91]

Keeping a lonely vigil on the coast for the next decade, Resident Magistrate Campbell reported both officially to the government and privately to McLean. He was well received by the leading chiefs of the day: Mokena, Rapata, Hotene, Wikiriwhi, Henare Potae and Iharaira te Houkamau, and he worked co-operatively with these men in the arbitration of disputes the length of the coast. Although he preferred to exert an influence through personal diplomacy, throughout this period Campbell frequently referred to the incidence of various runanga and it is clear that runanga were the main forum in which the issues of the day were discussed. The fate of the McLean-inspired council of January 1873 is not clear. Campbell was injured

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[89] *Te Waka Maori o Niu Tireni,* 1 February 1879, quoted in Subasic, p.125.
[90] Ibid (emphasis added).
[91] H. E. Rice to Superintendent, Auckland Province, 6 November 1866, *Journals of Auckland Provincial Council (APC)*, 1866, A-12, p.19.

shortly after and spent several months away recovering. There is some indication that it continued to function in some capacity for his letters contain a reference to the council in February 1874.[92]

Subasic hesitates to call the fighting on the coast a "civil war," arguing that such a label detracts from the government's role in promoting and escalating the conflict. The history behind the schism between communities on the coast has not been the subject of research for this report. It was manifest in different approaches towards colonisation, the reception of Christianity, and to government assertions of authority. After 1865, those who saw the way forward through engagement with te ao Pakeha were now steering the waka. At a gathering at Mataahu in July 1872, 52 Tairawhiti kinship groups from as far away as Opotiki assembled under the Queen's flag to pay tribute to Meiha Rapata and the newly-bestowed swords of honour from the Crown.[93] Speaker after speaker reaffirmed their allegiance to both Church and State, and acknowledged too, the mana of Ngati Porou. In doing so, they also endorsed Ngati Porou's launch of schools and roads in the district.

As the provincial period was drawing its last breaths, leaders on the East Coast were opening the district to new ideas: the establishment of schools, the formation of roads, the farming of sheep, the leasing of land, the sale of alcohol, and in 1874, the operation of the "pit of destruction": the Native Land Court. These same leaders were confident of their control over the local affairs of the district.

1.9 The Auckland Provincial Government on the East Coast

The Auckland Provincial Council originally had 24 members, drawn from six districts, namely: the City of Auckland (6); the Suburbs of Auckland (4); the Pensioner Settlements – Onehunga, Panmure, Otahuhu, Howick (4); the Northern and Southern Divisions (4 each); and the Bay of Islands (2). The Southern Division was described as comprising "so much of the province of Auckland not included in the above-mentioned districts, or any of them, as lies between the southern boundary of the northern division, and the southern boundary of the province." By 1858 a seventh district had been added, that of Marsden, near Whangarei. The seats were redistributed in 1863 to include Franklin, Mangonui and Raglan and again in 1868, to include Thames and the Coromandel. Turanganui was not represented until 1873, when it

[92] J. H. Campbell to D McLean, 20 February 1874, MS-papers-0032-0201, ATL Wellington, [online] at http://mp.natlib.govt.nz/static/introduction-mclean.

[93] 'Ngati Porou, Te Hui ki Mataahu' *Te Waka Maori o Niu Tirani*, vol. 8, no. 17, [online] at http://www.nzdl.org/niupepa.

was given one seat on a council which had expanded to 44 members.[94] The electoral arrangements reinforce the fact that local government was a Pakeha affair.

Although it was never proclaimed as such under the Constitution Act 1852, to all intents and purposes Te Tairawhiti remained a "native district" throughout the provincial period, and certainly the East Cape district was referred to as such in provincial correspondence.[95] For the purposes of government, the East Coast was outside its jurisdiction: provincial government authority did not extend to customary Maori land, or Maori affairs. Little was known about the district by the provincial government until rumours of petroleum deposits and potential land sales prompted a visit in 1866. Acting on provincial instructions, Henry Rice negotiated with communities at Tolaga Bay, Reporua, Tuparoa and Hicks Bay and claimed to have made a series of agreements for the purchase and lease of land.[96] It is significant that this occurred six months after the civil war on the coast: similar overtures by the general government prior to the conflict had met a concerted and steadfast resistance. Of the 40 or so Pakeha residents of Turanga at this time, Rice reported that only fifteen or sixteen of these were "bona fide" settlers – the rest being servants – and of these, "only one or two settlers were favourable to the Auckland Province," the majority preferring to be part of Hawkes Bay.

No provincial money was expended on the coast until 1870, following the formation of the Poverty Bay Highways Board. Mackay claims that Maori opposition to the board was finally "won over" by Donald McLean.[97] McLean's role in promoting the East Coast road is borne out by Campbell's correspondence and, as discussed above, Ngati Porou's general endorsement of roads in the district was given at the Mataahu hui in 1872, and the East Coast road was in fact constructed by Maori under contract. The highways board comprised five members, all of them Pakeha[98], who were elected by ratepayers in the district at the annual meeting, where the year's work was reviewed and the rate struck for the next year. It was one of 116 district boards in the Auckland Province at the time.

Early road works in the district were heavily subsidised by general government. The return for the year ending June 1873 shows that to the £438 collected in rates, £1443 was added by the colonial government and a further £550 by provincial government.[99] Under provincial

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[94] G. H. Scholefield (ed.), *New Zealand Parliamentary Record* Wellington, Government Print, 1950.
[95] See for example J. Meldrum, Inspector of Sheep, East Coast District, 23 February 1874, *Journals of APC*, 1873-74, A-15, p.1.
[96] H. Rice to F. Whittacker, Superintendent, 13 July 1866, *Journals of APC*, 1866, A-12, p.8.
[97] J. A. Mackay, *Historic Poverty Bay and the East Coast, N.I., N.Z.,* 2nd edition, Poverty Bay-East Coast Centennial Council, Gisborne, 1966, p.388.
[98] J. B. Poynter, J. W. Johnson, S. Parsons, W. King and Major Westrup.
[99] 'Return of district highways boards ', *Journals of APC*, 1873-74, B-12.

legislation by 1874 the powers of such highways boards had expanded to a wide array of municipal functions including the impounding of stock, clearing of waterways, thistle control, and dog registration. According to Mackay, early road works included the formation of a bridle track between Gisborne and Hicks Bay which was contracted out to local Maori, under the supervision of G. J. Winter. Mackay also refers to disputes over pay and, at Whangara, over the route.[100] In February 1874 Campbell reported that Wikiriwhi's opposition to the road survey to Horoera had been overcome, and two days later that the runanga were seeking £25 "as payment for the loss of land over which the road is to pass (wahi tapu)." [101] The outcome of the demand is not known.

The Poverty Bay Highways Board also took over privately-owned ferries and punts, regulating their use and user fees, initially on rivers near Gisborne and then by 1874 at Kaiteratahi, Tolaga Bay, Waiapu and Ohutau. Interest in the budding Pakeha outpost was marked by the visit of a retinue of provincial officials including the superintendent himself in 1874, with an assisted immigration scheme in mind. In addition to the road grants, by 1874 the Auckland Province was also paying for Gisborne's harbour expenses, including the salaries of the harbour master, pilot, boatmen and lighthouse keepers, and £2,400 towards the construction of the town's courthouse, gaol and police quarters.[102] That year too, Auckland Provincial Council passed the East Coast District Sheep Act 1874, for the control of scab on the coast. The Act set out regulations for sheep owners regarding annual sheep returns, branding, mustering, and dipping, with the costs of the inspection defrayed by a fee per sheep. Although the sheep district described in the legislation encompassed the whole of the province south of Lottin Point, once again it did not apply to Maori.[103]

In common with outlying districts throughout the country, Pakeha of Poverty Bay continued to complain that the financial contributions derived from the district in land sales, customs revenue and capitation allowances, far outweighed grants received. Continued agitation for greater local control was no doubt part of the momentum which led to the abolition of the provinces in 1876.

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[100] Mackay, p. 369.
[101] J. H. Campbell to D McLean, 20 February; 23 February 1874, MS-papers-0032-0201, ATL Wellington [online] at http://mp.natlib.govt.nz/static/introduction-mclean
[102] *Journals of APC,* 1873-74, B-10.
[103] J. Meldrum, Inspector of Sheep, East Coast District to Provincial Secretary, 23 February 1874, A-15; 'Return of Stock ….', June 1873, B-7, *Journals of APC,* 1873-74. Direct negotiations with the general government in 1874 saw Maori sheep owners with infected flocks reimbursed for the destruction of their stock.

1.10 Local Government in the Provincial Era

Despite their failings, the provincial legislative councils set up under the Constitution Act 1852 did, to an unprecedented degree, give local and representative self-government to the immigrant communities of New Zealand. The low property qualification for both provincial and general government was liberal by colonial standards of the time and the lack of any explicit bar for Maori from the franchise was also novel. Whatever Grey's motives, the provincial model recognised the diversity of the different settlements, in background, values and geographic circumstance, and was no doubt partly responsible for creating the image of New Zealand as "a classless society."

Arguably such a liberal-minded system was only possible because someone else was footing the bill. Because of the nominal price Maori were paid for their land (or none at all in the case of confiscation), when immigrants and settlers purchased land in the new colony, the requisite infrastructure was thrown in as part of the price. This practise was continued even after private purchase was allowed after 1865, with the introduction at that time of a 10 percent stamp duty on all first-time purchases of Maori land, taken, as Maori complained, from the price, rather than added to it. By the 1870s however, it was becoming increasingly clear that the colony could not sustain public works development under the current tax regime.

The local government reform of 1876 was not a considered process to achieve a better constitutional framework of good local governance. It was driven purely and simply by self-interest on the part of the rural landed interests faced with the inevitability of a property tax to fund public works. The county model had its genesis in the fractured road boards that had developed in outlying districts throughout the provincial period: their boundaries defined by the limits of their self-interest, and their electoral franchise defined by contribution to the revenue. It was self-interest that dictated that towns were divorced from their rural surrounds in any one district, and self-interest that determined that wealthy landowners obtained a voice on council five times that of a more modest ratepayer. The implications of the reform are discussed in more detail in the following chapters.

With regard to Maori, the lack of an explicit bar did not mean that they were not practically excluded, both from the provincial system and from the county government that ensued. The way in which Maori living in proximity to Pakeha settlement were excluded from participating in provincial government has not been explored in this report simply because Te Tairawhiti was outside provincial jurisdiction. The way in which tangata whenua came to be excluded from county government is a central part of this report. Local government was a

Pakeha construct, intended for Pakeha settlements, and extended only where Pakeha congregated.

The Waitangi Tribunal has concluded with regard to Turanganui a Kiwa that up until the fighting of 1865, Maori autonomy in the district was “almost total,” equating autonomy with “the tino rangatiratanga guaranteed in the Treaty.”[104] This must be as true further north, where the extent of Pakeha settlement remained limited for a longer period. The East Coast was a “native district,” in fact, if not proclaimed as such under the constitution. Colonial recognition of such areas, and their right to remain under their customary lore dates back at least to the earliest attempt at a constitution in 1846.

The reform of local government in the mid-1870s, devolving as it did control and financing of local development to county councils and road boards, coincided with a new order on the East Coast, eager to experiment with Pakeha institutions to advance their own development and welfare. With the caveat that this enthusiasm for new ways was not shared among all the hapu on the coast, the East Coast was one of the areas eager to have their local governing entities recognised, empowered, and funded by the government like their Pakeha counterparts.

[104] Waitangi Tribunal, *Turanga Tangata Turanga Whenua: the Report of the Turanganui a Kiwa Claims*, Wellington, Waitangi Tribunal, 2004, p.474.

2. County Government 1876-1989

2.1 The Constitution of Counties

The reform of local government in 1876 extended municipal government to rural areas, in that the counties created under the Act became corporate entities with perpetual succession and a common seal. The 63 counties constituted under the 1876 Act did not include the boroughs lying within their territory and although the county system was intended to rationalise the numerous road boards in existence, this was not made mandatory. Any part of a county not included in a road district was deemed to be an "outlying district," which was then divided into ridings. Road districts were treated as ridings for general purposes, including representation. Each county was to be administered by an elected county council, of between 6 to 9 members, with at least one member drawn from each riding. The county chairman was elected annually by the council. He enjoyed a second, or casting, vote on council matters.

The size of the counties was not qualified by area or population. Moreover, provision was made for the creation of new counties by proclamation of the governor in council, on the petition of not less than 3/5ths of the county electors in the district to be constituted, and with the consent of Parliament. A similar provision allowed for the uniting of counties. By 1895, concern over the proliferation of counties resulted in such proposals having to be sanctioned by Parliament by way of a special Act.

Road boards continued to function within the county system under the Road Boards Act 1882, having power to deal with local affairs within their districts particularly, as their name implies, the development of roads. Road board members were elected triennially by ratepayers on the same basis as county councils, and the boards were empowered to levy rates and borrow money for public works. The popularity of these boards – 320 of them in 1883 – is demonstrative of the self-interest driving the development of local government, with ratepayer concern reaching only as far as their driving distance. The decline in road board numbers over

time – 218 in 1900 and 35 in 1925 – is generally attributed to the increase in settlement and improvement of road communications which gradually made their role redundant. However it is also the case that many road boards simply morphed into counties to take advantage of the wider powers as the district came to need more facilities. Waikohu Road Board for instance, formed in 1877, was one of eleven such road boards functioning within the Cook County in 1900. It was constituted as a county in its own right in 1908. The decrease in the number of road boards over time, therefore, was to some extent matched with an increase in the number of counties. The proliferation of Lilliputian counties was also fuelled by government policies from 1885 which set a maximum limit to rates subsidies, and from 1886 which set similar ceilings to local body lending, regardless of county size. Both measures were an inducement for outlying areas within existing counties to strike out for county status in order to access the funds. Between 1876 and 1900 the number of counties increased from 63 to 86, and in the next 25 years a further 39 new counties were formed, increasing the total number to 125.[105]

2.2 Franchise

The inaugural county councils established by the Counties Act 1876 were to operate for one year, and these first county elections were open both to those qualified to vote in the road board elections where road districts made up a county riding and, in the "outlying districts" beyond, to those registered on the parliamentary electoral roll. By the time of the second county election, set down for November 1878, the councils were to have prepared electors' rolls for each riding, the basis for subsequent county elections. These electors' rolls were to be drawn from the "occupiers" column of rateable property in the district's valuation roll prepared under the Rating Act 1876. From 1878 on then, county franchise was the preserve of the county ratepayers over the age of 21. The exception to the rule, brought about by political pragmatism, was a single vote given to those registered as having a miner's right. It was not until 1944 that the franchise was extended to non-ratepaying county residents, 65 years after the removal of a similar property qualification from the general elections.

2.2.1 Weighted voting

Section 41 of the Counties Act 1876 set out a sliding scale from 1 to 5 votes to which any one elector was entitled, depending of the rateable value of his property. A landholder with property worth £350 or more could exercise 5 votes in any one riding, compared to the single

[105] The legislative development of local government is set out in detail in 'Report of the Select Committee on Local Government', *AJHR* 1945, I-15.

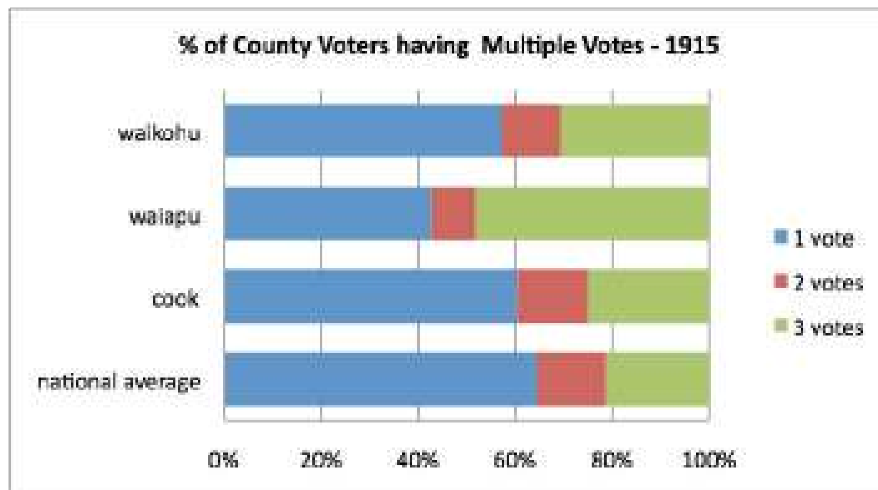
vote of a ratepayer with property worth less than £50. A decade later, under the Counties Act 1886, the incidence of the scale was raised considerably:

1. Less than £1,000: 1 vote
2. Between £1,000-£2,000: 2 votes
3. Between £2,000-£3,000: 3 votes
4. Between £3,000-£7,500: 4 votes
5. More than £7,500: 5 votes

The system gave an inordinate amount of political clout to large wealthy landowners. As set out in the preceding chapter, at the time county government was established Parliament itself reflected the interests of the propertied class, outweighing the largely urban-based outcry over the weighted provision. The principle invoked regarding direct taxation such as property tax – that those who paid the greatest share of rates should have the largest share in determining how it was spent – traces back to early provincial road boards legislation. What is surprising is the length of time that the provision for weighted county voting endured, particularly in the light of developments in the general suffrage. The sliding scale was changed again at the turn of the century, under the Local Government Voting Reform Act 1899, so that an elector with rateable property less than £1,000 had 1 vote; those with property worth between £1000-£2,000 two votes; and those with land valued at more than £2,000 were blessed with three votes. And this regime was continued throughout the best part of the twentieth century: the Local Elections and Polls Amendment Act 1944 widened the franchise to include county residents who were entitled to a single vote, but the weighted vote of ratepayers was perpetuated. The weighted ratepayers' vote was supported by the Select Committee on Local Government reporting in 1945, although the same committee acknowledged that parochial self-interest had led to too many small counties largely failing in their civic responsibilities.[106] It was not until the Counties Amendment Act 1974 that the weighted scale was removed from the ratepayers' qualification, and the almost century-old "one person, one vote" bedrock of New Zealand's parliamentary democracy was extended to the county electorate. In 1974 too, the age limit of electors was reduced to 18 years.

Some indication of the extent and impact of multiple voting is depicted in the following graph, based on a 1915 return of county voters with multiple votes.[107]

[106] Ibid, p.172.
[107] 'Local Elections: Return of Number of Persons Entitled to One or More Votes in County Elections', *AJHR* 1915, H-27.



All three East Coast counties at this time had a larger proportion of electors entitled to three votes than the national average. In the case of Waiapu County 143 of the 297 ratepayers had three votes, giving these wealthier landowners a decisive influence on the election outcome.

2.2.2 Plural voting

In addition to this weighted electoral system, the fact that franchise was based on the riding unit entitled an elector with properties in more than one riding to multiple votes in the county election. This was known as "plural voting" and was also a feature of New Zealand's parliamentary system until 1889. Depending on the number of ridings within a county – and after 1908 the maximum was twelve – a wealthy landholder could potentially exercise 36 votes in the county election. Plural voting persisted in local government almost a century longer than the national arena. It was discontinued by the Local Government Amendment Act 1986.

2.2.3 Individual title

A third tactic utilised by Pakeha landed families took advantage of the fact that the system was based on the property rights of the individual. Property has no gender, and unlike the suffrage struggle women underwent to get a voice in the general assembly, no such gender bar prevented women from participating as electors in local government. The anomaly of enfranchising female ratepayers in the county election 17 years before the much-vaunted parliamentary women's suffrage of 1893 is not well-known. Their inclusion in the county

politic was arguably less to do with womens' rights than once again protecting the oligarchy of the large land owners: by placing family members as the occupier of multiple properties in the riding more votes accrued. A marked example of this practice is found in the 1914 electoral rolls of the Waiapu County. [108] For the Tokomaru Riding, 9 of the 74 electors are members of the Busby family, including Miss A., Miss Eleanor, Miss Elsie, Miss Beatrice, and Miss H. Between them, the Busby family could muster 26 votes, accounting for 17.6 percent of the riding vote. In the Piritarau Riding, 8 of the 23 Pakeha electors were members of the Williams family, marshalling 18 votes between them, or 22 percent of the total riding vote. In the Waipiro Riding the six Williams' family members collectively enjoyed 16 percent of the riding vote.

2.2.3 Riding Configuration

"The ingenuity of *Homos politicus* is seldom more triumphantly displayed than in contriving methods of apportioning electoral districts."[109] This observation was made in the context of the general government electorates of New Zealand, but Lipson's witticism is no less true of local government. The fourth, and perhaps most subtle, stratagem invoked by the landed elite was the configuration of riding boundaries. The size of a riding is said to be traditionally based on the distance one could travel by horseback in a day. As set out above, existing road districts were often incorporated as ridings in the new counties as they encompassed a community of interest. Under Section 36 of the 1876 Act, councillors could by special order alter the number, name and boundaries of ridings within the county and this was continued in subsequent legislation. There were no statutory guidelines for doing so, such as area, rateable value, or number of ratepayers. Rather, councillors could make these changes "as [and when] they saw fit," and this became a powerful tool to preserve the landed elite's hold on power, particularly once the county vote was extended to residents in 1944.

In 1908 the maximum number of ridings was increased from 9 to 12. From this time the number of members drawn from each riding had to reflect as far as possible the proportion of rateable value and the number of electors of each riding, a deliberation purposefully made by the county council at a September meeting preceding every county election. Significantly, the configuration of the ridings themselves was not subject to the same scrutiny.

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[108] Electoral Roll 1914 in Waiapu County Council (WCC) letterbook 1914-1915; DB:576-81.
[109] Leslie Lipson, *The Politics of Equality: New Zealand's Adventures in Democracy*, University of Chicago Press, Chicago, 1948, p.26.

The manipulation of riding boundaries in Waiapu County was the subject of complaint in the 1933 Commission of Inquiry into the rating of Maori land. At the commission's sitting at Ruatoria, Captain Pitt alleged:

> they play chess or draughts with the boundaries of the ridings as it pleases themselves. You will note that the ridings have been so moved about that the majority of the Maoris are kept within two or three, or possibly, four ridings. The Maoris have gained the impression that this has been done by the councillors to conserve their seats. Prior to every election the councillors go through and count heads and make sure they are going to be re-elected. If there is any doubt they make a slight move in boundaries and make their seats safe.[110]

The veracity of these allegations has not been able to be proven one way or the other. At the time they were discounted as "absurd" by the chairman of the Waiapu County Council, DW Williams. Councillor Hale was also stung to respond that Maori had sufficient numbers to return four members from the Piritarau and Awanui ridings, if only they paid their rates.[111]

What is clear is that riding configuration became the single-most effective means of keeping Pakeha station owners on council in counties where Pakeha were increasingly outnumbered. The most striking example of this is the Waiapu County in 1980, in which councillors of the Hikuwai and Mata Ridings were returned from just 20 and 21 electors respectively, in contrast to the 534 electors of the Piritarau Riding, or the 384 electors of the Tokomaru Riding.[112] The county electoral roll, with its weighted provisions, became the basis of other local body voting, such as district hospital boards, harbour boards and, after 1941, catchment boards.

2.3 The Impact of Franchise on Maori Participation

Arguing against a rating Bill in 1903, Native Minister and East Coast Member Carroll described the extent of Maori exclusion from local government:

> … Natives do not possess or enjoy the same privileges in these localities which are conferred by these Acts on Europeans. They are not on the ratepayers list; they are not on the local bodies; they have no voice in creating special rates; they have no voice in determining what rates shall be raised or what works shall be undertaken. And, as a matter of fact, in any district, where there is a large sprinkling of Native population, such portions of land as are held by them are seldom improved by roads or bridges. Those portions of the district which they hold are carefully

[110] Minutes of the Native Rating Commission, 24 May 1933, quoted in R. Towers, 'Rating on the East Coast', CFRT, 2007, p. 211.
[111] Ibid, Towers DB:1037-8.
[112] 'Elections 1980', GDC, Te Puia Service Centre; DB:814.

> ignored, and the Natives do not get the advantage they might otherwise reap from a general expenditure of the funds of the local bodies.[113]

The exclusion of Maori largely arose from the basis of the whole system on individual property rights, the impacts of which can be categorised under the following headings.

2.3.1 Exemption from rating regime

For the first six years of county government there was no way Maori could participate in local government simply because they were outside the rating regime. Under the Rating Act 1876, both Maori customary land and freehold land occupied by Maori was exempt from rating. In cases where Maori land was leased, it was the occupier who was liable for the rates and therefore entitled to vote. Customary Maori land was also exempted from rates under the Rating Act 1882.

Maori land became liable for rates for the first time under the Crown and Native Lands Rating Act 1882. This Act introduced the "five mile rule," where Maori land within five miles of a public road became liable for rates. This new liability – estimated to affect 3.5 million acres out of 13 million acres by 1883 – was not accompanied by an automatic increase in franchise. The rates demands were not required to be addressed to the Maori owners but to the colonial treasurer, who was to publish a notice of demand in Maori in the *Kahiti*. Maori owners who did pay were entitled to have the name of "one of their number" enrolled on the ratepayers' roll, who was then entitled to vote in local body elections. If the rates had not been paid within three months, the colonial treasurer paid them, an expenditure recovered by way of a stamp duty when the land was leased or sold for the first time. Treasury's payment of rates did not entitle the Maori owners to a vote.

The imposition of rating on Maori land without provision for representation on the corresponding local bodies – "reducing them to serfdom" – was criticised in Parliament at the time.

> It is an axiom of the British Constitution that where there is taxation there ought to be representation; but the Maoris who are to be taxed for the construction of these roads have not that representation which, according to the principles of English law, they ought to have if they are to be placed upon a level with the European subjects of the Queen.[114]

[113] Carroll, *NZPD* 1903, p.76 quoted in Towers, p.71.
[114] M. W. Green, *NZPD* 1882, vol.43, p.715. See also Moss, *NZPD* 1882, vol. 43, p. 717, quoted in Bennion, 'Maori and Rating Law', Rangahaua Whanui National Theme 1, Waitangi Tribunal, 1997, p.18.

H. K. Taiaroa drew attention to the fact that Maori were not represented on the local bodies which would be spending the money so raised from Maori land, while De Lautour condemned the principle of keeping owners in ignorance of the debt accruing on their land. Importantly, De Lautour also pointed out that Maori did not enjoy the beneficial ownership of their lands in the same way that Pakeha did.[115]

This golden age of Treasury reimbursement came to an end in 1888 with the Crown and Native Lands Rating Act Repeal Act. In that six years some £67,379 had been paid to local bodies on account of Native rates.[116] Cook County headed the list of county recipients, receiving over £1,000 from the Crown for the two-year period 1885-86.[117] Towers' research indicates that affected Maori owners were not notified by *Kahiti* as required by law, but that land descriptions of affected blocks were posted at the local county office instead – in Gisborne.[118]

The rates liability of Maori land following the repeal of the Crown and Native Lands Rating Act is not clear. Bennion and Towers state that the status quo in terms of Maori land liable for rates continued under the Rating Act 1882, but this Act exempted from rates all Maori land "of which there is not an owner or occupier other than a Native" (that is, only Maori land leased to a Pakeha was liable for rates). Five years later, under the Rating Acts Amendment Act 1893, Maori land within five miles of a public road was again made liable for rates. The following year amending legislation developed the "nominated" owner system, whereby the owners of multiply held land (or failing them, the local authority) could nominate an individual to act as a representative for the purposes of the Act. This nominee would be entered as such on the valuation roll, and would therefore be entitled to vote. In 1904 all Maori freehold land was brought under the Rating Act, except for customary or papatupu land. For the first time it was directed that Maori owners be noted on valuation rolls, thus ensuring that they would be eligible to vote in local body elections.

The issues regarding rating on the East Coast have been dealt with in Richard Towers' rating report. Its relevance to a discussion of Maori participation in local government lies in the restriction of franchise to the owners and occupiers of rateable property. For the first 30 years of county government Maori by and large stood outside the rating regime on which the whole edifice of local government was based. Moreover, the nominated owner system which was

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[115] Towers, pp.31-33.
[116] Towers, p.44.
[117] *AJHR*, 1885, B-14; 1886, B-15, p.14, quoted in Bennion, p.21.
[118] Towers, p.39.

developed over this time period was clearly directed towards rates recovery rather than Maori representation.

2.3.2 Multiple ownership of land

Needless to say, the local government reform of 1876 was completely devoid of any role for collective Maori representation. Nor was any mechanism subsequently developed to translate beneficial ownership of multiply held land into electoral franchise. In February 1885 Native Minister John Ballance travelled to Whakato, near Gisborne, to talk over the recent obstruction of road making on the coast. Wi Pewhairangi submitted that the county council should be required to consult with Maori landowners when taking roads over Maori land. To which Ballance replied:

> the Native owner should stand in precisely the same position as the European – pay rates, and be elected, or elect members, to the Road Boards and the County Councils, and exercise a voice in reference to roads and lands generally.

On the matter of franchise Balance reiterated:

> With regard to the election of Native land owners to the County Council, I would say that, as ratepayers, they should vote at the elections to the County Council; and the ratepayers ought to see that all their names are put down on the list, so that when the time for election comes round they will be able to exercise their votes. And let me tell you this: that the County Council will begin to consider your interests when you have begun to exercise your power. The County Council has great respect for the ratepayers and will obey their instructions.[119]

The Native Minister's response is disingenuous given that the rating system did not allow for Maori landholders to become ratepayers, with "all their names … put down on the list." As Balance was well aware, Maori did not stand in precisely the same position as the European. Unlike Pakeha, at home with individual property rights, and canny enough to work the system to their advantage, the evidence indicates that the effect of the system on tribally-minded Maori communities worked exactly in reverse, to the detriment of their representation. Early land blocks carved out from the Native Land Court process were large. These blocks were vested in representative rangatira, and often the same chiefs, depending on their mana, were given the mandate over a number of communally owned blocks. Whereas Pakeha were apt to split the family estate to ensure a vote to each member, Maori whanau tended to concentrate their lands under the mantle of a single rangatira. In this way, the vast communal lands and

[119] *AJHR*, 1885, G-1, p.73.

large number of beneficial owners on the East Coast did not translate into political power in local government.

Although hapu were subsequently pressured to individualise and break up land titles, any potential for a commensurate degree of political influence in local government was hampered by the "nominated owner" system developed in the 1890s. The inherent unfairness of the nominated owner system in terms of representation was known to the Native Minister Carroll, who spoke out about it in Parliament in 1903.[120] It was entrenched in statute by Section 42 of the Counties Act 1908: in any case where there was more than one person appearing on the valuation roll as the occupier of any one property, for the purpose of voting in local body elections, only the person whose name appeared first on such roll was to be entitled. The other beneficial owners – whether two or two hundred – were silenced. This clause was continued under the Counties Act 1920, and only became less important with the extension of franchise to residents in 1944.

2.3.3 Non-payment of rates

The non-payment of rates by Maori historically can be attributed to a myriad of political, economic and administrative factors, all of which have been addressed in Richard Towers' research. The fact that local body rating warranted a report on its own is indicative of the importance of the issue, both historically and today. With regard to the impact of non-payment on representation, Section 121 of the Counties Act 1876 provided for collectors to make a return of the names of those who neglected or refused to pay any rates, but it was not until the Counties Act 1920 that this became a disqualification for voting purposes. The defaulters' list compiled by county councils cut across riding boundaries, so that even where rates had been paid on some properties, the failure to pay rates on all properties debarred the ratepayer from voting.

As late as 1923 the sorry state of the valuation rolls with regard to Maori ratepayers was identified as one factor in Maori not paying rates in the Matakaoa and Waiapu counties. The committee found the valuation rolls in a muddle, recommending firstly: "The substitution of the names of living owners, nominated owners or occupiers ... in the place of those found to be deceased."[121] The problem was compounded in Waiapu County with the consolidation schemes of the 1920s. In 1933 the valuation rolls of Waiapu County were said to be out of date. The Valuation Department had revalued the county recently but had made no effort to

[120] Cited in Towers, p.70.
[121] Towers, p. 123.

enquire into who was occupying the land.[122] Similarly, in May 1920 Cook County complained about the cost of "endeavouring to ascertain the names of Natives responsible for rates." Although the county collected 60 percent of the rates owing on Maori land that year, the lack of any rigorous system to maintain the valuation rolls makes it less certain whether this was translated into voting rights.[123]

It is possible that the situation was exacerbated by new rating legislation in 1926 which reintroduced the power of local government to have unpaid rates ordered as charges against the land. Prime Minister and Native Minister Coates placated county councils that the new laws did away with the uncertainties of the nominated owner system.[124] It also did away with the need for local bodies to identify the individual owners of the land, which again raises the issue of representation. As late as 1938, at a meeting at Tokomaru Bay to correct the Waiapu County valuation roll, amendments were made to 60 percent of the listed occupiers.[125] The rolls of both Waiapu and Uawa Counties were, at last, substantially correct from 1939 onwards.

2.3.4 Land alienation and loss of control

It is perhaps pointing out the obvious that the extent of land alienation, whether by lease or by sale, affected the ability of Maori to participate in local government. In most of New Zealand it has been the case that land alienation has rendered Maori considerations in local government, until 1989 at least, negligible.

In addition to land sales, a significant factor on the East Coast which directly impacted on Maori participation in county government was the East Coast Native Lands Trust, established by statute in 1902. Under the Act, control of some 66,651 acres of land, in six different blocks was vested in the East Coast Commissioner. Three of the six blocks, some 40,300 acres, were subsequently sold and the remaining lands were either occupied by lessees, or farmed by managers for the East Coast Commissioner.[126] These Trust lands were situated in what came to be the counties of Waikohu and Uawa and one result of East Coast Commissioner control was to entirely remove any stake of the Maori beneficial owners in the county government as ratepayers.

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[122] Towers, p. 214.
[123] Towers, p. 117.
[124] Towers, p. 141.
[125] Towers, pp. 242-3.
[126] Tony Walzl and Christine Taylor, 'History of the East Coast Trust Blocks within the East Coast Inquiry District, 1900-1971', draft report, CFRT, 2007.

2.4 County Functions

Counties were initially envisaged as the fundamental unit of rural local government, to be "all powerful within their boundaries." County councils were accordingly empowered to undertake a range of public services, including the construction, maintenance, and control of roads, streets, and bridges; water supply works; drainage works; river control and sanitary works. Over time they were given responsibility for regulating heavy traffic licenses, dogs, auctioneers, abattoirs, motor drivers, buildings, hotels and hawkers. They were charged with the maintenance of cemeteries and pounds and the eradication of noxious weeds. They could act as harbour boards, establish fire brigades, supply electricity, construct telephone lines, accommodate workers, and provide market places, public libraries, recreation grounds and public halls. Moreover, county councils were empowered to make bylaws to regulate this wide range of responsibilities within their jurisdiction. Such bylaws were subordinate to Parliament, and subject to the control of the courts. Bylaws might be disallowed because they went beyond the powers laid down in the enabling Act – that is, they were *ultra vires* – or because of unreasonableness. From 1953 counties were required to engage in town and country planning.

Very few of the responsibilities listed above were mandatory. In fact, the only functions that county councils were compelled to undertake under the 1876 Act were the care and management of public roads within the county, and the construction and maintenance of public works. This was no accident. The property qualification resulted in county councils composed of farmers, and plural voting favoured the large landowners. The development of roads and bridges facilitated farming operations and improved the value of their land, often to the neglect of other basic functions of local government for the benefit of the wider community.[127] The tendency of county councils to neglect community services other than roads also meant that for much of the period of county government, their powers to regulate these functions by way of bylaws was similarly neglected. [128]

[127] A. A. McLachlan, 'Future Trends in Local Government', in R. J. Polaschek, p. 102.

[128] E. Dalmer and H. Southern, *Counties at the Crossroads: A Survey of Rural Local Government in New Zealand*, Christchurch, The Caxton Press, 1948, p.38; J. C. D. Mackley, 'Local Government in Counties', in F. B. Stephens, (ed.), *Local Government in New Zealand*, Wellington, Department of Internal Affairs, 1949, pp. 58-59.

2.4.1 Roads

Under the Public Works Act 1876 counties were given full powers to survey and take land for the construction of county roads. Provision was made for compensation but this did not extend to Maori land owners.[129] Section 245 of the Counties Act 1886, rendered all roads or tracks through Maori land that were 'generally used without obstruction as roads', whether they were surveyed or not, and regardless of whether they had been dedicated for this purpose, public roads under the control of council. Such 'roads or tracks' could be up to 66 feet (1 chain) wide.

Until the early 1920s all roads within the county were the responsibility of the county council, maintained by revenue from rates. Government assistance for the construction of new county roads, or the reconstruction of bridges, was available through annual road grants, initially on a £ for £ basis. For the purposes of county administration, roads were divided into county roads and district roads. County roads were so designated if they were seen to serve the whole county community, and accordingly became a charge on the county ratepayers as a whole. District roads on the other hand started as roads under the jurisdiction of road boards, generally serving a specific defined community of interest within the county, and charged therefore to the ratepayers within the road district or riding benefiting from the access.[130]

With time, the increase in motor traffic, the wear and tear on roads, and the ability to travel longer distances resulted in increasing calls for the costs of roads to be borne by the general taxpayer, rather than local ratepayers. In 1922 the country was divided into 18 highway districts and the Main Highways Board was created. Former important county roads could now be gazetted as "Main Highways," often remaining under the control of counties for construction and maintenance, but subsidised up to 75 percent by the Main Highways Board. The Board's revenues derived from petrol tax and the Consolidated Fund. A district highway council (not to be confused with the board) was formed within each of the 18 districts, on which every county within that area was represented together with the district engineer of the Public Works Department. These district councils met annually to consider highways estimates and forward proposed works to the board for approval. In 1936 the national main trunk road lines were designated State Highways, financed wholly by the Main Highways Board and constructed and maintained by the Public Works Department.

[129] The Native Land Act 1865 allowed the governor to take from Crown-granted land an area for roads, being five acres out of every 100 granted, within 10 years of such grant, with no compensation. The period was later extended to 15 years. By contrast, Pakeha acquiring Crown land only faced a five-year regime.
[130] Report of the Local Government Committee, 1945. *AJHR* 1945 I-15, p.22.

From the 1930s the Native Department (later Maori Affairs) could fund the construction and maintenance of roads that gave access to its land development schemes. This was continued in Part XXXIV of the Maori Affairs Act 1953, which provided for expenditure on roads giving access to Maori land being developed for farming purposes. Early on, roads were often constructed by Maori under Maori Affairs supervision (as part of land development schemes), or through unemployment grants, and then "taken over" by the county council who became responsible for maintenance. Later, the Maori roading allocation was managed by the Ministry of Works. Maori Affairs was required to submit to the Ministry a three year roading programme, and the works were carried out either by Public Works or contracted to the local body. In any road project, the affected owners/occupiers were expected to make a financial contribution. No road construction could proceed without the written agreement of the local body to take responsibility for the future maintenance of the road.

Notwithstanding the considerable increase in general government expenditure, counties continued to be essentially roading authorities. The Select Committee on Local Government in 1945 estimated that 87 percent of county revenue each year was devoted to the construction and maintenance of roads. As territorial authorities ostensibly charged with the "civic development" of their area, the select committee was critical of the weak role that counties played within their respective areas: "…very few now accept any responsibility for river-control or drainage; practically none accept responsibility for such social amenities as libraries, rest-rooms, and parks or reserves; only a few are prepared to deal with noxious weeds. They have become to all intents and purposes concerned solely with the minor roads of their areas."[131]

Despite the committee's recommendations that measures be taken to enable counties to meet their wider civic responsibilities, the status quo endured through till the 1970s. Waiapu County Council chairperson Charles Rau described the council during his tenure as chair as "an organisation that collected sufficient rates to maintain a roading system that suited the locals and not very much else."[132]Work required on county roads was generally dealt with in order of priority decided by the council. In time, additional financial assistance became available to counties for "back block access": the construction of new access roading to settlers that would be otherwise difficult to justify on economic grounds. There has also always been an expectation that land owners would contribute a token amount to the cost of road construction, in addition to their rates.

[131] Ibid.
[132] C. Rau, *100 Years of Waiapu*, Gisborne, Gisborne District Council, 1993, p. 73.

2.4.2 Town and Country planning

Town and country planning was a somewhat belated function of local government which became more important with the rapid changes in demographics that occurred since World War Two. Early 1920s planning legislation related to urban rather than rural areas, and was generally neglected even by municipal authorities. For the first half of the 20th century, significant decisions about land usage remained in the hands of property owners; local bodies did little more than ratify or reject proposals submitted to them.[133] Regional planning councils were provided for under Part II of the Town Planning Amendment Act 1929 but not availed of. Ever mindful of expenditure, planning was regarded by local bodies as an "unnecessary frill."[134]

The Town and Country Planning Act 1953 extended the planning regime of town planning to county districts. From the 1960s on, county government came under increasing pressure to prepare district planning schemes. Many of these early district plans adopted a simple strategy to prevent increased population density in rural areas by allowing only one dwelling per title, or insisting on a minimum section size of 10 or 25 acres. The adverse impacts of county planning restrictions on Maori are the subject of claim and are discussed in Chapter 7.

2.5 Funding

2.5.1 Rates

The primary source of funding for counties was rates, a tax assessed on the value of land. Originally calculated on the annual value of land, after 1882 provision was made for rating on the capital value – essentially the market value of the property, and from 1896 county councils could rate on the unimproved value of land – the land minus the value of capital improvements – if a poll of ratepayers agreed to the proposal. Although the same amount of rates needed to be raised regardless of the system, generally speaking rating based on capital value tends to shift the burden onto town-dwellers, while rating on the unimproved value places the burden onto farmers.[135]

Local government legislation provided for the levying of a number of different rates. General rates were levied for general purposes over the whole county, with a ceiling amount limited by statute. In order to pay for works affecting ratepayers in any defined district, separate rates

[133] Polaschek, p. 9.
[134] Local Government Committee 1945, quoted in Polaschek, p.36.
[135] Report of the Local Government Committee 1945, p.159.

could be made by special order and levied on the ratepayers who stood to benefit from the proposed work. Such a rate could only be levied following a poll of affected ratepayers agreeing to the proposal. In addition to the general and separate rates, special rates could be levied in order to finance a loan raised to carry out a work. This might be levied over the whole or part of the county, depending on who was deemed to benefit. The special rate became the security for the loan, which again could not proceed without the sanction of the affected ratepayers.

2.5.1 Subsidies

The promise of large government subsidies from both the Consolidated Fund and the Land Fund held out by Vogel to induce Parliament to accept the local government reform of 1876 and enacted in the Financial Arrangements Act 1876 was not sustained for long. The following year the Land Fund was in fact incorporated into the Consolidated Fund, and the principle discussed in the previous chapter of applying profits from land sales to the districts from which they derived was brought to an end. As compensation to counties, the subsidy for rates was increased from £1 to £2 for every £1 collected in rates. Toughening economic times brought on in part from the huge public works debt of the 1870s saw this reduced to 10s. in the £ from 1881.

The Crown and Native Lands Rating Act 1882 has already been discussed in terms of representation. From 1882 to 1888 county councils were reimbursed by the Crown for rates accruing on Crown and Maori land falling within five miles of a public road, with a view to recouping the money when the land was sold. From 1882-1885 local bodies were also able to borrow government funds for the formation of main and district roads and bridges. In the case of main roads, only one-quarter of the amount was required to be paid back.

In 1885 a settled rates subsidy plan was again promised in the budget, with a 2:1 subsidy for poorer counties, a 1:1 subsidy for counties where general rates exceeded £1000; and a maximum subsidy of £10,000 per county. Circumstances dictated that the rates subsidy system that ensued was in fact one-quarter of that promised. From 1888 counties collecting less than £1000 in general rates were subsidised 10 shillings in every pound; for better-off counties the subsidy was 5s. in the £, with a minimum of £500 and a maximum of £2,500, regardless of size. This annual maximum rates subsidy, together with a similar annual maximum ceiling on loans, was a major factor behind the proliferation of counties, providing smaller communities of interest the incentive to strike out to obtain this money. These annually recurring subsidies endured until 1953.

In addition to the rates subsidies, from 1877 to 1953 provision was made in the Public Works Fund for capital grants to local authorities for the development of public roads, particularly for the construction of back country roads, on the principle that closer settlement and increased primary production was largely a government responsibility. These annual road grants were made on a £ for £ basis. Smaller grants were also made from the Consolidated Fund for the maintenance of special roads and both funds increasingly contributed to grants for flood damage.

The Public Works Fund remained an important source of revenue for the development of county roads. With the establishment of the Main Highways Board, half of the construction costs and one-third of the maintenance costs of main highways were met by the Board. After 1938 the construction subsidy was increased to 3:1, which was continued when the National Roads Board took over from the Main Highways Board. Under the National Roads Act 1953 subsidies to counties to the amount of 8 shillings for every £ collected in general or special roading rates was to be applied specifically to the cost of road works. The basis of road subsidies was changed again in 1960, to reflect local body expenditure rather than rates collection. The National Roads Amendment Act 1959 also saw the end of the "main highway" classification. Important arterial road lines became State Highways, fully the responsibility of the National Road Fund. Lesser arterial routes reverted to the status of county roads. From 1923 the subsidies paid to local authorities for road works was derived from revenue accruing from road-users.

2.5.2 Land Revenue

Yet another source of income of relevance to the East Coast was the practice of allocating a portion of rent from Crown leaseholds to the appropriate county by way of compensation for county expenditure on the construction and maintenance of roads and bridges to access such Crown lands. "Fourths" were the 25 percent of rent derived from lands disposed of as small grazing runs. "Thirds" were the 33 percent of rent derived from land disposed of for occupation with a right of purchase or on renewable lease. The moneys so received by the local body were only to be spent on providing access to the Crown lands. Essentially a government subsidy scheme to extend settlement, it seems that Crown tenants were not liable for general rates. It was an important early source of revenue for some counties. By the mid-1920s however payments from the Crown's "Thirds" and "Fourths" had become negligible.[136]

[136] Ibid, pp.125-6.

The extent of government – or taxpayer – subsidisation of local government has been set out in some detail for a reason. The fact that general government continued to financially support local administration by a white landed property class with public money makes a mockery of the principle "no taxation without representation." As well, the provision of service was invariably tied to the payment of rates, with the best service often going to those who paid most, again the wealthy landholders. The fact that the whole system was sponsored with public money raises serious issues regarding the equity of such arrangements.

2.5.3 Loans

From the outset county councils were empowered to raise loans through debentures to pay for local works, although again, the extent of borrowing was limited by statute. Three main principles set down in the original Act were continued in subsequent legislation. Briefly, loans could be raised only for the construction of public works and utilities, and not for general routine maintenance operations; full publicity had to be given to all loan proposals; and the consent of ratepayers was necessary before loans were raised. Concerns that the general government would become liable for the bad debts of local bodies resulted in Section 157 of the Counties Act 1876 which provided that no claim of any holder of debentures secured on the county funds, or any creditor of any council, would attach or be paid out of the public revenues of New Zealand. The special rate levied for the loan became the security, and provision was made for the appointment of a receiver in the event of default.

Early county loans were provided by the State at low interest rates. Following the end of World War I the extent of local body borrowing increased dramatically. Alarmed at the perceived risk to the dominion's credit, in 1926 the Local Government Loans Board was established to curb local government borrowing. All loan applications were now scrutinised by the board, and rejected if stipulations regarding the necessity of the proposed works or method of repayment were not met. In the 13 years from 1930-31 to 1943-44 it is estimated that applications to some £8.5 million worth of loans were declined by the board or referred back for further consideration.[137]

The issues regarding county debt and the Maori ratepayers of the East Coast counties centre on questions of ratepayer sanction to the loans and the provision of service, both of which again go back to the issue of representation. It is only to be expected that early loans, arranged by exclusively Pakeha farmer councils or road boards, were devoted to road works giving access to Pakeha farms. What is more disconcerting are the allegations of Councillor R. T.

[137] Ibid, p.138.

Kohere that this was still largely the case in the 1930s. Maori on the whole did not sanction the heavy debts incurred by the East Coast county councils in the 1920s, nor, it was argued, were these monies expended for their benefit. This issue is explored in detail in the chapter on the Matakaoa County, as the debt incurred by that council led to its downfall during the depression.

2.5.4 Fees and fines

From the outset local government has also received considerable revenue in the way of licence fees and fines, accounting for as much as 42 percent of county revenue in the 1890s.[138] In addition to fines and penalties arising from breaches of local bylaws, counties have been the recipients of auctioneers' licence fees (from 1891) and publicans' licence fees (from 1908), motor vehicle registration fees (from 1924) and heavy traffic fees (from 1924-1953).

Legislation also dictated how counties were to apportion their revenue. The hierarchy of priorities set out under Section 131 of the Counties Act 1920 was headed by debt repayment, followed by contribution payments to dependant bodies such as hospital boards. Any residual income after the apportionment of revenue to the construction and maintenance of county roads, was to be apportioned among the ridings in proportion to the rates received from them, to be expended on works within each riding. This localising principle did not extend to the rates compromises negotiated under Ngata's stewardship: Section 536(4) of Native Land Act 1931 stated that there was no obligation on the part of local authorities to apportion revenue from rates compromises among the ridings from which it derived. Unlike their Pakeha constituents, Maori ratepayers affected by the compromises were not guaranteed that their rates would be expended on services within their riding.

2.6 Ad hoc Bodies

The proliferation of special-interest "ad hoc" local authorities – the river boards, hospital boards, rabbit boards, drainage boards, power boards – is largely attributed to the reluctance of the county councils (and their constituent ratepayers) to provide for the wider concerns of the communities. Their ability to do so was further undermined by the fragmentation of county districts which continued unabated till the 1920s. In almost all cases, the district over which special purpose bodies functioned extended beyond the boundaries of a single territorial authority. Developments post-World War II escalated this trend. By 1950 there were 537 such special purpose boards.

[138] G. Bush, *Local Government & Politics in New Zealand*, 2nd ed., Auckland, Auckland University Print, 1995, p.20.

As a result of the scoping exercise undertaken for this report, it was decided that issues to do with catchment boards, river boards, harbour boards, noxious weeds and pest control would best be dealt with in the Environmental Impacts Report. Hospital boards have similarly not been dealt with in this report, both because their activities would be covered in Raeburn Lange's research on the provision of health services on the East Coast, and because hospitals boards are not the subject of any claim. With regard to the provision of service, it was intended to explore why the services of the Poverty Bay Power Board were not extended north of the Waiapu river until the 1970s, but information on this issue has not been found.

2.7 Attempts at Reform

Rather than proceeding along planned and principled lines, from the outset the development of local government in New Zealand has arguably been determined by the mean-mindedness of parochial self-interest. The fear of political backlash from instigating local government reform is said to have been matched only by the apathy of the general public.[139]

Vogel's 39 counties had multiplied into 63 by the time the Counties Act 1876 was passed, but the devil lay in the fine print: the continued existence of over 300 road boards with jurisdiction over a myriad of jigsaw road districts. In 1885 concern about the proliferation of local bodies resulted in legislation stipulating that no new counties could be created without the express sanction of Parliament, through the passage of a special Act constituting the same. An attempt to rationalise the county system was made in 1895, when Seddon proposed a complete reorganisation of local government based on eight provincial districts, with a maximum of 40 constituent counties. River and drainage districts would come under the control of the county council. Subsidies would be abolished and replaced with capitation grants and franchise would be extended to include residents of twelve months standing. The Bill did not get a second reading. In each of the following four years similar Bills were introduced but did not get past first base.

In 1912 Joseph Ward introduced a Local Government Bill, described as a "new and comprehensive scheme for local government." Existing counties would remain, but once again a regional approach was sought with the proposal of 24 provincial councils with a rating authority and control over charitable aid, public health, education, harbours, main roads and bridges, river protection, drainage and water-supply. All road boards would be abolished and merged into the counties. County electors could possess either a rating qualification or a

[139] This comment, and the following development are outlined in "Inquiry into the structure of local government', *AJHR* 1960, I-18.

residential qualification, each worth a single vote. Ratepayers who were also residents would have two votes. Ward's Bill was remodelled by a new government the following year. The provincial council idea was dropped. A Local Government Board was proposed instead, to divide the country into no more than 60 counties which were to be the only local governing authorities in the rural districts. Once again, the proposal came to naught.

In 1931 an interdepartmental committee again recommended that the number and type of local authorities be reduced and that counties be amalgamated and absorb minor bodies in their areas. The surveyor general, a member of the committee, recommended the introduction of regional planning legislation for local government administration. Again, nothing came of the review.

In 1936 the then Minister of Internal Affairs introduced the "Local Government (Amalgamation Schemes) Bill seeking to reduce to one-third the number of counties. A commission of inquiry would review and report on potential amalgamations, including mergers between counties and boroughs, with a view to drafting reorganisation schemes. The Bill was reintroduced the following year and submitted to a select committee. Despite the general endorsement of the select committee which viewed the reorganisation of local government as a matter of urgency, their report was not debated in the House. Further attempts to promote the legislation were put off by the onset of World War II.

In 1944 the issue of local government was referred once again to a select committee. Once again the weakness of territorial authorities was attributed to their number, their size, their reluctance to shoulder responsibility, and the usurpation of their functions by both special purpose bodies and by the general government.

The select committee recommended that territorial authorities – counties and boroughs – form the basis of local government, with an enlargement of both area and function to enable them to perform as effective local government entities. In view of their failure to do so voluntarily over the years, the committee recommended the establishment of an impartial Local Government Commission to carefully review each case and put resulting schemes of amalgamation and reorganisation into practice, without the consent of either the affected bodies or their constituent ratepayers.

The Local Government Commission Act 1946 did indeed establish a commission to review the functions and districts of local authorities, and to prepare schemes for reorganisation. But the interests of ratepayers prevailed in that any proposal of the commission involving the

union, merger, or abolition of the district of any local territorial authority was made subject to a poll of electors on a request signed by not less than 20 percent of the electors of the district. On any such poll, the bare majority would carry. Under the Local Government Commission Act 1953, the proportion of electors able to request a poll was dropped to just 5 percent. Between 1947 and 1960, 16 amalgamation proposals were made by the Commission: nine were rejected by poll.[140] The 1953 Act also revoked the right of the Commission to instigate amalgamation inquiries and created an Appeal authority with regard to its decisions. Power boards, hospital boards and rabbit boards were also removed from its jurisdiction.

A review of local government in 1960 by a Local Bills Committee essentially reiterated the findings and recommendations of the 1945 Select Committee. Although the number of counties had stabilised, the trends identified in 1945 had continued with an ever-increasing number of special purpose bodies. Nor had territorial bodies, particularly counties, shown any more inclination to deal with increasingly complex problems associated with a rapidly increasing population, an increasingly urban population, and modern transport and communications.

The 1960 report is notable for its mollifying approach throughout. The history of local government development was set out in some detail, including the litany of failed reform due to political considerations and parochial self-interest, and the general pervading apathy of the man on the street. Territorial local authorities should be consolidated and strengthened, the committee intoned, and take over the functions of special purpose bodies. "It is to them that the citizens of regions which are linked geographically, economically, and socially could best direct their participation in the administration of their own affairs." Yet no recommendations of substance were made, except to restore the Local Government Commission to its 1946 powers, as the means to bring out the "widespread changes" required in a gradual and considered manner.

In the course of the 1960 review, submissions were made regarding the development of regional government. Regional or united councils were provided for in the Local Government Act 1974 to tackle functions of a regional nature, such as regional planning, civil defence, forestry, parks and reserves. Regional councils were to be elected directly and empowered to levy a rate. United councils were to be made up of members appointed by the constituent territorial authorities and funded through levies on these same bodies. District councils were also provided for in the Local Government Act 1974, reflecting territories which contained

[140] Ibid, *AJHR* 1960, I-18, p.32.

both urban and rural components, either as a result of a Local Government Commission reorganisation scheme, or through the voluntary redesignation of a borough or county as a district.

The 1974 Act also established a form of community government, through community councils or district community councils, within the districts of their parent territorial authorities. These councils were designed to co-ordinate and express the views of the community on matters affecting it, and to undertake and co-ordinate activities for the community's well-being. Council members were elected triennially on a residential franchise. Members could attend parent body meetings, but had no direct representation or voting rights. Delegated powers from the parent body could not include finance, staff or planning issues. District community councils could be constituted for communities larger than 1500 people and were represented on their parent body. These councils had a greater executive role, but were not given power over finance, staff or planning.

The 1974 Act set up the machinery for the constitution of these bodies. The implementation of the policy was left to the Local Government Commission. Between 1977 and 1983 united councils were established in 20 regions. By 1989 there were 31 district councils; 67 county councils; 118 community boards; and 13 district community boards.

In 1989 a comprehensive reform of local government was bulldozed through at a rapid pace by the Fourth Labour Government largely over the objections of existing local authorities and the general public. The reform saw the structure of local government reduced to two main types: directly elected regional councils with a major role in resource management functions; and directly elected territorial authorities responsible for the traditional range of functions such as roading, water supply, sewage disposal, rubbish disposal, libraries, community development, land subdivision, health and building inspection. Special purpose authorities would exist only in a limited range of circumstances.

After the dust settled, the number of regions had been reduced from 22 to 14; the number of territorial authorities reduced from 204 to 73: 14 city councils and 59 district councils. Gisborne region was unique in being administered by a district council which also has regional powers. The number of special purpose bodies had been reduced from 400 to seven. The reform is discussed in more detail in the final chapters of this report.

Having set out the basis of county structure, function and financing, the report now returns to the East Coast, to consider the historical development of the counties there on the ground.

3. The Southern Counties: Cook, Waikohu, Uawa

While the institution of local government largely excluded Maori throughout the district, the degree to which it was able to ignore Maori communities was proportionate to the extent of land alienation. The existence and strength of local government both reflected and facilitated Pakeha settlement. On the East Coast this is reflected in a north-south divide: the retention of land from Tokomaru north by Maori for a longer period of time restricted Pakeha settlement and however reluctantly, council was forced to deal with a Maori presence in local government affairs. South of Tokomaru however, widespread land alienation before the close of the nineteenth century meant that Maori virtually disappeared from the local government landscape. For this reason the history of the southern counties in the district: Cook, Waikohu and Uawa, have been grouped together in a single chapter.

Claimants in the southern end of the Inquiry District may be disappointed at the lack of records that have been found relating to the Cook, Waikohu and Uawa Counties. Research with regards to Cook County Council has been restricted to the minute books held at the Gisborne District Council. The council's early rates books no longer appear to be extant and the inwards correspondence held at the Gisborne Museum was unable to be accessed at the time research was being undertaken. Similarly, the Uawa County Council minute books are available, but rates books and correspondence could not be found. Waikohu County rates books were located, but the council minute books and correspondence are not extant.

3.1 Cook County, 1876-1890

Cook County was one of the 63 counties established under the Counties Act 1876. The county as described in the schedule of the Act stretched from Cape Runaway in the north to Paritu in the south, some 3071 square miles, making it one of the largest counties in the North Island. There is evidence that the northern county boundary was originally drawn at the East Cape, for in July 1876 a concerned Thomas Porter wrote to McLean advising against such a course:

> I beg to point out that a portion of Ngatiporou[sic] territory will be included in another County and may in the future give rise to difficulties. The natural and tribal boundary would be at Potiki Rua near Cape Runaway.[141]

The size of the county is indicative of the small Pakeha population within: just 367 Pakeha households, contributing a total of £1,090 in rates.[142] Two-thirds of this population lived south of Kaiti.

The following map was taken from a contemporary map of county boundaries at the time of their creation in 1876. Maori communities listed in Porter's 1878 tribal register, together with Pakeha census data of the same year, has been superimposed to demonstrate the fact that the new county was, to all intents and purposes, a "Native" district. It is telling that little was known of the East Coast save the rivers of Awatere, Waiapu and Uawa. The locations of note for the Pakeha cartographers were "Ropata's Pa" and the oil springs to the south. Other features of interest are the depicted bushline, and the coastal track extending from Gisborne all the way around the East Cape, and the inland track from Reporua inland to Kawakawa.

3.1.1 County composition

Cook County was comprised of a mix of ridings and constituent road districts. The borough of Gisborne was not included in the county. From the five ridings of Te Arai, Gisborne, Waikohu, Tolaga and Waiapu seven members were drawn, with two representatives for Te Arai and Gisborne. By 1883 the council had increased to nine: Gisborne with three members; Te Arai and Waikohu with two and Tolaga and Waiapu with one each. The following year an unsuccessful attempt was made to change representation to reflect the proportion of county revenue from each riding, a change that would have considerably increased Tolaga Riding's weight on council. The Waimata Riding was instead constituted from the Waimata Road Board, and took one of Gisborne Riding's members, increasing the number of ridings to six.[143]

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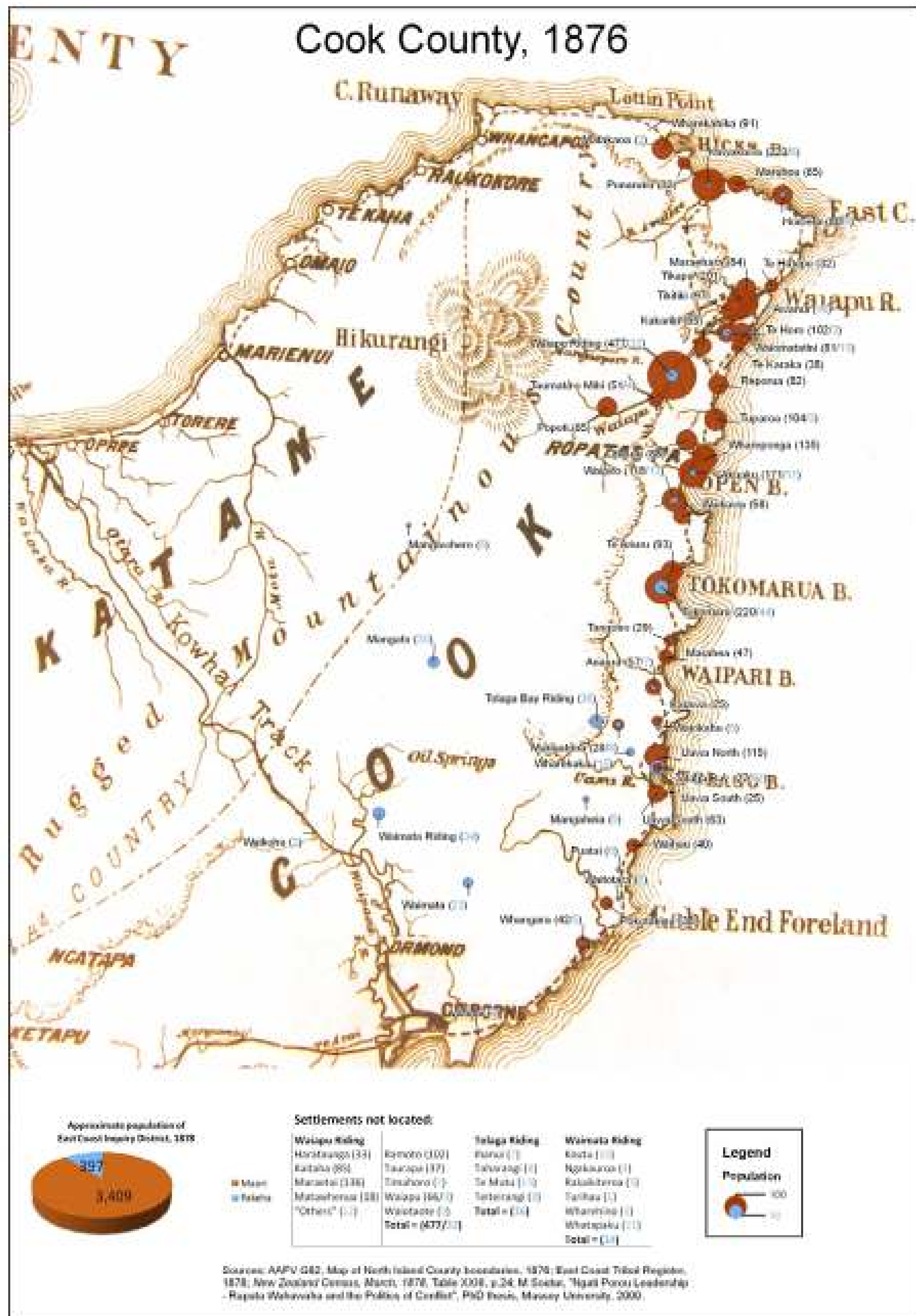
[141] T. Porter to D McLean, 30 July 1876, MS-Papers-0032-0510, ATL, Wgtn; not included in DB.
[142] 'Counties' in *Statistics of New Zealand 1877*, p.37.
[143] Minute Book 1, Cook County Council (CCC), pp.487-8, GDC Gisborne; DB:1143-44.



Map 1: Cook County 1876

In March 1887 another attempt was made to have Waimata Riding's representation increased on account of the relatively large number of ratepayers represented – 209 – at the expense of Waikohu, whose 39 ratepayers had two members. Council had lately shown a fair spirit in distributing the county expenditure, it was argued, but the southern ridings were still able to outvote any measures for the benefit of the three northern ridings.[144] The motion was not carried. A second proposal that Waiapu be given two members, "as that Riding had suffered serious neglect for 6 years past" was also opposed, "on the score of the difficulty experienced in getting one member from that remote district to attend the meetings."[145] Waiapu Riding in fact had no representative at the time.

The ridings falling within the East Coast Inquiry District were those of Waiapu, Tolaga, Waimata and a small portion of Waikohu. The Tolaga Riding encompassed Arakihi, Mangaheia, Mangatokerua, Pakarae, Panikau, Paremata, Takapau, Tauwharepare, Tolaga Bay township, Waihau and Whangara. The Waimata Riding included Pouawa, Tatapouri, Turehana, Waimata North, Waimata South, Waimata Valley, Waimata West and Waiomoko. While the ridings of Waiapu and Tolaga were administered as such, the other county ridings increasingly splintered into a plethora of road districts. From just two such road districts in 1877, by 1896 there existed the eleven road boards of Whataupoko, Kaiti, Waimata, Pouawa, Poverty Bay, Taruheru, Ormond, Waikohu, Ngatapa, Te Arai, and Patutahi, underscoring the fact that local government on the coast at this time was the business of making roads.

In stark contrast to the demographics and land tenure in the county, the men elected as councillors from among the county's ratepayers were Pakeha, many of them past members of the Poverty Bay Highways Board. The land blocks of Pouawa, Kaiti, Whangara, Paremata and Mangaheia No's. 1 and 2 were leased at this time.[146] The one exception was Councillor Wi Pere who represented the Te Arai Riding from 1878 to 1881 thanks to a majority vote from electors in Whakato. In the absence of the early county rates books it is not clear whether this was achieved through Maori ratepayers holding individual certificates of title. Practical measures which impacted on Maori were implemented by the council as a result of Pere's initiative, such as the translation of pound notices and bylaws into Maori, but such measures do not appear to have lasted once he left office. Although Pere was only one voice on council, he was an influential force in the district who went on to a career in national politics. His

[144] Ibid, 24 March 1887, p.704; DB:1149.
[145] Ibid.
[146] See Walzl and Taylor, draft report, 1.18.

presence on council would have at least provided a conduit to keep local Maori appraised of the county council's activities, and the council appraised of Maori concerns.

Waiapu Riding was initially represented by Thomas Porter, brother-in-arms to Rapata Wahawaha, providing Ngati Porou with a sympathetic channel to council. He subsequently became the government's land purchase officer at Ngati Porou's behest. In 1881 the polling station was changed from Akuaku to Port Awanui and Porter was replaced by a Councillor Milner. Given the long distances and difficult communications, it was not uncommon that the monthly council meetings were attended by just five members and towards the end of the 1880s Waiapu Riding had no representative at all. Its distance from the administrative centre was a material factor in its decision to separate from Cook County in 1889.

3.1.2 County revenue

As promised by Vogel's ministry, the government subsidies paid out in the first few years of county administration were generous. In 1877 for example, Cook County's rates receipts of £1,090 were supplemented by a further £2,451 from government coffers.[147] The road boards of Ormond and Poverty Bay also received government subsidies. By 1881 however, the government subsidy had been quartered to 10 shillings for every £1 collected in rates.

One strategy to counteract dwindling government financial support considered by the council at this time was the erection of toll-gates on county roads. Unsure whether the five-mile provisions in the Crown Land and Native Rating Bill under debate would result in sufficient revenue to keep the roads in repair, the council sought instead to pass the cost of maintenance on to road-users via tolls. The proposal was not popular: in September 1882 a petition was presented to council from over 200 persons protesting against the erection of toll-gates, among them Maori alleging that "their lands had been taken for roads without their consent, and also that their burial places had thereby been desecrated."[148] In the result, the council resolved to defer the erection of toll-gates for three months, to see how much revenue transpired from the recent legislation. The toll gates were never implemented. In December 1883 it was optimistically predicted that revenue from the "Native Rating Districts" under the Act would result in about £3,000 per annum.[149]

[147] 'Counties – Revenue and Expenditure', *New Zealand Statistics 1877*, p.237.
[148] CCC Minute Book 1, 7 September 1882, p.322; DB:1138.
[149] CCC Minute Book 1, 7 December 1883, p.343; DB:1140.

Cook County did in fact head the list of county recipients of government reimbursement of rates on liable Crown and Maori land, but just how much was received (or the extent of the liability incurred without the knowledge of Maori land owners) until the scheme was dropped in 1888 has not been established. In May 1884 Henare Potae and Ropata Wahawaha protested to the Cook County regarding the rating of their land. The men had seen their names listed in the Pakeha newspaper as being liable for rates, and objected to the notice both on the grounds that it had not been notified as liable in the *Kahiti*, and that the amount was too steep.[150]

Despite the revenue received by the council throughout most of this period for rates accruing from Maori land under the Crown Lands and Native Rating Act 1882, it appears that Maori requests for roads and road surveys were generally forwarded by the council to the Native Department. The "serious neglect" of the Waiapu Riding in terms of expenditure, as noted above, was recorded in council minutes in 1887 and can be attributed to the relatively scarce number of Pakeha ratepayers.

3.1.3 East Coast road development

Early roads on the East Coast were organised in the 1870s by both the Poverty Bay Highways Board and by tangata whenua on their own initiative in and around the Waiapu Valley. Roads were few in number, and not continuous. The early north-south track largely followed the coastline, passing traditional coastal settlements, many of which flourished in the nineteenth century as they became important shipping ports. Deviations were necessary at some points, for instance between Tokomaru Bay and Waipiro, or up the valley to cross the Waiapu River, but generally the route followed the coast.

One of the first actions of the new county was to send an engineer to report on state of the roads between Gisborne and Waipiro. In February 1878 it was resolved that the East Coast roads be laid off and proclaimed. A letter was to be sent to the "Native Committee," asking them to proceed without delay with the formation of the East Coast Roads. If not, "the Council will proceed with them forthwith."[151] In May a petition was received for a road from Waipiro to Waiapu, and the council resolved to apply for a grant of £1,000 to undertake the work.[152] The survey of the Gisborne-Waiapu Road was carried out from 1880-1884, and constructed as council vote permitted. By March 1887 ten miles of road between Tolaga and Waipiro was underway and the council was looking to push on towards Tokomaru.

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[150] The letter was published in *Te Waka Maori o Aotearoa*, no.7, 6 June 1884, p.6., and followed a large feature article on the 1882 Rating Act. [Online] at http://www.nzdl.org/niupepa.
[151] CCC Minute Book 1, 9 February 1878, p.44; DB:1135.
[152] CCC Minute Book 1, 25 May 1878, p.49; not included in DB.

As set out earlier, Ngati Porou had sought and received a general endorsement from hapu on the coast regarding the introduction of roads to the district at the Mataahu hui in July 1872. Ngati Porou communities at Waiomatatini and Tuparoa continued to actively lobby the Cook County Council for road development around Waiapu. In July 1880 a petition was presented by Councillor Porter from "several of the leading natives of Tuparoa" asking that money be voted for the forming a road in that district. The council resolved to forward the petition to the government.[153] Fifteen months later the request was reiterated. On this occasion the council resolved to send the surveyor north to lay off a road from Tuparoa to Rotokautuku, to be proclaimed a public road.[154]

In May 1884 Ropata Wahawaha attended the council meeting to personally present his request for a road to be surveyed and constructed from Kawakawa to Te Kahakaho. His people would assist in making it. Once again the request was forwarded, with the council's endorsement, to the general government for action. The Native Department promptly responded that a surveyor should be sent as early as possible. A similar request at this time from Tuta Nihoniho to have a road laid off connecting Whareponga to the main Waiapu inland road was turned down by the council on the grounds that there were already roads at Tuparoa and Waipiro.[155]

There is also evidence of opposition to road development on the coast. In 1878 £150 was voted by the council to form a road from Waipiro inland to Makarika. By January 1879 it was recorded that, "the natives would not allow a road to be taken there" and the money was not spent.[156] The formation of the Waipiro-Makarika road was stymied for five years by Te Aowera, until in 1884 the government forced the issue by arresting Eruera Pahou and others for disrupting the survey and confiscating the survey tools. Ruka Te Aratapu later stated that the dispute had been about the road line: that the surveyors had deviated from the original line, taking more land than was necessary, and had refused to heed local Maori concerns about the alteration. Pahou was fined £40 for the obstruction, which he paid. Others were sent to gaol.[157]

In December 1881 it was recorded that the survey of the inland Waiapu road had similarly been stopped by Maori near the Waiapu River.[158] In March 1885 Colonel Whitmore, a resident of Tuparoa, wrote in that Maori had stopped the road between Tuparoa and

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[153] CCC Minute Book 1, 2 July 1880, p.110; DB:1137.
[154] CCC Minute Book 1, 7 October 1881, p.223; not included in DB.
[155] CCC Minute Book 1, 12 June 1884, p.471; DB: 1142.
[156] CCC Minute Book 1, 3 January 1879, p.64; DB:1136.
[157] *AJHR* 1885, G-1, p.67.
[158] CCC Minute Book 1, 2 December 1881, p.243; not included in DB.

Reporua.[159] Some years later William O'Ryan, an engineer employed by the Waiapu County referred to the "tortuous lines" of the East Coast, as a result of the statutory provision prohibiting the laying of road lines through areas of cultivation.[160] Although no doubt exaggerating the incidence of such deviations for his purpose, O'Ryan's assertion that these cultivations were "sometimes made purposefully to impede the road survey" suggests a form of passive resistance by locals who had been threatened with execution, deportation and hard labour for future insurrection.

3.2 Te Tino Rangatiratanga, 1876-1890

3.2.1 An alternative to the county

With the benefit of hindsight, the advent of county government on the coast can be seen as the forerunner of Pakeha settlement and the end of local Maori control. But this was far from obvious at the time. The little evidence that exists suggests that Maori were suspicious of the new council, primarily because of its taxing function. At a tribal meeting at Tikitiki in April 1877 for example, Maori throughout the colony were exhorted not to vote for the new councils, lest this be the pretext for the councils to extract money from Maori land.[161] At the time, Maori aversion to becoming rate-payers was not seen as a threat to their political control. Rather, the establishment of the Cook County seems to have inspired a corresponding parallel Maori organisation along wider, district lines. Still holding fast to their allegiance to the Queen and the laws of the land, the Tikitiki hui proposed an annual assembly of the chiefs of every tribe in the district, to discuss issues and find solutions, with a view to bringing such matters before Parliament. Of particular concern were the current practices regarding Maori land. The decision to survey, or have title determined by the court, or even to sell, it was resolved, should be left to the people affected as a whole to decide, the chiefs and the hapu. Similarly, in districts where the people had decided to leave the land as papatupu, that decision should be respected, and the people not subjected to the harassment of government purchase officers.

The Tikitiki meeting was followed by similar hui at Waipiro, Te Kawakawa and Kakariki throughout 1877. At the end of January 1878, a meeting along the lines of that proposed ten

[159] CCC Minute Book 1, 5 May 1885, p.538; not included in DB.
[160] W. O'Ryan, WCC, to Chief Engineer of Roads, Wellington, 9 June 1906, WCC Letterbook 1905; DB:490.
[161] 'Ko te iwi Maori o te Koroni katoa, me kaua e Pooti mo nga Kaunihera hou, kei waiho hei putake tono moni kia puta ki nga Kaunihera mo nga whenua a te Maori', *Te Wananga*, vol.4 no.26, 30 June 1877, pp.265-266, [online] at http://www.nzdl.org/niupepa.

months before took place at Uawa, hosted by Henare Potae.[162] The 400 men in attendance, most significantly, were said to represent the people of the district from Paritu to Wharekahika – the boundaries of the Cook County. Potae presented the kaupapa of the hui – the formation of the Kotahitanga – under 21 separate heads for the consideration of the assembly:

1. Kia ora te Whakapono i roto i te Tai Rawhiti me ona mahi katoa. (To keep the faith alive on the East Coast and all its ministrations).
2. Kia Piri pono kia Te Kuini me ona tikanga pai. (To adhere to the Queen and her laws).
3. Kia kaha nga iwi o te Tai Rawhiti nei ki te tuku i nga tamariki ki te kura. (To encourage the tribes of the East Coast to send their children to school).
4. Kia iwi kotahi nga iwi katoa o te Tai Rawhiti nei i raro i to tatou Kawanatanga hou ka tu nei. (To unite all the tribes of the East Coast under the newly established government).
5. Kia tahuri nga Rangatira me te iwi katoa ki te kimi oranga mo tatou. (To focus the chiefs and everyone on how we may foster our wellbeing).
6. Kia ora nga Komiti o nga Pariha katoa. (To foster the committees of every parish).
7. Kia Whai Minita nga Pariha katoa hei punga mo te Whakapono e mau ai. (To have ministers in every parish to anchor the faith).
8. Ko te autaia nei ko te waipiro kia turakina atu i roto i to tatou takiwa o te Paritu ki Wharekahika. (To banish alcohol from the district of Paritu to Wharekahika).
9. Kia kotahi tuunga o te hui nui mo to tatou takiwa i roto i te tau kotahi. (To hold one principal meeting for the district every year).
10. Kia noho huihui nga tangata o ia kainga o ia kainga kia hanga ano hoki nga Whare Runanga hei takotoranga mo nga korero. (So that people in each and every settlement can meet, to build meeting houses to foster this discussion).
11. Kia Pootitia ano hoki he tangata mo to tatou Komiti nui o te Takiwa, o te Paritu ki Wharekahika. (And to elect a member for our main District Committee of Paritu to Wharekahika).
12. Kia uru ano hoki nga Rangatira katoa ki roto ki taua Komiti nui. (To have all the chiefs also take part in the main Committee).
13. Kia riro ma nga Komiti e whakawa i nga raruraru katoa. (To leave to the Committee jurisdiction over all issues).

[162] 'Te Hui I Uawa', *Te Wananga*, vol.5 no.7, 16 February 1878, pp.78-79, [online] at http://www.nzdl.org/niupepa.

14. Kia whakaititia nga Rangatira raruraru me nga tangata tutu ano hoki. (To undermine/diminish troublesome chiefs and meddlesome people).
15. Ko te iwi nui tonu me nga Rangatira katoa, hei tuara mo nga Komiti katoa o tenei takiwa. (The whole tribe together with all the chiefs will be the backbone for all the Committees of this district/franchise?).
16. Tenei ka roherohea nga pariha i te Paritu ki te Awa o Turanganui i Turanganui ki te Awa o Uawa, i Uawa ki Tawhiti i Tawhiti ki Reporua i reira ki te Kautuku i reira ki Wharekahika. (The boundaries of each parish shall be: from Paritu to the Turanganui river; from Turanganui to the Uawa river; from Uawa to Tawhiti; from Tawhiti to Reporua; from there to Kautuku; from there to Wharekahika).
17. Ma te iwi nui tonu e pooti he tangata i roto i nga Pariha kua whakahuatia i runga ake nei, hei kai whakahaere mo nga whenua Maori. (The whole tribe will elect members from the parishes listed above, to organise land issues).
18. Kia Pootitia ano hoki e te Pariha, he tangata mo te hui nui o te motu katoa, ki Heretauna. (The parishes will also elect representatives to attend the big national meeting at Heretaunga).
19. Me haere he tangata o ia wahi o ia wahi, ki Turanga kia kite i te Minita mo te taha Maori. (People of each place should travel to Gisborne to see the Minister of Maori Affairs).
20. Kia tonoa ano hoki e tenei hui ki te Kawanatanga kia rua mere mo te takiwa o Turanga ki Waiapu, kia tere ai te puta mai o te *Wananga* i roto i te wiki kotahi ki te kore e whakaaetia mai, me mutu te utu i te *Wananga* no te mea e he ana te haere. (This assembly will also ask the Government for a second mail service to the district between Gisborne and Waiapu, to speed up the delivery of *Te Wananga* every week. If this is not agreed, to stop payment for *Te Wananga* because the delivery is bad).
21. Ki te hapainga katoatia enei Ture e tatou, ki te manaakitia. Ka mana te ingoa o tenei hui ara te kotahitanga, ka oti nei te hua, ko te kotahitanga o te Hahi. (To take up all of these rules, and abide by them. We shall call this meeting the Union, the Union of the Faith).[163]

The newspaper report is the clearest record yet found of a Maori alternative to Pakeha-style local government. Local governance was envisaged on three levels: the kainga, the parish, and the district, each with their own runanga or komiti. Many of the aspects of Potae's proposals can be seen to emulate the Cook County: the district boundaries; the division of the district

[163] Ibid. Author's translation.

into "parishes" (a Church-based alternative to ridings); and the election of district committee members (with the added provision to ensure inclusive rangatira participation).

The proposals were endorsed by the speakers who followed, many of them reiterating their support by identifying themselves in terms of the parish in which they belonged. Those listed in print were Hepeta Maitai (Uawa ki Turanganui); Hone Meihana (Uawa ki Turanga); Paraone Hinaki; Hirini Ahunuku (Uawa ki Tawhiti); Hare Parahako (Uawa ki Tawhiti); Epiniha Ratapu (Uawa ki Tawhiti); Rutene Ahumuku (Turanga ki te Paritu); Rawiri Te Manu (Reporua ki te Kautuku); Hemi Kaipua (Uawa ki Tawhiti); Hikiera Wharowharo (Tawhiti ki Reporua); Eru Pohatu (Turanga ki te Paritu); Wi Pewhairangi; Peta Kurekure; Henare Ruru (Turanga); Raniera te Heuheu; Pine Tu (Waiapu); Pateriki Pohura; Kerehona Piwaka; and Patara Rangi (Uawa). Wi Pere was also present.

This attempt at district-wide organisation arguably provides the context for the genesis of the East Coast Native Lands Trust, discussed below. Maori communities – in the county stretching from Paritu to Wharekahika – wished to retain and manage their lands on a communal, tribal basis and to benefit from and participate in the new order. They saw no contradiction in their allegiance to Church and State with their aspirations to form a parallel local government.

3.2.2 Native committees

The call for unity was also repeatedly made by Ngati Porou leaders such as Rapata Wahawaha within the Waiapu District, as a means to deal positively with the impact of land sales and the activities of the Native Land Court. Although Ngati Porou claimed the mandate to determine "all public questions affecting Waiapu," the reality may have been less cut and dried. At a meeting in February 1879 Wahawaha spoke of a "fierce fire raging among us," which, in the context of his speech, indicates ongoing discord in the region.[164] Campbell attributed the dissension between communities that flared up throughout the 1870s to jealousies arising from the distribution of what he referred to as Hau Hau land. At the 1879 hui, Wahawaha's proposal for the creation of "te tino Runanga nui" – representative kaumatua chosen by each hapu "to manage and control all the affairs of the tribe" – echoes the resolution made the previous year at Uawa. Wahawaha also called for a more concentrated settlement of hapu: "Ko to tatou noho marara o ia hapu o ia hapu. Ma te noho topu of ia hapu o ia hapu ki tona pa

[164] 'He Whai-korero na Meiha Ropata ki a NgatiPorou', *Te Waka a Niu Tirani*, vol.1 no.21, 15 February 1879, [online] at http://www.nzdl.org/niupepa.

ki tona pa e tipu ora ai te iwi"[165] At this meeting, land purchases recently conducted at Wharekahika were repudiated. The resolutions outlined above with respect to the runanga and settlement were passed "hei tino tikanga pumau ma te iwi nui tonu o Ngatiporou."

The initiatives to formalise tribal government were remarked on by Pakeha at the time. Porter, the Cook County Councillor for the Waiapu Riding, reported in June 1878 on "the general desire to institute some system of self-government; and committees or bodies somewhat analogous with the old runanga have been established, and have asserted as strong influence upon the state of the Natives, both in habits and in land matters."[166] Resident Magistrate Gudgeon, stationed at Gisborne, reported on the phenomenon in May 1879:

> For the last six months, committees elected by the Ngatiporou and Turanga Tribes have assumed judicial powers in their districts, and have fined offenders severely, particularly in the very numerous cases of *crim con*. In the majority of cases these fines have been paid and absorbed by the committees, but a few bolder spirits refused, whereupon the judges have applied to me to enforce their judgments. I of course had to refuse, and point out that to the best of my belief they had no jurisdiction from a legal point of view….
>
> As a rule, I find these committees amenable to reason and easily managed, but such is not the case in the district north of Waiapu River, extending to the Kautuku; here the local chairman, Anaru Kahaki, an assessor, has warned me not to allow European policemen to serve summonses, and informs me that they are capable of managing their own affairs.[167]

By the end of the decade a steady stream of petitions to "whakamana" the existing committees nationwide was being received. One such petition was that of Pineamine Tuhaka to the Native Minister, in January 1881: "He inoi atu tenei kia koe kia whakamana mai e koe nga komiti a Ngatiporou e noho nei i to matou whenua i Waiapu," in particular, that the committee have powers to adjudicate land titles.[168]

In 1881 Eastern Maori member Henare Tomoana introduced the Native Committees Empowering Bill, containing the necessary empowering provisions committees had been petitioning for on an annual basis. The Bill was brought over the following year but the support of many Pakeha members, including East Coast members Cecil De Lautour and

[165] Ibid; "The way in which each Hapu lives separated and scattered about. By each hapu living together in their own pah, in one body, the well-being of the whole tribe will be secured…"
[166] Porter to Under Secretary, Native Department, 5 June 1878, *AJHR* 1878 G-1, p.12.
[167] Gudgeon to Under Secretary, Native Department, 21 May 1879, *AJHR* 1879 G-1, p. 6.
[168] Pineamine Tuhaka, 17/1/1881, in MA 23/13a. ArchivesNZ, Wgtn; not included in DB.

George Whitmore, was not enough: the Bill was defeated by two votes. Bryce was particularly dismissive of calls from Maori for self-government:

> The second idea, that of providing a system of local government for the Maoris is an absurdity... Looking at the large and increasing European population and the small number of Maoris it is very evident that the best hope for the Native race is to frankly accept European institutions and laws.[169]

The Bill that Bryce subsequently sponsored in 1883 to meet Maori demands for self-government rendered the proposed committees practically impotent. As Whitmore pointed out scathingly at the time, the Bill contained "an immense mass of machinery" for the election of committees which would, at the end of the day, be meaningless: the committee's title investigations would be merely "for the information of the Court"; there was no power to make bylaws; no power to levy fines; and the committees would be limited to adjudicating disputes involving less than £20.[170] The Native Committees Act 1883 was accordingly passed into law.

The official committees created under the 1883 legislation gave Maori no effective power to administer either their lands or local affairs. They were drawn from vast districts, throwing together hapu with no community of interests. And they were not funded by government. Rees and Carroll, in their 1891 commission of inquiry into Maori Land Laws referred to the Act as "a hollow shell, the object of which is difficult to see. It mocked and still mocks the Natives with a semblance of authority. They wish it to be turned into a living Act, giving them power to do something for themselves."[171]

3.2.3 The East Coast Native Lands Trust (the Rees-Pere Trusts)

The Uawa resolution of January 1878 in which East Coast communities from Wharekahika to Paritu agreed to form a district-wide local government, was followed by the decision to take on local government functions, no less than the organised settlement the district. Lawyer and former Auckland Provincial Councillor W. L. Rees was invited by Wi Pere to Gisborne in 1877 to act for the East Coast Maori communities. Over a several period of months at the end of 1877 through 1878, Rees claimed to have met with communities from Wairoa to Waiapu to

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[169] Bryce to Governor, 11 February 1884. G 49/20, Archives NZ, quoted in O'Malley, p. 147.
[170] O'Malley, p. 153.
[171] Rees-Carroll Report, AJHR 1891, session II, G-1, p.xvi, quoted in O'Malley, p.164.

discuss the idea of placing their land under trustees, to manage the blocks in conjunction with committees of owners.[172]

This period of planning culminated in the East Coast Settlements Bill of 1880, which set out a systematic settlement scheme for the district in which Maori – as collective tribal entities – would have a viable stake. Under the Bill, trustees would select areas in each block interested hapu and whanau wished to retain for dwellings and cultivations; to reserve areas for community purposes such as schools, roads, towns, and recreation; and to apply the proceeds from the lease and sale of land in each block to the communities' needs, such as schools, housing, fencing etc. The benefits to Pakeha arising from the systematic settlement scheme would be the availability of suitable land for lease and sale on liberal terms with secure title, and the fact that a portion of the resulting revenue would be devoted to public works such as harbours, roads and bridges. The Bill was supported by petitions from Wi Pere and 164 others and Tuta Nihoniho and 231 others.[173]

On the failure of both the Bill and the Native Land Court to recognise the trust agreements, it was resolved instead to form a company, with Maori providing the land and Pakeha the necessary capital. The original Maori directors of the New Zealand Native Land Settlement Company formed in April 1881 were Henare Potae, Wi Pere, Rapata Wahawaha and John Jury. The original Pakeha directors were W. L. Rees, J. B. Poynter, W Tucker, and Thomas Porter, the last three of whom were, significantly, Cook County Councillors. The trust lands within the East Coast Inquiry District taken over by the company included Pouawa, Kaiti, Waimata North, Waimata South, Waimata East, Paremata, and Mangaheia. Land blocks north of Tokomaru were also implicated but no agreed transactions appear to have been entered into, and the Company's subsequent claims to the numerous blocks were eventually dismissed by the Validation Court in 1897.

The demise of the company has been set out in Walzl and Taylor's report dealing with the East Coast Trust Blocks. Briefly, the original board was taken over by Auckland speculators, and the original aims of the company quickly abandoned. The block committees were largely ignored and the Maori land owners were not consulted over developments. Incurring increasing debt and bogged down by litigation, company scrip was worthless. In 1890 the Bank of New Zealand took steps to foreclose on the mortgages, and in 1891 some land was sold. Intervention from Carroll and Pere at this point was unable to turn the company's fortunes around. Four blocks in the Cook County belonging to Te Aitanga a Hauiti – Waimata

[172] Information in this section is based on Walzl and Taylor, "History of the East Coast Trust Blocks…"
[173] Walzl and Taylor, 1.20-1.26.

East, Waimata North, Waimata South and Mangaheia No.1 – together amounting to almost 50,000 acres, were sold at auction in 1892. Government intervention, by way of the East Coast Native Trust Lands Act 1902, allowed for the further sale of a number of blocks to decrease the level of debt. It also resulted in the control and management of the remaining trust lands to be vested in a government-appointed board, and then, after 1906, in the East Coast Commissioner. Although Maori committees existed for each block, they were excluded from any management decisions regarding their land for the next half century.

In its deliberations on the Turanga claims, the Waitangi Tribunal posited the original Rees-Pere trusts, and the subsequent joint-stock company, primarily as a business venture and concluded that the Crown could hardly be held responsible for its failure.[174] Such a view however fails to take into account the wider context of what Maori were trying to achieve. Walzl and Taylor point to the dearth of evidence as to the Maori motivations for placing their lands under trusts, but the Uawa 1878 meeting clearly showed that Maori considered themselves to be an integral player in developing future settlement. At Uawa in February the following year, Rees' delivery to the community there focussed on the way in which Maori land had been alienated in other parts of the country: instances where Maori had been cheated out of their land; where payment for the land had gone to repay debt or to buy grog; where reserves had been promised but not given; and where, closer to home, people had not done so well out of their leases.

Maori communities on the East Coast were being given the benefit of others' experience, and sought to avoid treading the same road to hell. Of course, these communities sought to benefit economically from settlement. But the aim of the original trusts was also to maintain a modicum of control over the extent and pace of settlement of their lands. The alacrity with which communities took up the idea of collective tribal trusts could be seen as indicative of their distaste for the Native Land Court process and the resulting individualised land tenure. "In 1878 the Natives on the East Coast were anxious to deal with their lands as tribes – not to sell or lease their land as individuals," Rees later testified.[175]

It should also be remembered that the company was established only when legislative avenues and those of the Native Land Court had not worked. The framework of a company was not the best vehicle for community aspirations, but it was the only one left to those East Coat communities wishing to engage with the changing order. It should also be remembered that there were also communities on the coast wanting no part of it. Having kept Pakeha at arm's

[174] Cited in Walzl and Taylor, 1.328.
[175] 3 July 1891, *AJHR* 1891, session II, I-3A, cited in Walzl and Taylor, 1.8.

length from the time of Te Tiriti, the East Coast "Native district" was poised for change. The scheme designed by Pere and the East Coast communities, and articulated by Rees, would have given Maori – as collective entities – a measure of control over the direction and pace of settlement – local government, in fact – and an economic base from which to participate in the settler economy. Moreover, the scheme may have gone a long way to solve the problem besetting local government for the next century: that of a rates contribution from Maori land.

The outcome was precisely what Maori communities had wanted to avoid. Maori from Uawa south lost control over their tribal lands, either through enforced sale or through the East Coast Native Trust Lands Act 1902. The extent of alienation of Maori land, through sale or through lease, in the Tolaga, Waimata, and Waikohu Ridings largely accounts for the absence of Maori in Cook County records. For the same reasons, Maori were similarly invisible in the break-away counties of Waikohu and Uawa constituted in the next century.

Walzl and Taylor point out that Te Aitanga a Hauiti bore the full brunt of the nineteenth century actions of the trustees, company, and bankers involved with the East Coast Trust blocks, through the sale of Pouawa, Mangaheia No. 1, Waimata East, Waimata North, and Waimata South; a total of 68,457 acres.[176] In addition to outright purchase, the control of the East Coast Commissioner over Te Aitanga a Hauiti lands further diminished their political impact as occupiers in the district. As the Stout-Ngata report observed in 1908:

> Farming by Maoris [in the Cook County] is not carried on on the same scale and with the same heart as in the Waiapu County. It is not that the Maoris lack the capacity or desire to farm their lands, but they have been depressed by constant litigation, extending over twenty years, which resulted in their losing the control of nearly 400,000 acres of land. They seem to be dispirited and lacking in initiative.[177]

In the absence of the county rates books, an insight into the way local government decisions became the preserve of the Pakeha ratepayers in Cook County is provided by the file on the Pouawa road loan of £1,150 taken out in 1920 by special resolution of the council.[178] The rating district to finance the construction of the 5.5 miles of road and bridge affected 17 ratepayers, the first 11 of these Pakeha occupying between them some 15,766 acres in 20 separate titles. The other six ratepayers were Maori, occupying 100 acres in 7 separate titles. Under the operative weighted voting provisions, nine of the listed Pakeha ratepayers would

[176] Walzl and Taylor, 1.339.
[177] Stout/Ngata, 'Native Land and Native-Land Tenure', *AJHR* 1908, G-iii, p. 6.
[178] File 249 Pouawa Loan 1919-1920, GDC Gisborne; DB:1196-99.

have been entitled to three votes each, some 27 votes, with the other two having 3 votes between them, a total of 30 votes. On the same basis, only one of the six Maori ratepayers was entitled to an extra vote. For the purposes of loan polls, each ratepayer was allowed only a single vote, and on this occasion the file records that no ratepayer objections to the proposal were received. Nonetheless the example is detailed here to illustrate the forces at work. Cook County had been receiving 60 percent of the rates owing on Maori land since 1913, complaining nonetheless of the legal expense this had entailed, "to say nothing of the value of the time that has to be spent in endeavouring to ascertain the names of Natives responsible for rates."[179]

3.2.4 Waiapu Riding

Retaining as they did their lands for longer, within the Waiapu Riding the council's impact at this time was restricted to the survey and formation of the East Coast roads. Native schools had been established in the district, at Akuaku, Waiomatatini, Kawakawa and Tokomaru. Leaders such as Wahawaha, Mokena Kohere, Pine Tuhaka, Tamihana Ruka, and Raniera Kawhia, emulating Pakeha sheep farmers, ran their own flocks: in 1874 25,000 Maori-owned sheep were destroyed at Port Awanui in a government bid to eradicate scab.[180] These flocks had been rebuilt to a similar size within the decade.[181] In the 1870s co-operatively owned stores operated at Waiapu, and of the 39 liquor outlets between Anaura and Hicks Bay, only 5 were owned by Pakeha.[182]

Maori continued to petition, lobby and introduce bills calling for self-government throughout the 1880s and into the 1890s. Their local unofficial runanga also continued to operate. A report from Native Land Purchase Officer Brooking in June 1883 referred to native committees, "which, I may state, are recognised institutions by the Natives in the Waiapu and northern end of the district, and their decisions are, in many cases, submitted to, especially in regard to land disputes, in that part of the district."[183] East Coast Maori were part of the trend, from the 1880s, to seek real powers for representative tribal committees through intertribal cooperation. In 1883 Brooking also referred to a large upcoming hui at Waiapu, to which invitations had been sent to "people of other districts." The meeting had "reference to a movement instituted by Ngapuhi, bearing on the Treaty of Waitangi."[184] In 1888 the first in a

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[179] Cook County clerk to Prime Minister, 28 May 1920, cited in Towers, p. 117.
[180] Mackay, p.323.
[181] Oliver and Thompson, p.174.
[182] Mackay, p.341.
[183] J. Brooking to Resident Magistrate, Gisborne, 13 June 1883, *AJHR* 1883 G-1a pp.7-8.
[184] Ibid.

series of large intertribal hui was held at Waiomatatini.[185] In 1892 the nationwide pan-iwi Kotahitanga movement emerged from these and related Maori efforts, establishing a Maori Parliament, one of the fundamental tenets of which was the abolition of the Native Land Court and its replacement by Maori committees. This is considered further in the chapter on Waiapu County.

The growth of Pakeha settlement on the East Coast was reflected in the fracturing of the local government unit. In many ways the establishment of separate county status both reflected and preceded settlement: the move to separate and attain county status was generally instigated by Pakeha settlers, with the express motivation outlined in their petitions, to "open up" the district to closer settlement through better roads. Often the development of roads in these outlying areas was stymied by limits on county grants and borrowing.

Waiapu Riding was the first to strike out on its own in this fashion. In 1890, on the successful petition of ratepayers, it was constituted as a separate county, the history of which is discussed in the following chapter. In 1908 Waikohu County was constituted, following the successful petition of the ratepayers within the Waikohu and Waipaoa Ridings. Ten years later, after two attempts, the Tolaga Riding successfully petitioned for county status and was constituted the Uawa County in 1918. In both of these districts, extensive land alienation had reduced the Maori stake in local government, as ratepayers, to insignificance.

3.3 Waikohu County

Waikohu County was constituted by the Waikohu County Act 1909, following the successful petition of ratepayers in the ridings of Waikohu and Waipaoa, comprising an inland area about one-third of the Cook County. Waikohu Riding had functioned as a road board since 1877. In 1908 the extent of the road development was described as 30 miles of metalled roads and 200 miles of unmetalled roads, partly formed, and all in "deplorable condition" only open for four to six months of the year. In September 1908 W. D. Bruce and 89 others, and F. L. Tiffen and 100 others, petitioned for county status on the following grounds: that the ridings of Waikohu and Waipaoa remained undeveloped by arterial roads; that they had no community of interest with the rest of the Cook County; that the ridings were unable to raise loans for necessary work as part of Cook County because special loans to date were in excess of the amount allowed by Statute, and; that riding representatives were unable to attend council meetings on account of poor access. Significantly, the petitions explicitly stated that county status would

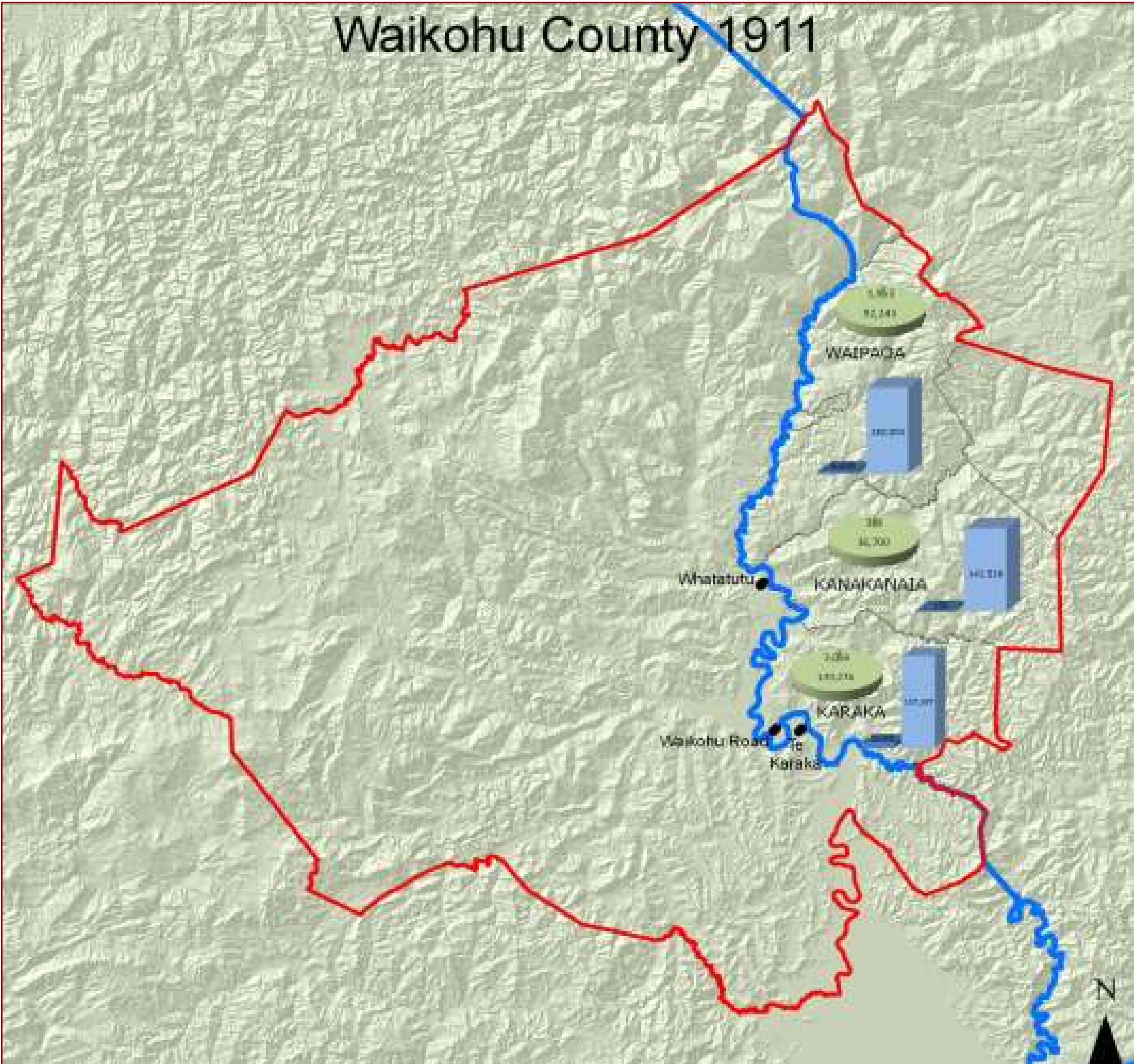
[185] O'Malley, p. 205.

"foster encourage and effectively aid the settlement of Crown and Native lands in the interior."[186]

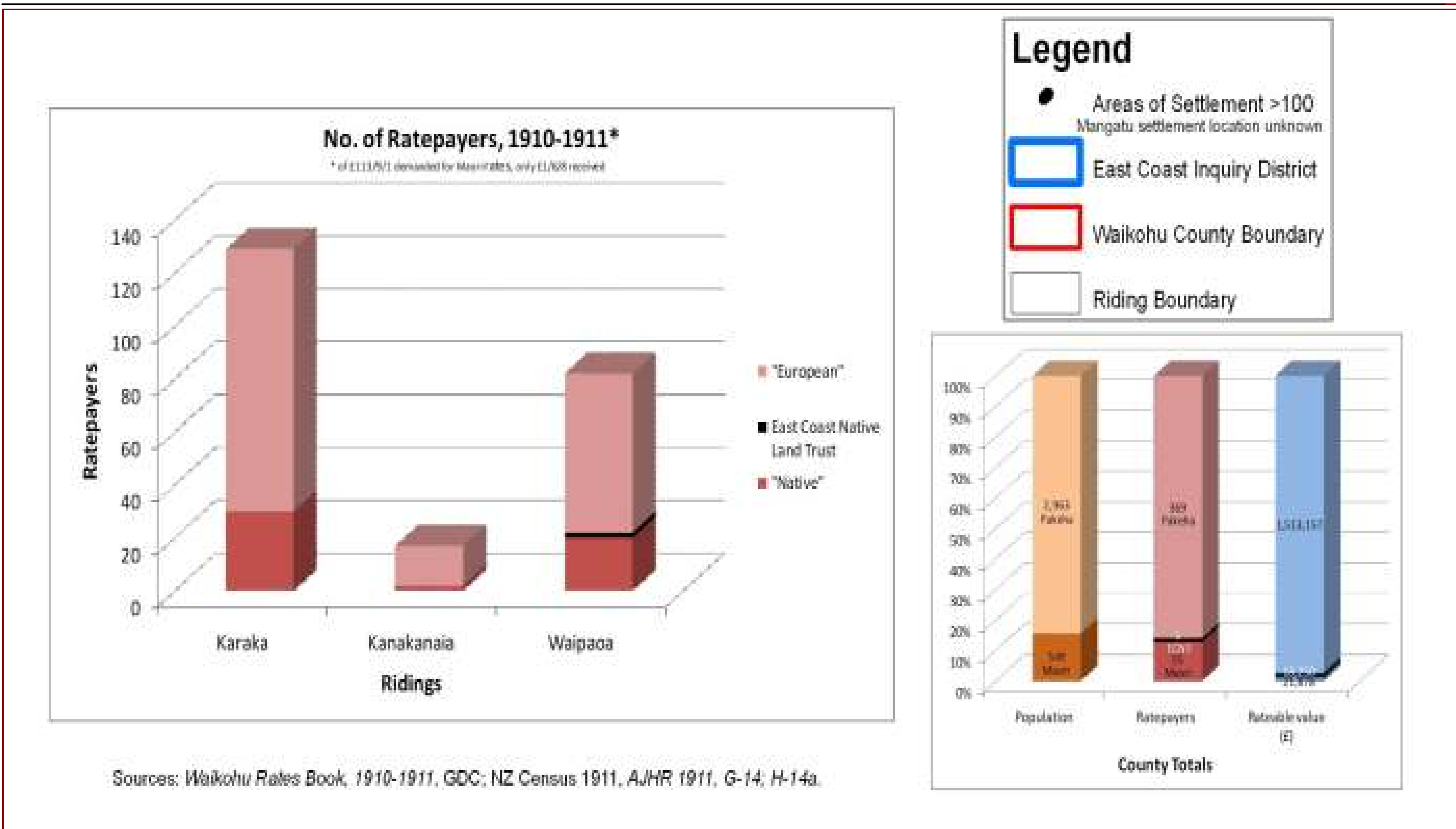
It will be seen from Map 2 that only a portion of the Waikohu County falls within the East Coast Inquiry District. The only county records that have been found at the Gisborne District Council are a number of rates books: no minute books or county correspondence were located. Little has been discovered about Maori settlement in the county. The map "Waikohu County 1911" presents information drawn from the county's rates books of 1910-1911. These rates books list the ratepayers in each riding with details such as land descriptions, acreage, land value and rates demanded. The books also note payment. Early on, county record-keeping distinguished between Pakeha and Maori lists, although the "European" lists occasionally contain Maori names. For the ridings falling partly within the East Coast Inquiry District – Waipaoa, Kanakanaia and Karaka – these details were entered into a spreadsheet to produce the following data. The other three ridings in the county were Motu (including Matawai), Mangatu and Ngatapa.

Pakeha outnumbered Maori in the county at this time by more than five to one. They also accounted for 98.6 percent of the rateable value of the county. In the Waipaoa Riding 60 ratepayers were listed on the Pakeha roll, occupying some 92,243 acres. The 20 Maori ratepayers occupied 1,953 acres between them, mostly in subdivided titles of the Puhatikotiko block ranging from 1–550 acres. Within the Kanakanaia Riding some 36,700 acres was occupied by just 15 Pakeha ratepayers, while Maori interests had been reduced to 388 acres held in three titles by two individual ratepayers. A stronger Maori presence is evident in the Karaka Riding where 30 ratepayers are listed for individual titles amounting to 3,058 acres. Even here however, they were outnumbered by the Pakeha constituents: some 67 ratepayers occupying 19,746 acres between them.

[186] Le 1/437/1909/8 Committees, Local Bills Waikohu County 1909, Archives NZ Wgtn; not included in DB.


Waikohu County 1911
WAIPAOA
KANAKANAIA
KARAKA
Whatatutu
Waikohu Road
Te Karaka
N

Map 2: Waikohu County Ratepayers 1911



The impact of the East Coast Commissioner's management of Maori land was felt most in the Mangatu Riding, outside the present inquiry district, but it was also significant in the Waipaoa Riding. TA Coleman, the East Coast Commissioner, was listed as a Pakeha ratepayer for the 4667 acres of Mangatu Nos. 5 & 6 under his control. The franchise for other Maori trust estate leased by the commissioner would of course fall on the lessees, not the Maori owners. Of the £113 in rates demanded from Maori ratepayers for this rating year, only £1/6 was received. Although the provisions preventing defaulters were not enacted until 1920, the poor return indicates the degree to Maori were outside the system.

A similar exercise was undertaken from county rates books for 1945-46. By this time the Karaka Town District had been constituted as a dependent town district within the Karaka Riding and a new riding of Waihuka created. In post-war Waikohu County, Maori now accounted for one-third of the population and outnumbered Pakeha in the Mangatu Riding, yet collectively Maori occupied less than 2 percent of the county's rateable value. By 1945 the riding rolls no longer explicitly describe the listed ratepayers as "European," and include in a few cases the names of Maori individuals. Titles held by the East Coast Commissioner are included in these general rolls. On the other hand, at the end of each listing by riding is a section headed up "Natives" which set out the Maori ratepayers. The following table has been produced from these lists:

Table 1: Waikohu County, 1945-46 showing Rateable Value and Ratepayers per Riding[187]

Riding	Population 1945		Rateable Value 1944 (£ – unimproved value)			No. of Ratepayers		
	Maori	Pakeha	Maori	Pakeha	East Coast Commr	Maori	Pakeha	East Coast Commr
Karaka Town District	109	262	1,260	18,970	-	4	80	-
Karaka	33	306	2,725	139,415	-	4	89	-
Kanakanaia	99	171	1,530	136,030		8	52	2
Motu	166	439	-	97,987	645	-	157	7
Waihuka	57	342	-	147,140		-	75	1
Mangatu	259	174	6,161	175,225	127,126	34	35	24
Waipaoa	204	294	6,016	231,470	25,329	21	59	12
Ngatapa	102	186	1,345	142,085	14,840	1	37	5
Total	**1,029**	**2,174**	**19,037**	**1,088,322**	**167,940**	**72**	**584**	**51**

What the rates books reveal is the impact of East Coast Commissioner control of Maori land on their potential to participate in local government as ratepayers. The commissioner at this

[187] Waikohu County Rates Book, 1945-46, GDC Gisborne; supplied on CD.

time was directly occupying some 167,940 acres of land in the county in 51 separate titles and paying the rates on this land. This does not include trust lands under lease. To the lack of control and economic benefit from these trust lands for the beneficial owners identified in the report on the history of the East Coast Trust Blocks can be added the loss of political rights in local government as beneficial owners and occupiers of their land. From 1944 onwards Maori would have been entitled to one residential vote in the local body elections. Commissioner control of these trust lands was finally relinquished in the 1950s.

Further research into the history of Waikohu County, particularly with regard to meeting the needs of its Maori communities has been hampered by the lack of records. Given the poor representation of Maori as ratepayers for the reasons set out above, it is highly likely that they were marginalised by the county council for most of its life. In its 1984 review of the county's district scheme the council acknowledged that: "In the past Maori interests and aspirations have been poorly represented within district planning schemes." The review drew attention to the outwards migration of the past two decades, as well as the rural to urban movement within the county. By 1985, 71 percent of the Maori population of Waikohu County resided in the urban settlements of Te Karaka and Whatatutu, a reversal of the situation in 1956. The county was amalgamated into the Gisborne District in 1989.

3.4 Uawa County

Uawa County shares two things in common with Waikohu: the impact of large-scale land alienation and East Coast Commissioner control of Maori land in the county, reducing the impact of the large Maori community as ratepayers to a minimum, and the lack of county records. Although the county minute books are located at the Gisborne District Council, no rates books or correspondence have been found.

Uawa County was, like Waikohu, constituted by the successful petition of ratepayers within the Tolaga Riding of the Cook County wanting county status in their own right for the development of the district's roads.[188] At the time, the Tolaga Riding of 263 square miles had 313 ratepayers and a population of around 1,119: 819 Pakeha and an estimated 300 Maori. Riding on the high prices for pastoral produce (and rural land) engendered by World War One, G.M. Colgrave and 137 other ratepayers argued that the riding would materially increase in value as a county; that they had no community of interest with Cook, as all of the main roads in the county converged on Buckley, Tolaga Bay; that other Cook ridings had little interest in the road development of Tolaga and that the Cook County was unable to maintain

[188] Le 1 667 1918/6 Uawa County, 1918, Archives NZ, Wgtn; not included in DB.

existing roads in the riding; that the roads were in a bad shape and that lots of land remained undeveloped through want of access. Lastly, it was argued, the administrative centre of Gisborne was too far away. Among the signatures are 15 Maori names, many of whom are listed as "married women."

Although the petition cited road development as the principal reason for the separation, what the new county council also desired from the outset was the development of Tolaga Bay as a harbour port. At its inaugural meeting in May 1919, the seven Pakeha councillors Boland, Hawkins, Hutchinson, McNeil, Moore, Paterson and Smith resolved to have the council constituted as the Tolaga Bay Harbour Board, with a rating district to extend over the whole county. Immediately after, the foreshore of Uawa River (up as far as Waimanu stream) was set apart as an endowment and vested in the newly constituted Tolaga Bay Harbour Board, under the Tolaga Bay Harbour Act 1919. This was followed by the Tolaga Bay Empowering Act 1921, authorising the harbour board to raise a loan of £100,000 for the construction of harbour works, consisting of a wharf and the road approaches. The construction of the wharf over 1926-1928 exceeded the budgeted £70,000. Opened in November 1929, the wharf enabled large coasters to load alongside, but within the decade the rate of shipping had dropped off sharply and decreased further during World War II. Improved road communications meant that the importance of the wharf as a shipping port was never regained. In 1968 the port was closed for shipping.

The Uawa County exemplifies the kind of runaway local body borrowing following World War One that prompted the government to establish the Loans Board in 1926. As well as the harbour board loan, by August 1919 the council had also resolved to commit the county to public works including road development, footpaths, roadmen's cottages and a sanitary depot, to the tune of £65,000: £15,000 to come from government grants and £50,000 from rates over a five year period.[189] The following year the proposed debt had risen to £104,455 for the purposes of road formation, metalling and tarsealing; the erection and renewal of bridges; the purchase of buildings and the sanitary scheme. The 36-year loan was to be secured by a special county-wide rate.[190] An additional £30,000 was borrowed for roads and road-making machinery. Council minutes also refer to a £7000 loan for workers' dwellings. As a result of this rash of borrowing in the first few years of its life, Uawa County enjoyed the reputation of being one of the heaviest rated counties in New Zealand.[191]

[189] Uawa County Council (UCC) Minute Book 1, 20 August 1919, GDC Gisborne; DB:1193.
[190] Ibid, 7 August 1920, p.45; DB:1190.
[191] Walzl and Taylor, 4.81.

3.4.1 Factors affecting Maori representation

The majority of the Tolaga Riding, and what became the Uawa County, passed into European hands between 1870 and 1900, often by lease and subsequent purchase. Early Pakeha farmers of large pastoral runs included Andrew Reeves, Joseph Rhodes, Samuel Locke (Paremata), E. B. Walker (Mangaheia No. 2), F. E. Tatham (Anaura), E. Murphy (Paremata, Panikau), A. C. Arthur (Tokomaru), Henry Loisel and Cook (Puatai), J. Seymour (Whangara), R. H. Noble (Takapau), J. N. Williams (Tawhiti No. 2, Pongawhakairo, Pakarae No. 2), and Graham and Kinross (Wharekaka). A number of these runs were subsequently subdivided by the government into smaller farms, such as the Wigan Settlement in 1903, the returned soldier settlements of Paremata and Wharekaka in 1920-21, and similar World War Two returned soldiers settlements of Mangapeka and Kiore in 1946.[192]

The amount of Maori land in Maori occupation can only be stitched together from other sources. In 1926 Native Minister Coates was told by the county chairman that rates from Maori accounted for only £1,000 per year.[193] From 1927 onwards, Uawa County Council and the Tolaga Bay Harbour Board systematically used the rates charging order system as a means of recouping rates, rather than sending demands to individual occupiers and from September 1929 the county clerk was empowered by the council to accept any offer of 50 percent or more from Maori land owners for rates arrears on their land.[194] In 1932 statistics were presented to Forbes and Ngata which showed that Maori occupied just 12 percent of the county's rateable value. Some 255 non-discharged orders had been placed on Maori land by the council.[195] The use of charging orders, and the widespread default on rate-paying as a result had implications on the ability of Maori ratepayers to vote in the local body elections.

3.4.2 The East Coast Commissioner

The East Coast trust blocks within the Uawa County were Paremata and Mangaheia No. 2. These properties were vested in fee simple in the East Coast Commissioner. As detailed by Walzl and Taylor, the initial purpose of commissioner control was to clear the land of debt, either through sale of part of it or through leasing. Sales in 1904 for example reduced the 9,426-acre Paremata block to 2,380 acres (Paremata Section 64), which was then leased.

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[192] John Laurie, *Tolaga Bay: a history of the Uawa District*, Gisborne, H. B. Williams Memorial Library, 1991, pp.97-99.
[193] Towers, p.145.
[194] Towers, pp.155-156.
[195] Native Rates. Non-Collection of. Deputation from Members of Parliament to the Prime Minister, cited in Towers, p.190.

Leases generally followed the form prescribed for Crown lands under the Land Act 1892. After 1907 the commissioner himself became a farmer, authorised through legislation to borrow money on the security of the land and to effect improvements. Paremata No. 3 – the Iwinui Station – was one such commissioner-run farm. Again, Walzl and Taylor's research shows that early on such clearing, sowing, fencing and draining were undertaken by the Maori beneficial owners, organised through the committees of each block.

By the time of the 1941 committee of inquiry however, Te Aitanga a Hauiti had little knowledge of, or benefit from, the Commissioner's management of their properties. Reduced to part-time, casual labourers, impoverished and living in substandard homes within the Hauiti village, the picture painted by their spokesperson, Wi Pere Amaru, to the committee is a bleak one.[196] In 1947 Hori Haere and 72 other beneficial owners of the Tolaga Bay East Coast Trust blocks petitioned Parliament: "We look at our lands from the outside, their fat being consumed by the Pakehas, who live and work on them."[197] In the pursuit to utilise these lands solely as viable productive units, the original aim of the trust had been lost sight of.

In addition to being cut out from the management and economic benefit of their land under the commissioner regime, commissioner control also resulted in the exclusion of the beneficial owners from participation in local government as ratepaying electors. In the case of leased trust estate, it was the lessee as occupier who was enfranchised. There were six leases on the Mangaheia block and at least two on Paremata No. 64. In the cases where the East Coast Commissioner directly farmed the land through Pakeha supervisors, such as the 1,224-acre Iwinui Station and the 3,319-acre Paroa Station near Tologa Bay, the commissioner himself was listed as the occupier and therefore entitled to vote. There is a suggestion that in the case of papakainga blocks, the rates on individual Maori holdings were paid by the commissioner,[198] and in this case the numerous individual Maori occupiers of Paremata No. 4 containing the Hauiti village would have been entitled to a single vote. The Hauiti township had been laid out in 1904, comprising 24 one-acre sections and 17 sections of between 3-6 acres.[199] In the absence of Uawa County rates books however, the extent of Maori enfranchisement has not been determined.

The resulting political exclusion explains not only the enduring Pakeha monopoly on Uawa County Council but also the council's marked silence on issues affecting Maori. The county

[196] Wi Pere Amaru, cited in Walzl and Taylor, 4.85-7.
[197] Petition 37/1947, cited in Walzl and Taylor, 4.122.
[198] Walzl and Taylor, 2.79.
[199] Hauiti Township, LS 1 25/168. Archives NZ, Wgtn; not included in DB.

minute books were scoured for mention of Maori communities and individuals. The following references were found:

- In June 1919, at its second meeting, the council resolved to write to the Native Minister to request that the power of the Native Land Board with regard to the registration of dogs be vested in the council.[200]
- In November 1919 a deputation was heard objecting to the taking of land in the Kaiaua 2D2 block for road purposes. The council deemed the objections to be unjustified. No further mention is made.[201]
- In January 1921 the council considered the objection over the compulsory taking of land for a sanitary reserve. This is discussed below.
- In August 1949 a request was received from the Hauiti Tribal Committee for more street lights on the Hauiti side of the river. The clerk was instructed to reply that "there was now no prospect of the street lights being reinstated until such time as the state supply reached Tolaga Bay."[202]
- In September 1955 a deputation was heard regarding the change in purpose of the sanitary reserve. This is also discussed in more detail below.

These five entries are the sum total of allusions to an interest group collectively comprising 60 percent of the county population by the 1960s. There is an indication in Walzl and Taylor's report that the Maori community at Tolaga turned to the East Coast Commissioner in the first instance, rather than the Uawa County Council, for funding for necessary community works. Early on, the commissioner paid for road access and after 1913, spent money on housing, sanitary improvements and water supplies.[203] Such works – normally considered as functions of local government – were undertaken using funds advanced against rents, purchase moneys, and farm profits owing to Maori in respect of their interests in the Trust estate. Monies from farm revenue from Paremata and Mangaheia No. 2 were used for renovating the meeting house at Tolaga in 1939.[204] In the 1940s, the Commissioner contributed funds for the Hauiti Hall. On the whole, however, investment in facilities for the well-being of the Maori beneficial owners was negligible, as evidenced by the poor living conditions described at the 1941 committee of inquiry.

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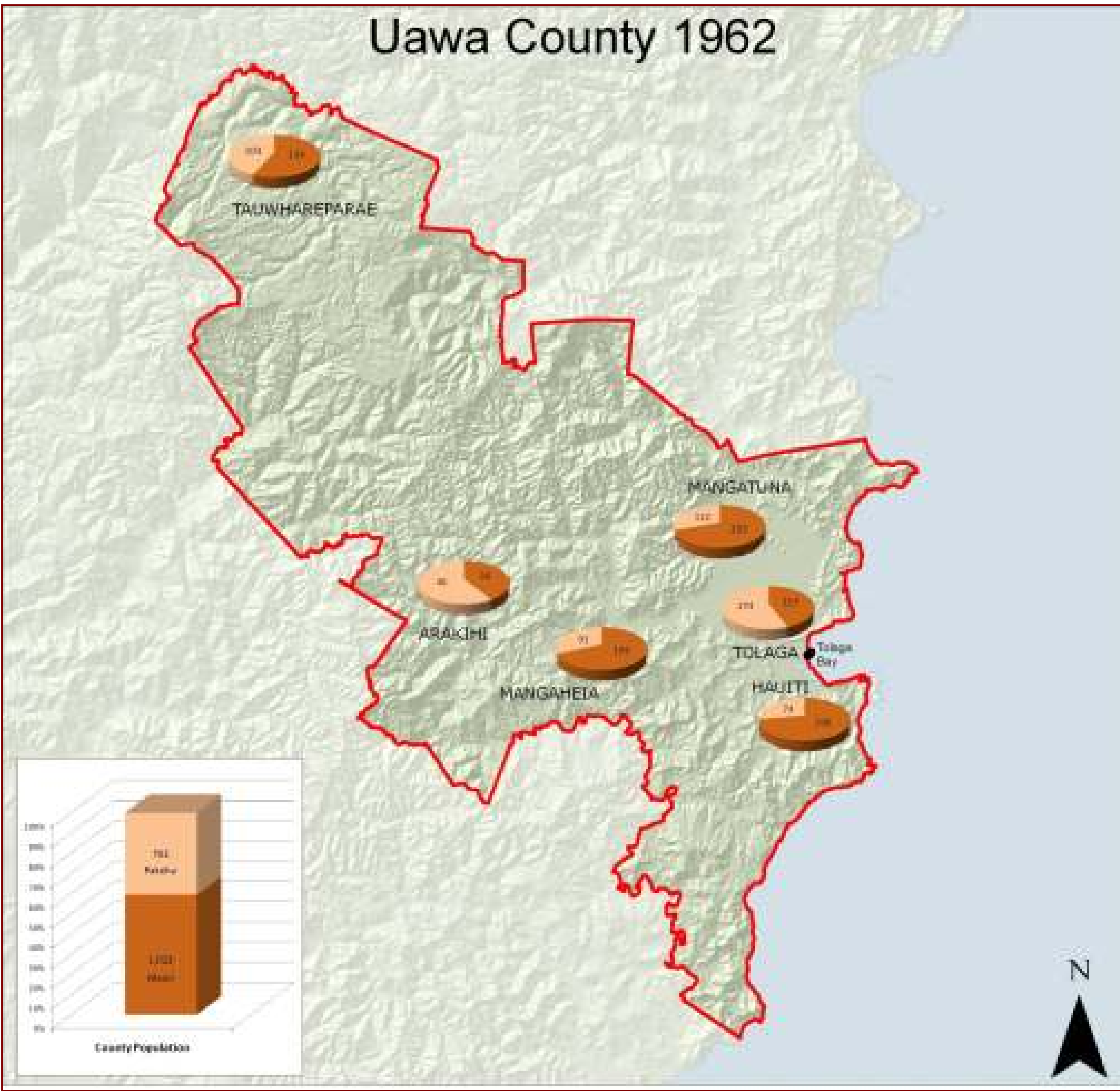
[200] Uawa County Council Minutebook 1, 14 June 1919; not included in DB.
[201] Ibid, 26 November 1919; not included in DB.
[202] Ibid, 19 August 1949, p.720; not included in DB.
[203] Walzl and Taylor, 2.60.
[204] Walzl and Taylor, 4.62.

The following map has been prepared from a 1962 roll of electors for Uawa County, after the control of the commissioner lands had been returned to the beneficial owners as incorporated entities. It gives an approximate indication of the six ridings of Arakihi, Hauiti, Mangatuna, Mangaheia, Tauwhareparae and Tolaga for in the absence of any rating records, it has been impossible to reconstruct the riding boundaries.

The impact of weighted voting is clear from the graph attached to the map. As at 1962, county residents had a single vote while ratepayers exercised from 1-3 votes, depending on the value of their property. Within the Arakihi Riding for example, the 18 ratepayers were outnumbered by the 25 residents, yet most of the former were entitled to three votes each, with a total of 48 votes between them, ensuring their political control of the riding. The same is true of the Hauiti and Tauwhareparae Ridings. Within Mangaheia and Mangatuna, ratepayers outnumbered residents and the weighted property franchise only increased their ascendancy. The only riding in which weighted voting did not materially skew political representation was in the closer settlement of Tolaga, where the unimproved value of these town sections entitled ratepayers to a single vote.

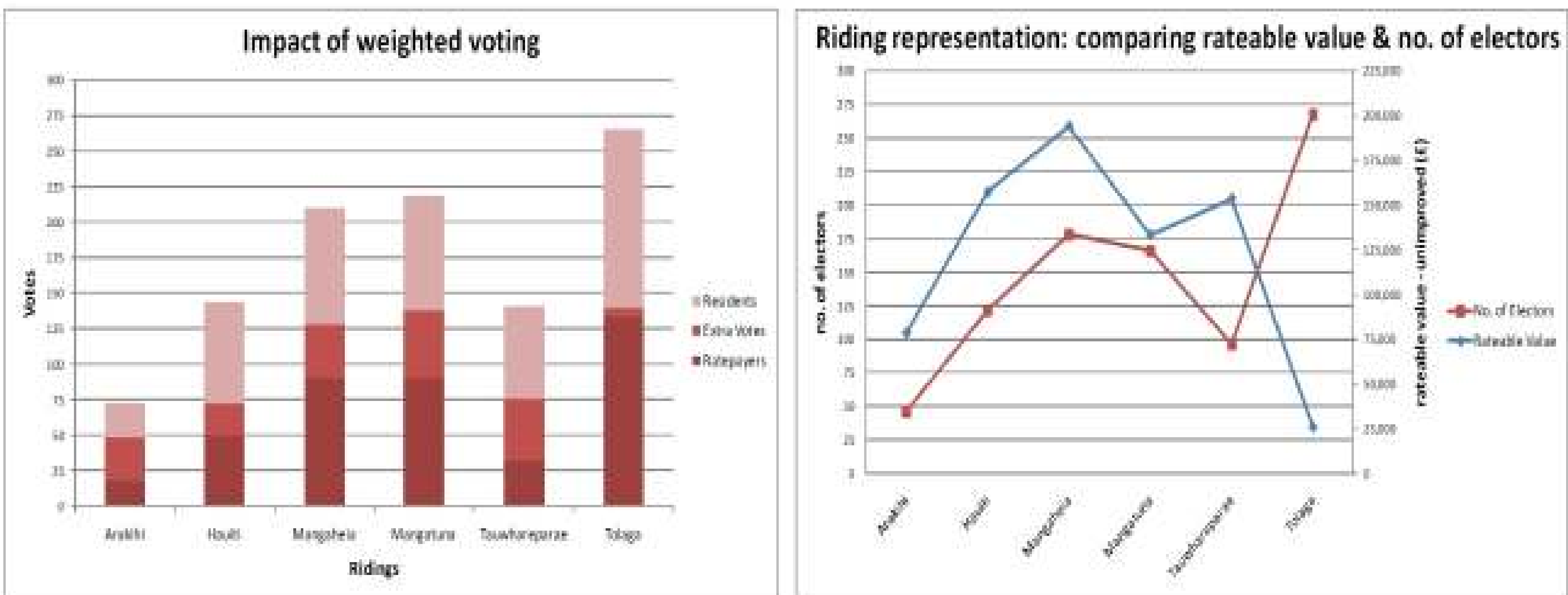
The statistics from the 1962 electors roll also indicate that riding configurations were a factor in determining the electoral outcome. In the interests of equity, one would expect the ridings to contain a comparable rateable value and number of electors. Not so. Again, Arikihi comprised just 46 electors, one-fifth that of the most numerous riding, Tolaga, and one-half the number of the next least-populated riding, Tauwhareparae. As the graph depicts, Arakihi Riding also had a comparatively low rateable value, just half that of every other riding except Tolaga. Why? The answer, it is suggested, lies in the demographics which show a 60 percent Pakeha majority, ensuring Pakeha representation on council. In the absence of the rates books however, it is not possible to determine the extent of the impact.

This trend was continued when the counties of Uawa and Cook merged to form a united Cook County in 1964. In the amalgamation negotiations of 1963, Uawa County Council proposed that in the new arrangement, the Uawa interest should comprise two ridings, with three representatives. Riding 1 (which in fact became the Uawa Riding) would be the existing ridings of Hauiti, Mangatuna, Mangaheia and Tolaga, representing 732 electors and a rateable value of £510,475. The second riding (which became the Tauwhareparae Riding) would be the hill country of Tauwhareparae and Arakihi, with just 142 electors and less than half the



Uawa County 1962
TAUWHAREPARAE
MANGATUNA
ARAKIHI
MANGAHEIA
TOLAGA
Tolaga Bay
HAUITI
N
County Population

Map 3: Uawa County Ratepayers 1962



Sources: "Tolaga Bay Harbour Board" (map), Le1 1919/9, ArchivesNZ; Uawa County Council "Roll of Electors, 1962" in amalgamation of Uawa and Cook Counties, 1957-1969, GDC; *New Zealand Census, 1961*

rateable value.[205] Presumably two representatives would be drawn from the first riding, but the arrangement nonetheless ensured at least one Pakeha farmer on council.

3.4.3 County amalgamation

A picture of the county as at 1962 is provided by the reports preceding the amalgamation with Cook County. Uawa County Council's main focus was still the maintenance of 112 miles of county roads, 90 percent of which was the Tauwhareparae Road and its feeders, but the county was struggling to keep up the maintenance on the county's 46 bridges. There was no water supply for the Tolaga Bay township, nor sewage system, schemes for both having been shelved for want of money. Street-lighting was confined to the Tolaga township, and one-third charged to the town account. The county council had taken over control of the harbour board in October 1961, with the prize of the county and the reason for its debt – the Tolaga Bay wharf – described as "near the end of its life." The wharf sheds were leased out at a yearly rental. Building inspection was undertaken by the Health Department and the inspection of noxious weeds in conjunction with the Waiapu County Council. There was a pound, but no pound-keeper; a volunteer fire brigade with a single engine; a county cemetery; a ladies' room; and a camping ground, on county land, leased at £20 per year. The stock-dip was closed, a stock-loading race on county land about to be leased. The council employed 25 people, some of them part-time.

By 1962, Uawa County was one of the few counties in New Zealand still operating on riding accounts, and the rates levied on the unimproved value in each riding varying considerably. From the rates derived from each riding, a share of the general county expenses was deducted, and the balance credited to riding accounts. It appears that by 1961, the county's public debt had been paid back.[206] Negotiations regarding the amalgamation of the Uawa and Cook Counties commenced at the beginning of 1963. The timing of the amalgamation coincides to some degree with the reversion of Maori control over the East Coast Trust blocks, and although the union was driven by outside interests (the Local Government Commission and the National Roads Board), in the name of better efficiencies in administration and roading, the lack of opposition to the amalgamation is remarkable. Both councils were lured with the promise of increased road subsidies if the amalgamation went ahead and potential problems regarding differential rating and national road board subsidies were ironed out throughout 1963.

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[205] County clerk to chairman, Cook County Council, 24 January 1963, Amalgamation of Uawa and Cook Counties, 1957-1969, GDC Gisborne; DB:1239.
[206] Ibid, "Statement of statistics relating to the County of Uawa"; DB:1219.

Following amalgamation in 1964, the united Cook County comprised the 14 ridings of Gisborne, Muriwai, Ormond, Pakarae, Patutahi, Pouawa, Taruheru, Tauwhareparae, Te Aroha, Tiniroto, Uawa, Waimata, Waingake and Whataupoko. A depot was maintained at Tolaga Bay, but the county office was closed.

3.5 Specific Local Government Treaty Claims

3.5.1 Land taken for sanitary depot/Tolaga Bay Campground

There are two specific claims that relate to public works takings by the Uawa County Council. Both claims are part of Wai 1331 for and on behalf of Te Aitanga a Hauiti. The first of these, lodged by Tautini Glover, concerns land taken by the county council for a night soil reserve. The claimant objects firstly on the basis that the purpose for which it was taken defiled the mauri of the hapu pipi beds near by. It is claimed that when the land was no longer required, it was changed into a camping ground and later sold back to the Maori owners for £140,000. Another aspect to the claim is that on concluding the sale, the council then condemned all the buildings and facilities and imposed new regulations on the Maori owners.

The history of this public works taking has been dealt with in David Alexander's Public Works Report.[207] The nine acres taken for a sanitary depot near the beach at Tolaga Bay were effected in two separate takings: 3 acres 2 roods 7 perches in 1918 and 5 acres 2 roods 12 perches in 1921, both from Paremata 73A which was vested in and controlled by the East Coast Commissioner. The land was vested in the Cook County Council (later Uawa) and £40 was paid in compensation for both pieces.

The Uawa County Council minute book refers to the written objection of "a number of Natives" to the second taking. A special meeting was held to consider the objections in January 1921 which were said to be "on account of the fact that, apart from the decrease in value of land that would be brought about, it would injuriously affect the pipi etc beds in the river." The minutes record the following resolution:

> The objection was supported by Kia Karaitiana Tamararo. The Council Chairman explained to the objectors that an area of land had already been taken by the Cook County Council for the aforementioned purpose, and that this was an extension of area: Also that no objections were made to the taking of land at that time. It was further pointed out that none of the material from the Depot would pass directly into the stream.

[207] D. Alexander, 'Public Works and other takings: The Crown's acquisition of Maori-owned land on the East Coast for Specified Public Purposes', CFRT, 2007, pp.193-5.

> The representative of the objectors stated that he would not press the claim, and retired. It was resolved that the necessary steps for taking the land be proceeded with on the motion of the chairman seconded by Cr. Smith.[208]

Alexander has also dealt with the Uawa County Council's change of use over the objections of the Maori owners, in 1955, and the subsequent lease of the land as a camping ground. The objections at this time were that the proposed use was not a bona fide "general county purpose," as the intention was to allow the land to be used by private individuals for personal profit. It was argued by the East Coast Commissioner on behalf of the beneficial owners that the land would be better used being farmed as part of the Maori owners' adjoining farm.

The owners wanted the land offered back to them first, and were prepared to pay a reasonable price for it. The county minute book records the deputation of H. Amaru and J. Marino, together with their lawyer, in September 1955, objecting to the change of purpose and seeking to buy back the land for farming purposes. After private discussion, which is not recorded, the objections were not sustained.[209] As Alexander records, although the purpose was not changed legally, the council went ahead with a ten-year lease of the reserve as a camping ground. It was only after the expiry of the lease that steps were taken to legalise the use of the reserve. The land was set apart for the purposes of pleasure grounds, camping grounds and other amenities in November 1967, after the amalgamation with Cook County had taken place. In the 20 years of county control, the campground was looked after by a series of live-in lessees. For ten months of the year the camp was not a going commercial concern.

The option to return the land to the Proprietors of Hauiti by way of sale was broached during the renewal of the tender for lease of the camping ground in June 1986. The camping ground had been a drain on county funds for a long time. The sub-committee was also aware "that for some time now the Proprietors of Hauiti had expressed a desire to have the lands revert to its original owners…" It resolved to offer the land and buildings for $145,000.[210]

The price was based on the value of the improvements ($100,000) and the value of the land ($45,000). Property consultants had advised that the market price could be considerably more given the scarcity of seafront freehold on the East Coast. On the other hand, the legal obligation of the council to offer the land back to the successors in title of the original owners

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[208] UCC Minute Book 1, 29 January 1921; DB:1191.
[209] UCC Minute Book 2, 1934-1959, p.869; DB:1194.
[210] Minutes of meeting of sub-committee of Council, 17 June 1986, Tolaga Bay Motor Camp (Hauiti Claim), property file 167, Wharf Road, Tolaga Bay, GDC Gisborne; DB:1366-7.

was also identified as a factor affecting the value.[211] After considering the matter, council decided that the restrictions with regard to sale were not binding, and that council could expect a current market value for the property. On the other hand, County Manager Bob Elliot referred to the "desire by Council morally to have the original owners or representatives purchase the Motor Camp at a realistic value…" The original asking price of $145,000 was considered "a fair price and realistic under the historical circumstances."[212] A foreshore area was to be retained in Cook County ownership and set aside for public access and enjoyment, reducing the original 3.69 hectares a little. Following a site visit where the foreshore area was inspected, a formal resolution to sell the land was passed in August 1986.

The campground buildings comprised two cookhouses, two laundry blocks, six cabins, a manager's house, an office/store and two caravans. The valuation report of August 1986 cited above noted that the camp shop was in poor condition and would need rebuilding. On 2 September 1986 the health inspector drew attention to the shortage of facilities at the camp, including showers, handbasins, toilets and laundry tubs. Other matters requiring attention included floor recovering, floor/wall junctions and the replacement of rusty windows in the camp shop; minor plumbing issues in the manager's house; spouting repairs on the cabins and inadequate campground lighting. The bore water supply was tested and found to be satisfactory for human consumption.[213]

In October 1986, the council promised further assistance in order to complete the "transitional works" associated with the transfer of the motor camp to Hauiti. The whole campground water system would be checked over; the house supply water storage and header tanks flushed and cleaned, refilled and chlorinated; all septic tanks cleaned; the boiler gasket checked and resealed; and the water pumps checked. Once this work was completed, the council would not be responsible for "any aspects of repair, servicing etc which are considered by it to have been included with the "as is" nature of the camp and comprised in the purchase agreement."[214] Later that month the new operator of the camp store was told to replace the rusty windows in the shop and cover the wall/floor junctions before the store could be issued with a license.[215]

In December 1986 substantial plumbing and drainage work was done by the new owners to bring the campground up to standard. Past works had been done by an amateur and did not

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[211] Ibid, AG Glencarry to Cook County clerk, 19 June 1986; DB:1368-9.
[212] Ibid, County Manager to AB Glencarry, 25 June 1986; DB:1374.
[213] County Health Inspector to County Manager, 2 September 1986, Tolaga Bay Motor Camp 817/646, GDC Gisborne; DB:1390.
[214] Ibid, County Manager to Proprietors of Hauiti, 9 October 1986; DB:1392-93.
[215] Ibid, County Health Inspector to B Allen, 20 October 1986; DB:1394.

meet Health Department requirements or plumbing and drainage regulations. The bill for the repairs was presented to Cook County. On this occasion, the county agreed to pay $1,820 towards the repairs on the manager's house.[216] The county manager argued that the council should have been involved in the repairs if it was going to be charged for them, and also that Hauiti Farms had been given the opportunity to negotiate any matters of concern before agreeing to the "as is" purchase of the property. In July 1987 the recently connected spring water supply was tested and found to be unfit for human consumption. In February 1988 a long list of electrical defaults to be remedied were identified in the old toilet block, the manager's house and the camp shop.[217]

The details of the purchase agreement are not known. The legal transfer of Lot 1 on DP7430 comprising 3.208 acres did not go through until August 1987. The number of serious problems that were identified with the buildings, plumbing, drainage, water supply and electrical wiring in the intervening twelve months suggest that the campground was in a poor state at the time of sale, the result of 20 years of rather lax regulation under council control. It is a more difficult task to determine to what extent the increased county vigilence in this regard was the result of the new ownership, or of changing times.

3.5.2 Land taken for the Tolaga Bay Wharf

Another specific claim brought by T Marino and others for and on behalf of Te Aitanga-a-Hauiti concerns the taking of land for the Tolaga Bay wharf. It is claimed the land has not been returned to the original owners and that no compensation has been received.

Reference to Alexander's public works takings database shows that 2 acres 14 perches of Paremata Lot 4, Uawa SD, Blk XII was taken under the Public Works Act 1908 for road in October 1908. At the time the land was Maori land under the control of the East Coast Native Trust. The database records that £120 was paid in compensation the following February. The database also records that closed road adjoining Paremata Lot 4, comprising 2 acres 3 roods 38 perches of Crown land was taken for harbour works in 1928 and vested in the Tolaga Bay Harbour Board. The road had been closed the previous year.

When the Cook County Council approached the Proprietors of Hauiti in August 1986 regarding the offer of sale of the Tolaga Bay camping ground, it also notified its intention to sell the Tolaga Bay wharf shed and land, being Lot 2 of 4665 square metres for $80,000. The

[216] Ibid, County Manager to P Ellis, 10 April 1987; DB:1396.
[217] Ibid, Chief engineer to Cook County Council, 19 February 1988; DB:1401-02.

balance of the land, Lot 5 of 6970 square metres, was to be vested as a road.[218] The road was retaken for a road in 1990.

3.5.3 Reserves and Other Lands Disposal Act 1948

No information has been discovered regarding the claim Wai 1303 of V. Mackay, J. Simpson, K. J. Mackay and T. Marino, for and on behalf of Ngati Oneone and all hapu of Te Aitanga a Hauiti, concerning the Reserves and Other Lands Disposal Act 1948, validating the sale of land vested in fee simple in the East Coast Rabbit Board. The land in question was Tutaekuri 3B2, in Block XV Taramarama Survey District, of 11 acres 3 roods 1 perch.[219] The land had been sold to an Arnold de Lautour, a sheep-farmer of Wairoa by the rabbit board. In the absence of any power to do so, Section 23 of the 1948 Act retrospectively validated and authorised the transaction.

3.6 Cook County, 1965-1989

The inequity of rating and representation appears to have been an ongoing issue dogging the Cook County for much of the twentieth century. In June 1953 notice of legal action against the council was issued to have the riding representation changed by R. Smith and F. Forge and the Cook County Ratepayers Association, who claimed that over the years the representation on council of the different ridings had become increasingly out of proportion to the rateable value and number of electors in each riding.[220] The action had been prompted by council's recent resolution not to amend the riding representation. The outcome of the threat is not known.

The chairperson at the time maintained that since 1947, the council had been "moving towards a position when it will give full consideration to any action necessary in the way of equitable and fair representation." His affidavit stated that "from a practical point of view the miles of roads in each riding, and, where applicable, the community of interest, should have an influence on adjustment of boundaries."[221] At this time the council had 11 ridings. Percentages produced for council deliberations in 1955 reveal that a number of ridings such as Te Aroha and Waimata had less than 3 percent of the county electors, while Pakarae, Tiniroto and Waingake had less than 4 percent. It is also clear that miles of road within each riding was

[218] Cook County Manager to Proprietors of Hauiti, 1 August 1986, Tolaga Bay Motor Camp Property file 167; DB:1379-80.
[219] Certificate of Title 82/51.
[220] Woodward, Iles and Furness to Cook County, 18 June 1953, in Cook County Council 119/120 boundary adjustments, GDC Gisborne; DB:1267-8.
[221] Ibid, Cook County Chairman affidavit, no date; DB:1264-65.

a factor in riding arrangements. Community of interest and topography were also identified as lesser considerations.

By 1962 the riding of Ormond had been created, bringing the total number of Cook County ridings to twelve, with a councillor drawn from each.

Table 2: Cook County Riding Representation 1962[222]		
Riding	**Rateable value (£)**	**No. of electors**
Gisborne	893,595	516
Muriwai	460,309	362
Ormond	537,465	292
Pakarae	314,845	105
Patutahi	637,445	479
Pouawa	347,955	248
Te Aroha	199,440	86
Taruheru	497,395	422
Tiniroto	190,600	130
Waimata	216,275	74
Waingake	297,371	100
Whataupoko	643,070	1,050

Once again, such a representation arrangement flies in the face of any democratic principles, and nor is it clear that rateable value was a determining factor, when both the number of ratepayers and the rateable values of ridings such as Te Aroha, Tiniroto, and Waimata are so much at odds with the other ridings. It is clear that the arrangement favoured back-country farmers. Allusions are also made to the “war” between “hill” and “flat” representatives, but the intricacies of these competing interests have not been unpicked for this report. Under the amalgamation scheme with Uawa the council was increased to 14 ridings, and 14 councillors.

The serious anomalies in representation endured. By 1979 the population per riding varied from 155 in Waimata Riding to 1220 in Muriwai. Similarly the rateable value of Waimata Riding ($3,143,000) was one-fifth that of Gisborne Riding’s $15,003,000.[223] In November 1976 the council had resolved by 6 votes to 5 to reduce the 14 ridings to 9 wards, but no further steps were taken until the matter was again prompted by the Local Government Amendment No.3 Act 1977, which called for the reorganisation of local government into wards. Sections 56 required councils to have regard to the population, rateable value and areas

[222] County clerk, CCC to chairman, CCC, 23 March 1962, Amalgamation of Uawa and Cook Counties, 1957–1969; DB:1218.
[223] ‘Statistics of the present 14 Ridings of Cook County’, Appendix 1, in Cook County Council 160, Review of County Ridings 1942/1980, GDC Gisborne; DB:1276.

of each ward and such other factors. The new system was to be up and running by the 1980 triennial elections.

The number of ridings may have been reduced to nine wards, but the number of councillors remained at 15. As of June 1982, Cook County was the second-largest county council in New Zealand and this time the debate centred on whether the number of councillors should be reduced. A head-counting exercise of the number of Maori councillors serving on the Cook County Council has not been undertaken for this report. Huki Nepia, representative for Muriwai Riding, and Bob Paenga of Whangara, appear to be the only Maori faces among the twentieth-century councillors celebrated in the local history of the county.[224] Both of these men served in the last term of the Cook County before the amalgamation of 1989.

[224] I., J., and A. Gillies, *Cook: the County and its People*, Gisborne Herald, 1989.

4. Waiapu County, 1890-1920

Waiapu County was constituted in 1890, on the successful petition of the ratepayers of the Waiapu Riding for separation from Cook County. The break-away both reflected and accelerated the “opening up” of the district to Pakeha settlement: to roads, harbour facilities, and townships, all based on the transformation of the forests to pastoral farmland. Local government in the county was held in the relatively few hands of the large-scale Pakeha station-owners, and county council resources were largely directed towards facilitating the business operations of these farmers, through the construction of the necessary network of roads and wharf facilities to get the farm produce out.

The period 1890–1920 has been described as “the golden age” of economic prosperity on the coast. Certainly it was a time of incredible effort and activity. The incremental developments made by scattered farming entrepreneurs in the early 1890s gave way to a sustained growth of Pakeha settlement by the turn of the century. In the ten years between 1896 and 1906 the Pakeha population in the Waiapu County rose from 447 to 780. By 1916 it had almost doubled again. Within this period the townships of Te Araroa, Waipiro, Te Puia and Tokomaru were statutorily established and auctioned off, three of them on or beside existing Maori settlements. A web of roads was formed to transport farm produce, initially to the nearest beach to be surf-boated off, and, by the end of this period, to the harbour facilities and freezing works developed at Tokomaru Bay. A hospital was built at Waipiro; the Waiapu river was bridged and, mile by mile, the inland road was constructed.

Maori were involved in the new economic order, providing the much-needed labour in forest felling, stump clearing; grass sowing, fencing, road-making, and sheep-shearing, and then in the similar development of incorporated Maori land as sheep farmers in their own right. They were also organised politically, both on traditional hapu lines, and by komiti parish. The purpose of this section is to consider the role of local government – that small clique of leading Pakeha farmers empowered as a county council – in changing the dynamics on the coast in the first 30 years of their rule, and the extent to which Maori were considered or incorporated in their decisions.

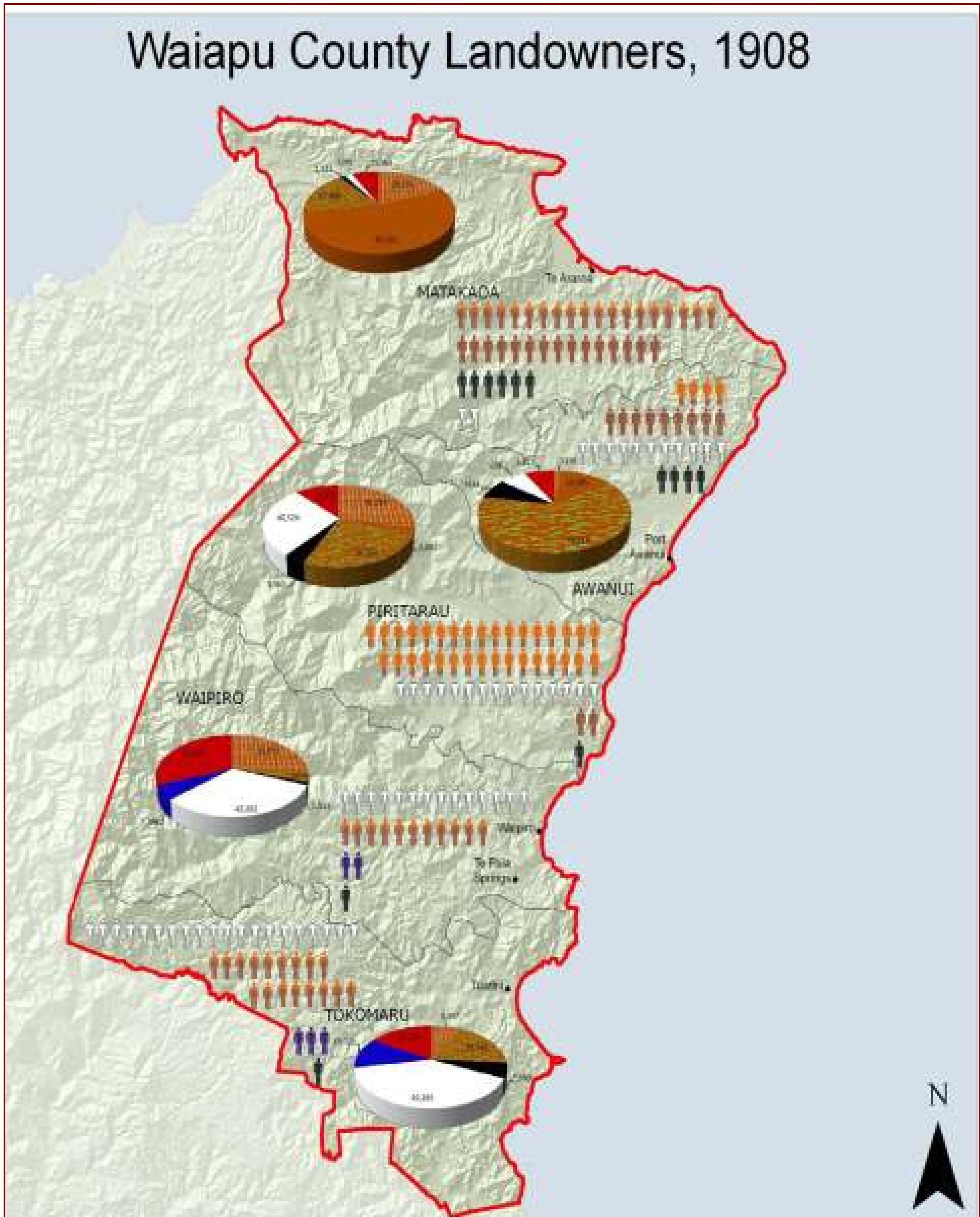
4.1 The Composition of the Waiapu County Council

The break-away county appears to have had a modicum of Maori support: a second petition from Rihana Honia and others for the establishment of the county was considered by the Native Affairs Committee in 1889, but the full petition with the list of petitioners has not been found in order to verify the authenticity of the appeal. Early county electoral records or rates books have also proved elusive, but the number of electors must have been few. Five years before, as part of the Cook County, the Waiapu Riding had just 18 electors with 48 votes. Many of these had lived in the district less than a decade under lease agreements made with the locals. E.D. Holt at Whangaparaoa and Waikura; Edward Henderson and Arthur Stainton at Matakaoa; Geo Whitmore – the war veteran and Legislative Councillor – at Tuparoa; William Sommerville and J.N. Williams at Waipiro; A.C. Arthur and Geo Boyd at Pauriki; and Edward Murphy on the Gisborne Harbour Board land at Tauwhareparae were some of the early Pakeha farming in the district.

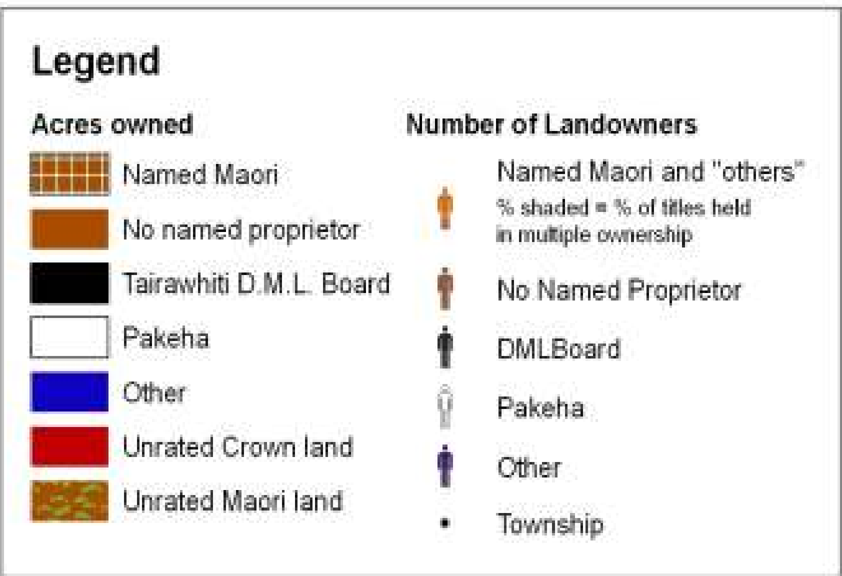
The new county was divided into the ridings of Tokomaru, Waipiro, Awanui, Piritarau and Matakaoa. Two of the six county councillors were drawn from Piritarau, reflecting the importance of Port Awanui at the time, which was also, fleetingly, the seat of local government before it was moved to Whitmore's premises at Tuparoa. After a split vote in 1893 the council took up office in Waipiro Bay, where Chairperson Wallis managed the 100,000-acre Waipiro block for J.N. Williams. William O'Ryan was taken on as the county clerk and engineer. The same year the number of councillors was increased to seven, with Waipiro Riding gaining a second member.

The following map was drawn from a list of land owners detailed in a 1910 county letterbook.[225] While it is not a definitive list of ratepaying occupiers for the purposes of establishing county franchise, it nonetheless gives some indication of the electoral dynamics within the county. As of 1904, all Maori freehold land was liable for rates. Within the 1910 list Maori land fell into three categories: blocks which had a known owner (or owners – the degree to which blocks were multiply-owned is indicated on the map by shading); Maori land for which the owners were not known (simply listed as "natives" or "natives of Te Araroa"); and Maori land which was listed as unrated, presumably because it was papatupu or customary land to which title had not yet been determined by the court. The statistics from the 1908 Stout-Ngata report have been included to show the extent of leasing within each riding.

[225] WCC Letterbook no.1, 1910-, GDC Te Puia, set out in Appendix 1; DB:559-62.



Map 4: Waiapu County Landowners 1908



Sources: *Waiapu County Council Letterbook, no.1, 1910-; "Waiapu County" (map) Geo A. Beere, 1904; Stout; Ngata, "Native Lands and Native Land Tenure", interim report, AJHR, 1908 G-i, pp5-7.*

Moving south to north, most of the Tokomaru Riding by this time was either in private ownership or Crown land carved into small grazing runs and leases in perpetuity. The blue segment in the pie chart on Map 4 represents the Gisborne Harbour Board's Tauwhareparae endowment which was leased to Edward Murphy. The 20 listed Pakeha proprietors of Tokomaru Riding was the highest total in the county, although over one-third of these belonged to the same Busby family. Two-thirds of the area remaining in Maori hands was not rated, and so bestowed no electoral rights. The remaining 9,347 acres was divided into 17 blocks, the size of which varied between 25 and 1,500 acres. Of these 17 listed owners, 11 held the land on behalf of multiple beneficial owners. None of these "others" were entitled to a county vote.

The interior lands of the Waipiro Riding beyond Makarika and the Ihungia river were similarly Crown Forest Reserve or freehold land by this time, with the lease of the vast Waipiro block extending the Pakeha pastoral interest to the coast. Some 42,000 acres was owned by just 14 Pakeha individuals, five of whom were members of the Williams family who were also trustees of a further 5,000-acre block owned by the Waiapu Diocesan Board. The Waipiro Riding had relatively little unrated Maori land, which, with Tokomaru Riding, made it one of the wealthiest ridings in the county. The 35,000 or so acres of Maori land were held in 11 large blocks, 7 of which were communally owned. Although this land was rated, it was the lessee, as ratepayer, who got to vote in the county election.

Within the Piritarau Riding, a similar amount of freehold land – some 40,500 acres – was held by 15 Pakeha individuals. Over three-quarters of this acreage was owned between four members of the Williams family. Pakeha freehold land was located in the upper Tapuwaeroa Valley on the interior county boundary, as well as the blocks of Pakira, Taitai, Waitangi, Waihuka, Waikohu, Matarau, Waitekaha, and Reporua. Just under half of the Maori land in the Piritarau Riding fell outside the rating regime. The remaining 41,237 acres had been subdivided into 33 blocks of varying size: 10 of these were still large blocks with multiple beneficial owners, while others had been individualised into small holdings of around 15-30 acres. On the face of it, the 33 listed landholders had the potential to influence the outcome of local body elections. However, as the above graph details, a considerable amount of Maori land in the riding – some 59,000 acres according to the Stout-Ngata Commission – was leased at this time, which would have increased the number of Pakeha ratepayers substantially.

Within the Awanui Riding, the 11 listed Pakeha held only some 5,000 acres between them, mostly located north of the Poroporo river. Nor was much land leased. On the other hand, Maori were kept from council by the fact that four-fifths of their land within the riding fell outside the rating regime. Of the remaining 11,700 acres liable for rates, some 10,400 acres divided into 9 blocks had no named proprietor, being listed simply as "Prop[rietor]s. Ahikouka." In this way, the political might of the populous land-owning hapu of the Waiapu Valley was reduced to four individuals entitled to vote in the local body elections.

This situation was reiterated in the Matakaoa Riding. Here Pakeha land owners numbered just two, although to be sure there would have been Pakeha lessees of Crown land at Whangaparaoa, Waikura and the valleys of Kopuapounamu and Karakatuwhero entitled to vote. Maori retained 90 percent of their land in the riding, and over two-thirds of this was still in customary ownership. Needless to say, they had no voice in local government. Of the 19 named Maori proprietors listed in council records, 12 represented multiple beneficial owners who were not enfranchised.

Bearing in mind that:

- county franchise was based on the occupiers column of rateable property in the riding (under which voting was weighted from 1 to 5 votes until 1899, and then 1 to 3 votes thereafter according to land value);
- until 1904 both customary Maori land and Maori freehold land more than five miles from a public road was not rateable; and
- the multiple beneficial owners of rateable Maori land were not listed on the valuation rolls,

it should come as no surprise that the elected council throughout this first 30-year period was generally composed of the large-scale Pakeha farmers of the district. Edward Henderson represented Matakaoa Riding from 1890-1905; Wallis represented Waipiro Riding from 1890-1902; A.B. Williams' tenure on council lasted 33 years from 1895 to 1927; T.S. Williams represented Piritarau Riding from 1897-1911; and K.S. Williams served on council for 12 years before taking up office as Member of Parliament for the district from 1920.

The earliest reliable electoral roll located – for the county elections of 1914 – bear out the trends identified above. By this time the Matakaoa Riding had been divided into the ridings of Awatere and Whangaparaoa. Maori ratepayers were outnumbered by Pakeha in every riding except Awanui – the populous Waiapu valley – where their numerical strength was countered by weighted voting which put them on a par with the Pakeha constituency.

Table 3: Waiapu County Council Electoral Roll 1914[226]				
Riding	**Maori electors**	**Maori votes**	**Pakeha electors**	**Pakeha votes**
Tokomaru	9	13	65	135
Waipiro	14	15	38	92
Piritarau	18	42	23	57
Awanui	23	41	19	41
Awatere	8	14	31	59
Whangaparaoa	5	8	22	54

Had the status quo remained, the pressure to individualise Maori land titles, coupled with the tribal venture into dairying from the 1920s on, may have resulted in a significant Maori political force in local government, particularly within the northern ridings. As it happened, the two northernmost ridings of Awatere and Whangaparaoa separated to form the Matakaoa County in 1919. The history of Matakaoa County is set out in Chapter Six. Of equal significance was the amendment to the Counties Act 1920, which saw rates defaulters disqualified from taking part in any county poll or election. The impact of this will be discussed in more detail later in this report.

4.2 The Work of the County Council

Administration within the first few years was necessarily humble. Each councillor was responsible for compiling a ratepayers' roll for his respective riding, for spending and supervising the handful of available pounds on road repairs within his riding, and for collecting the neighbourhood dog tax. In its cash-strapped state, the council was limited to having existing surveyed roads proclaimed. In September 1893 it was decided that the mail road would be a county road, its expense borne by the county as a whole, while all other roads would be district roads, and charged to their respective ridings. Some indication of the county's changing fortunes can be discerned from the table below, taken principally from the county's audited accounts from 1892 to 1910.

[226] WCC Electoral Roll 1914, in WCC Letterbook 1914-15, GDC, Te Puia; DB:576-81.

Table 4: Waiapu County Council, 1892–1910[227]										
	Income (£)						Expenditure (£)			
Year (ending 31/3)	General rates	Govt. rate subsidy	Land Fund	Public Works grants	Licenses	Loans	Roads / bridges	Land Fund	Admin	Charitable Aid
1892	520		46		198		213	33	153	43
1893	700		92		18		187		95	
1894	767	403	114		196	1,100	873	84	472	53
1895	835	411	29	400	128		1,412	115	417	70
1896	957	421	50		197		1,467	12	406	90
1897	851	452	217	200	148		817	250	352	90
1898	1,070	464	59	545	226		1,010	14	399	106
1899	1,424	477	41	1,450	212		1,201	47	417	85
1900	1,532	500	?	1,750	214		1,289	96	383	68
1901	1,767	500	?	1,100	238	10,000	3,265	106	433	148
1902	2,133	500	188	1,493	155	1,000	1,903	74	467	116
1903	2,890	500	308	328	194		1,830	224	476	166
1904	2,776	526	314	1,477	181		2,594	92	481	299
1907	5,407	554	500	1,950	254	500	3,516		663	800 (Waiapu)
1910	8,538	930	470	3850*	259	3,500	9,068	798	961	400

Briefly, the council's income was made up of general rates (to be expended on administration and county road maintenance); the annual government rates subsidy; Crown land revenue, (being a portion of the proceeds of lease and purchase of Crown land, to be spent on providing access to such lands); Public Works grants for specific road projects (which were applied for every year and matched £ for £ by the county); license fees from activities within the county such as pubs, hawkers fees, and dog registrations; and, lastly, loans, which of course had to be repaid with interest. The fact that the county was primarily in the business of making roads is reflected by the accounts: apart from its running costs, the only other major call on its funds was an annual levy towards the upkeep of the hospital and charitable aid board. By 1907 the county had its own hospital board and a hospital was built at Te Puia shortly after.

For most of the 1890s the growth of rates receipts was incremental, and expenditure of road development was necessarily modest. Similarly, the rise in rates receipts was reflected in a corresponding increase in expenditure on road development. The government rates subsidy was a welcome boost to the county income, but what became increasingly important were the

[227] WCC Audited balance sheets, 1891-1910, GDC Te Puia; DB:582-627.

Public Works grants for specific projects the county applied for from 1897 onwards. By the turn of the century, the council was assured enough of the county's prosperity to borrow sums for road development and other projects on a regular basis. By 1915 it had taken on eight such special loans, committing future county ratepayers to a debt of some £94,170. The report turns now to consider the county council's activities during this initial period, with a particular focus on who stood to benefit.

4.2.1 Of roads and bridges

As the purchase and lease of Maori land occurred, so too did a changing pattern of road development emerge to provide access to these newly acquired settler lands. A Waiapu County map dated 1904, replete with its towns and roads and ridings, sets out an optimistic blueprint for the burgeoning county.[228] It also shows the web of road development radiating out from the coast in the southern third of the county – particularly from the bays of Anaura, Tokomaru, and Waipiro – linking the hinterland to these important seaports. Inland routes also emanate from Tuparoa, Reporua, and Port Awanui further north. In addition to the traditional coastal route passing the many Maori communities, there are already parallel inland routes running from Tauwhareparae both through Puketiti and Makarika to Waiapu and through Hikuwai to Te Puia. The northern riding of Matakaoa on the other hand is connected by the thread of the Waiapu – Kawakawa road which runs as far as Hicks Bay. Two roads follow the valleys of Karakatuwhero and Kopuapounamu to give access to the Crown land there.

The gradual improvement of the main coach road from the south can arguably be justified on the grounds of efficiency, the history of the route one of progressive improvements which would gradually benefit all occupiers of the northern district. However, this does not account for the wide discrepancies in the development of secondary district roads within the county. It should come as no surprise, given the composition of the county council and the basis of its finance on property tax, that those served first and best with district road access were rate-paying, vote-toting Pakeha farmers. The exception to this rule were those state-sponsored farmers who took up Crown land either by lease or by sale, and in doing so were guaranteed road access under the thirds and fourths scheme, in which a portion of their payment for the land was paid over to the county council for this purpose. Guaranteed access, and exempt from general rating as Crown tenants, these farmers got the best of both worlds. According to the Waiapu County Council in 1908, for over 20 years Crown tenants had paid only 1/35th of

[228] "Waiapu County", (map), 1904; in "East Coast Map Collection", CFRT, 2008.

their share of general rates.[229] Unable to change the statutory regime, the following year these same tenants were asked for voluntary financial contributions.

4.2.2 Public Works Grants

Road formation could be financed with Public Works grants, to subsidise rates expenditure on a £-for-£ basis, or by loans. The decision to place county finances on a riding basis put poor ridings on the back foot immediately, as a riding could only contemplate works for which it had the corresponding funds to match any such proposed grant.

Waiapu County Council's first grant of £400 was the result of lobbying from Ngati Porou interests in the Waiapu Valley. The Waiapu Road had been formed in 1883 when the district was part of the Cook County. Ten years on it was claimed that the six miles between Kaiinanga and Waiomatatini used by Maori farmers was not being maintained by the council, despite the fact that the adjoining Maori land paid rates.[230] Wi Pere claimed credit for the grant, which he maintained was paid to the county council for the upkeep of the Waiapu Road. In the event the council resolved to spend the money on the construction of a dray road on the other side of the river, from the junction of the Waiapu-Kawakawa and Waiapu North Valley roads at Tikitiki towards Mangaotawhiti "as far as the money goes."[231]

The following year a petition was received from Rapata Wahawaha, Paratene Ngata and 22 others of Waiomatatini asking the council to make a deviation in the road near Te Horo. After O'Ryan reported favourably on the proposal, the council agreed to the deviation, "on condition that the Natives undertake to do all the work required in forming the new road along a line to be laid off and to a specification to be drawn up by the Engineer."[232]

The council began to apply for Public Works grants on a regular basis from 1898. Applications were made annually to the Minister of Public Works and local MPs – Carroll, Ngata and MacDonald – lobbied in favour of the county council. The council did not get everything it applied for, and sometimes received grants for purposes it had not applied for. A breakdown of government road grants received in the first 20 years of the Waiapu County administration, based on the county's correspondence, gives some indication of where the council was directing its money. This has been summarised in the table below:

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[229] WCC County clerk to Colonial Treasurer, 4 July 1908, WCC Letterbook 1905-1910; DB:501-3.
[230] 'Hui at Mangahanea', February 1896, in W. and Te O. Kaa (ed.), *Apirana Ngata i ana tuhinga i te reo Maori*, Wellington, Victoria University Press, 1996, p. 42.
[231] WCC Minute book 1890-1902, p.132; DB:476.
[232] Ibid, p.192; DB:478.

Table 5: Waiapu County Council Road Grants, 1895–1911[233]	
Road	*Amount voted (£)*
Matakaoa Riding, including:	**2,550**
Karakatuwhero	150
Kawakawa – Hicks Bay	550
Kopuapounamu	100
Taurangakautuku	450
Te Araroa – Awatere	300
Waiapu – Kawakawa	1,800
Awanui Riding, including:	**2,625**
Awanui – Waiomatatini – Tikitiki	1,375
Kakariki – Te Horo	200
Mangaharei – Waiomatatini	450
Reporua – Wairoa	250
Piritarau Riding, including:	**3,788**
Tapuwaeroa Valley	1,300 (incl. 700 for road to Te Kaha)
Tuparoa – Whangaparaoa (inland road)	850
Whareponga – Reporua – Tuparoa	695
Waipiro Riding, including:	**3,536**
Makarika – Paekawa	400
Waipiro – Mata – Mata Valley, including bridge grants	2,194
Pahii – Puketiti, Pahii – Te Puia	650
Tauwhareparae – Ihungia	400
Waipiro – Te Puia – Hikuwai	2,600
Tokomaru Riding, including:	**2,400**
Tokomaru – Te Puia	400
Tokomaru – Mata	850
Tokomaru – Tuakau – Huiarua – Tauwhareparae	700

The information is incomplete in that road votes for the years 1905-7 are missing. It is also a somewhat arbitrary exercise to analyse expenditure on a per riding basis – requiring as it does assumptions as to whether roads were county roads or district roads – particularly when roads cross riding boundaries. Nonetheless, the schedule supports the trends depicted on the 1904 county map referred to above, in that more money was directed towards road development within the three wealthier southern ridings, where the bulk of Crown and Pakeha freehold land

[233] Figures summarised from various correspondence in WCC Letterbooks; DB:482; 491; 493-4; 497; 514; 532; 536; 546; 563; and from WCC audited accounts, 1895-1910; DB:592-627.

was located, and towards developing an alternative inland route centred on the developing port of Tokomaru Bay and incorporating the new township of Te Puia. The inequitable pattern of expenditure was to a large degree the result of the riding system, in which "wealthy" ridings (those with a large rating base) attracted further funding, while the "poorer" ridings (incorporating large areas of unrated land) struggled to meet their county commitments.

With the exception of the expenditure in and around the Waiapu valley, most of the district roads were primarily aimed at servicing Pakeha farms. This was also true of expenditure in the northern ridings. For example, included in the road grant applications MacDonald MP was asked to support in 1910 was one for the Te Araroa-Whangaparaoa road, "the new line lately prospected inland" which would "give access to a number of settlers who have just taken up land in the Whangaparaoa block, Read, Spratt, Williamson, Damprey Bros etc."[234]

4.2.3 Loans

Loans became an increasingly popular way to pay for the formation of new roads in specific areas. Under the aegis of the incorporated county council, interested ratepayers could access the necessary capital for road formation, and while the cost of the works fell on the ratepayers who stood to benefit from the access through the payment of a special rates, once the road was made, the maintenance for the same was met out of the general rates of the county.

Generally speaking, the size of the loan was indicative of how many individuals benefited. The first loan of £1,100 was taken by the Waiapu County Council in 1894 for the formation of a dray road from Tokomaru to Whareohine, Tuakau. The special resolution was passed by a poll of affected ratepayers. The district encompassed 16 properties, 5 of which were Crown-owned small grazing runs, 1 a Maori block leased by a Pakeha, and the other 10 freehold titles. Although 14 individual ratepayers were listed for special rating purposes, in actual fact the road benefited just seven families, all of whom were Pakeha. A 1910 loan of £500 to form 120 chains of the Waiau road including two bridges over the Mangaroa stream benefited just two individual farmers (one of them, incidentally, a long-serving councillor) with four titles between them.[235]

In the same year a further £2,000 was borrowed to construct the Mata Bridge. Originally intended to be a sheep bridge, the proposed work was upgraded to a traffic bridge by council resolution in June 1906. The council also received a Public Works grant of £400 in 1910

[234] WCC Treasurer to W.D.S. McDonald MP, 29 June 1910, WCC Letterbook 1905-10, p.452; DB:531-2.
[235] WCC Minute book 1902-11, Dec 1907; WCC Special rates book 1913-14, GDC Te Puia; DB:640-1; DB:628-9.

towards the work, which it matched £-for-£ from county funds. The special rating district for the loan affected 25 landholdings: 11 of which were Crown leaseholds, 10 of which were freehold, 3 Waiapu Diocesan Trust properties and 1 title held by the East Coast Commissioner. Reduced to ratepaying entities on the other hand, the proposed work would benefit just 10 farmers. Once again, Councillor A. B. Williams stood to gain from bridging the Mata, occupying 10 of the 25 affected sections; together some 13,236 acres. Pine Waipapa would also now have access his 16 acres at Te Ngaere.[236]

Any loan proposal had to be sanctioned by the affected ratepayers in the first instance, by way of a poll. Yet the security of the loan was the special rates on the affected properties, not the ratepayers. This had implications for the large amount of Maori leased land, where the occupiers might sanction a loan, and then leave, leaving too the debt with the Maori owners. This was in fact the subject of complaint in Waiapu County at the 1933 committee on rating. (On the other hand, one strategy Ranginui Walker speaks of that was employed by Maori to counter county council neglect was to lease land to Pakeha in order to have the road put in.)[237] Or, commonly, as Maori land was individualised and brought increasingly into the rating system, where these lands fell in special rating districts as a result of loans, they too became liable for special rates, although the Maori owners had had no part in sanctioning the initial debt. An example of this is the Tapuwaeroa Road loan, taken in 1902, of £1000. At the time, Maori land was still held in large blocks and at this time the five mile rule applied. Rather, the loan was sanctioned by the five Pakeha families in the valley: the Kemps, the Ludbrooks, the Watkins, the Wicksteeds and the Williams. By 1914, the repayment of this debt was now spread to include over 30 Maori individuals who had the special rates levied against their individualised titles within the special district.[238]

As the county flourished, so too did the county debt. In November 1910, K. S. Williams proposed a £75,000 loan, £65,000 to be spent on widening and metalling the 50 miles of main road between Mangatuna and Te Araroa, £5,000 on the Waiapu bridge at Tikitiki; and £5,000 on formation of the 22 miles of dray road between the Kopuapounamu Valley and Whangaparaoa, giving access to vast Crown-owned blocks at Waikura and Whangaparaoa, but by-passing the papatipu lands of Wharekahika.[239] In the event, the Waiapu Main Road and Bridge loan, of £53,200, was charged as a special rate over the whole county. In March 1912 by council resolution, the route was changed to include the township of Te Puia and the

[236] WCC Special rates book 1913-14; DB:642-3.
[237] R. Walker, *He Tipua: the Life and Times of Sir Apirana Ngata*, Auckland, Viking, 2001, p.114.
[238] WCC Special rates book; DB:630-39.
[239] Cited in Rau, pp. 26-7.

northern route was amended to extend to Hicks Bay. This northern re-routing followed an unsuccessful attempt by the council in August 1911 to have the Native Department assume financial liability for the formation of the Te Araroa – Whangaparaoa road, on the dubious grounds that the road "runs entirely through native property," and that "when European land is cut up the owners are bound by law to form and make roads at their own expense, to give access to each portion of the property so divided."[240] The Native Department's response has not been located, but it was not favourable.

By 1915 the county liabilities comprised the loans of Tokomaru-Tuakau (£1,100); Hikuwai–Te Puia (£10,000); Awatere (£1,000 + £500); Tapuwaeroa (£1000); Waiau (£500); Mata bridge (£2,000); Waiapu main road and bridge (£53,200) Tokomaru Harbour (£20,000); and the Rotokautuku Bridge (£5,000).[241] While it can be argued that the Maori in the district would have benefited from this development (particularly as the main road ran through Maori land), it is nonetheless also true that none of the expenditure was specifically targeted at providing access to Maori land. It is also the case that the debt incurred by the council early on for the construction of roads to Pakeha farms was a factor behind its subsequent inability to consider later applications from Maori farmers for the same service. The development of the Rangitukia-East Cape Road in the 1950s discussed in the next chapter is a case in point.

4.2.4 Compulsory road takings

Lest it be forgotten, Maori contributed to the bulk of the East Coast roading network, in many instances on an involuntary basis. In his Public Works Report David Alexander has demonstrated that the five percent provision (under which up to five percent of a Native land title could be taken for public works purposes without compensation) was responsible for the initial establishment of most of the public roads on the East Coast, which of course means that no compensation was paid to the Maori owners.[242] Later, the declaration of Maori roadways as public roads on the recommendation of the Native Land Court was also used as a means of forming roads without requiring compensation to be paid to the owners. There are no entries in Alexander's database of road takings from European-owned blocks.

Moreover, it is evident that the Waiapu County Council had a large role in determining where the roads were situated. Alexander has related that the survey plans for the Poroporo Valley road of 1902 for example, carry the signed approval of the chairperson of the Waiapu County

[240] WCC clerk to Under Secretary Native Department, 31 August 1911, WCC Letterbook no. 1 1910–12, p.168; DB:540.
[241] WCC Letterbook no. 2 1913–14, p.502; DB:571.
[242] Alexander, p.77.

Council.[243] There are numerous examples in the correspondence of the "hands-on" approach of the council to laying out road lines in response to requests from ratepayers.[244] There is also evidence of little regard for adhering to the statutory safeguards in place for taking roads through Maori land. Writing on behalf of the council in 1906, O'Ryan called for the abrogation of the clause prohibiting roads being laid off through Maori cultivations, describing it as "a relic of old times when the Maories[sic] looked with anything but a friendly eye on surveyors, and the regulation was no doubt made to prevent their susceptibilities being hurt." According to the council, there were several cases in the county where the roads had been spoiled through endeavouring to avoid crossing cultivations, sometimes made purposefully to impede the road survey and O'Ryan claimed to have straightened a number of such "tortuous lines" at the request of Maori. He went on:

> The advantage of laying out the best line of road is in no way to be compared to any damage that could be done by crossing a cultivation enclosed with a native taeapa, which would in all probability be abandoned the ensuing year, and the more so when the Maories concerned are not opposed but rather desire the line.[245]

The mechanism that eventually replaced the five percent provision was the ability of the Native Land Court to define Maori road lines through Maori owned land, and to recommend that such roads become public roads. In this way, all the road lines laid out in the Wharekahika block by the court in the course of the 1912-1914 partition were declared to be public roads in June 1923. As Alexander relates, in one step nearly 300 acres of public road were defined, the declaration effectively completing the public highway up the East Coast through and beyond Hicks Bay.[246] Maori continued to donate their land in the interests of obtaining access well into the 1960s (see the Rangitukia-East Cape Road case study in Chapter 5).

4.2.5 Gravel for the roads

In addition to the unthinking practice of taking Maori land for roads under Maori land legislation, in 1904 the Waiapu County Council flexed its powers for the first time to have land taken for public purposes, when it took steps to have 43 acres of Maori land from the Anaura Block in the Hikuwai Valley gazetted for the purposes of a gravel reserve.

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[243] Alexander, p.486.
[244] See for example, WCC Clerk to E. D. Holt, Waikura, 29 May 1912, Letterbook no. 1 1910–12, p.274; DB:548.
[245] W. O'Ryan, WCC to Chief Engineer of Roads, Wellington, 9 June 1906, WCC Letterbook 1905; DB:490.
[246] Alexander, p.97.

Alexander's surmising that the size of the taking was largely a matter of convenience, the riverbed being on three sides and the road on the fourth, is borne out by the council's response to the Chief Engineer of Roads' querying the large size of the taking. In the first instance:

> … it was considered it would be scarcely worth while to cut the block into two pieces, especially as by taking the block altogether it could be inclosed [sic] by a fence along the road and would mean a large saving in the cost of fencing.[247]

In addition, it was argued that river metal from the site would be required "for some miles of road," and that it would double as paddocking for the two teams of five horses put to work on the road.

Furthermore, the council intended to locate a roadman's cottage on the site, a stock driving paddock, and a camping ground for drovers (none of which related to the stated purpose of the taking). The public would be welcome to use the land for camping when it was not required for the accommodation of gravelling contractors. The council did not envisage any opposition to the taking from the Maori owners: the land had not been cultivated for a great many years, it was argued, and was now covered with a heavy manuka scrub. The council would be willing to pay such compensation as fixed by the Native Land Court. The matter would have been arranged privately, it was stated,

> but they knew it would be futile to expect a large number of Maoris to agree and were thus compelled to resort to the machinery of 'The Public Works Act'. They do not, however, wish in any way to press the matter and if, after making the explanation given above, you consider that the area proposed to be taken is too large, the Council will readily submit to that decision….[248]

The land was gazetted as a "gravel pit, and for the use, convenience, or enjoyment of the Tolaga Bay–Tokomaru Road" shortly after.[249] Compensation of £337 was later fixed by the Native Land Court at Tolaga Bay.

The Maori owners did indeed object to the taking. A petition by Arapeta Rangiuia regarding the taking was heard by the Native Affairs Committee in 1909 and the county council was asked to explain. On this occasion, the council maintained that the matter had been explained to the owners, that the river metal was required for the roads, and that no cultivation had taken

[247] W. O'Ryan, engineer, WCC to Chief Engineer of Roads, Wellington, 2 July 1904 (copy), WCC Letterbook 1905, pp.357-8; DB:516-7.
[248] Ibid.
[249] *New Zealand Gazette*, 1904, p.2188, quoted in Alexander, p.105.

place on the site for years. Unlike its stance to the chief engineer five years before, the council now defended the size of the taking on entirely different grounds claiming that: "A smaller area than that taken would be inadequate for the purposes for which the land was acquired."[250] The intended use of the land for other purposes does not seem to have been referred to. The council also maintained that the compensation paid for the land had been liberal and, moreover, was supposedly "agreed to unanimously" by representatives at the Native Land Court.

Metal for the roads within the county was primarily derived from the beds of the rivers and streams in the district, and the issue of procuring gravel for this purpose continued to be fought out between the county council and Maori land owners in the first two decades of the twentieth century. The strongest opposition to the council's taking of river metal came from the Pewhairangi family at Hikuwai, who demanded that a royalty be paid for any such metal taken from the bed of the Waiputaputa stream.

In April 1912, Ngata was thanked by the council for his tact and consideration in bringing about an amicable settlement of "the metal trouble with the Maories at Tokomaru Bay,"[251] but it is apparent from later developments that the issue had not been resolved. Three months later the council appealed to their local MP to have a clause inserted in the new Local Government Bill giving county councils power to take gravel or stone from a river bed without paying any compensation for the material, beyond reasonable compensation for the damage to the land in the process. Bemoaning the recent incident at Tokomaru, the council complained that:

> payment in one place would establish a precedent and, if given, the Council would shortly be unable to obtain a load of gravel from the Waiapu or any other river bed without first buying it from the natives. As the taking of this material does no harm whatever to the owners of adjacent lands and generally is used to improve the access to their properties the Council considers that there should be a legal right to take it, but that compensation should be paid for any damage done to the land in obtaining it. [252]

In fact, a clause to this effect had already been drafted, but the council found this "was scarcely explicit enough." Their own suggestions were enclosed with their request.

In September the Pewhairangi brothers were informed that the council had power to take metal under the Public Works Act 1908, and that it intended to do so, paying only such

[250] W. O'Ryan, secretary WCC to Native Affairs Committee Wellington, 30 October 1909, WCC Letterbook 1905, p.359-361; DB:518-21.
[251] A. Temple, Clerk, WCC to AT Ngata, MP, 11 April 1912, Letterbook no. 1 1910–12; DB:545.
[252] Ibid, WCC to MacDonald MP, 2 July 1912; p.286-7; DB:550-1.

compensation for damage as the Act provided for, "unless an agreement can be come to, or as an alternative the Council will proceed to take a strip of land including the creek bed and a road along the bank…"[253] The next day the council also wrote to the Minister of Public Works, again appealing for a change in the law to empower local bodies to take material from the streams without being required to pay compensation. Once again, it was alleged that the amount demanded by the Pewhairangi family was unreasonable and set a dangerous precedent, which, if conceded, would ultimately lead to the council being unable to metal the county roads.

Sinking to defamation, for the first time the council's plea also hinted that the demand for royalties might be politically motivated:

> The Council does not wish it to be understood that all the Maoris in the district would act in the manner pursued by the Pewhairangi Family, indeed it is generally quite the other way and the great majority are extremely well disposed and progressive and are at one with their European neighbours in welcoming the opening up of the district, but there is always to be found some cantankerous individual, generally a person of very little importance amongst his own people, who, owing to the socialistic way in which native land is held, finds it in his power to acquire a certain amount of notoriety and to pose as a would be champion of native rights by obstructing a local body in their efforts to provide facilities for the Public.[254]

The issue was not resolved to the council's satisfaction, as two years later the Minister of Public Works was once again approached by the council with the same request: to have existing legislation amended giving local authorities the right to take gravel from river beds without having to pay compensation for it. Once again, it was acknowledged that "The council is generally allowed to take this metal without opposition but occasionally a native owner of adjoining property objects to the removal of the gravel without payment, and to accede to this in one instance would establish a precedent which would be disastrous to the future progress of the County." [255]

It would appear that for the most part, the Waiapu County Council continued to depend on the forbearance of Maori (and Pakeha) land owners on the coast in allowing the roads to be metalled with gravel extracted from the river beds in the county. In addition, Alexander's database shows that specific sites were also subsequently taken for the Waiapu County Council for the purpose of either quarries or gravel pits: at Tokomaru (in 1924); Makarika (in

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[253] Ibid, O'Ryan, WCC to Pewhairangi Bros., 2 September 1912; DB:552.
[254] Ibid, WCC to Minister for Public Works, Wgtn, 3 September 1912; DB:553-5.
[255] Clerk WCC to Minister of Public Works, Wgtn, 11 August 1914, WCC Letterbook 1913-1914; DB:568-9.

1932); Wharekahika (in 1939); and the Waiapu riverbed (in 1958). The council's activities at the Makarika creek in 1932 were the subject of complaint at the rates inquiry the following year. It was claimed that the metal extraction had caused land to be washed away, without any compensatory payment. It was also alleged that the council had placed a crushing plant on private land without informing the owner.

4.2.6 Native Townships

Perhaps the single most flagrantly aggressive action on the part of the Waiapu County Council in this time period was its role as instigator to force Pakeha settlement in the county through the compulsory acquisition of land by the Crown at strategic coastal ports for townships. The East Coast Native Townships have been the subject of a specific research report by Heather Bassett and Richard Kay, and what follows is largely drawn from their research.[256] Under the misnomer of 'Native townships', the establishment of these settlements under the 1895 legislation – at Waipiro, Te Puia, Tokomaru, and Te Araroa – was in fact a deliberate policy to kick-start Pakeha settlement in what was still largely seen as a "Native district."[257] The fact that three of the East Coast Native townships were located within 10 miles of each other belies the rhetoric of the time justifying the Native Townships legislation and says much instead of the self-serving Pakeha interests at work on the East Coast.

Impatient with the slow pace of development in the face of continued Maori control over their coastal lands, the proposal that the Crown should acquire specific sites along the coast for the purpose of establishing Pakeha village settlements was first mooted by the Waiapu County Council in August 1894. In his capacity as Waiapu County's first and newly-appointed engineer, William O'Ryan approached Native Minister and East Coast Member James Carroll, asking that the Crown's negotiations then underway with regard to land purchase at Te Puia be extended to Waipiro Bay and other areas on the coast:

> What applies to Waipiro applies equally to Tokomaru, Tuparoa and Waiapu two or three hundred acres in each place opened up in sections of 10 to twenty acres would be an incalculable boom to the coast. You know how things stand at present. With the exception of the few sections at Awanui (and these are going rapidly seaward) there is not one perch of land from Tologa Bay to Whangaparaoa to go no further – about 150 miles which a working man could obtain to build a hut.[258]

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[256] H. Bassett and R. Kay, 'The Impact of the Native Townships Act 1895 on the East Coast: Te Puia, Waipiro, Tuatini, and Te Araroa Native Townships', draft report, CFRT, 2007.
[257] See Buckley's comment in Legislative Council, 24 July 1895, quoted in Bassett and Kay, p.48.
[258] W. O'Ryan, county engineer, WCC to J. Carroll MP, 14 August 1894, quoted in Bassett and Kay, p.38.

Throughout the spring of 1894 O'Ryan continued to press upon Carroll the necessity to take land to create Pakeha villages at Waipiro, Tokomaru, Tuparoa and Hicks Bay. Particularly fond of drawing on his long years of experience in the district, O'Ryan continued to argue that Maori did not use their land productively, that they had contributed almost nothing to the construction of roads or other necessary public works, and that there was no place for "[white] men of very little capital to make a living."[259]

The pressure from the Waiapu County Council was instrumental in the formulation of the Native Townships Bill the following session. In arguing for the measure in Parliament, Carroll (clearly drawing on O'Ryan's rhetoric) referred particularly to the case at Waipiro, where "a large European settlement [had] formed there, and they could not get an acre of land to build houses on." The Native Minister discounted Maori resistance to Pakeha townships as unreasonable. In essence, the Native Townships Act 1895 enabled the Crown to compulsorily take parcels of Maori land, of no more than 500 acres in extent, for a town, and to have such town sites surveyed into sections, streets and reserves. Although provision was made for up to 20 percent of the surveyed township to be reserved as Native allotments, the Crown in fact acquired full use and control of the whole area. Town sections were leased by public tender or auction for a period of 21 years, with a right of renewal. The cost of survey, and of forming the town's infrastructure in the way of streets, was to be deducted from the revenue received from the leaseholds.

The petitions to have the Act implemented on the East Coast were generated by interested Pakeha residents. In 1896 a petition from W. MacDonald (soon to become the local MP) and 49 other "residents of the East Coast … between Tolaga Bay and East Cape" called for the establishment of a town under the Native Townships Act 1895 on Waipiro No. 6, known as the Te Puia block, to include the mineral springs.[260] Motivated primarily by the opportunity for tourism, the Crown's purchase negotiations for land at Te Puia were said to have been abandoned in view of the legislation; Te Puia being "one of the cases which led up to the Native Townships Act 1895." The Te Puia Native Township was the first to be proclaimed in November 1897.

Pakeha residents, county councillors among them, were also behind the petitions to have townships established under the Native Townships Act at Te Araroa, Waipiro Bay, and

[259] See correspondence cited in Bassett and Kay, p.38-40.
[260] Petition no.394/1896 of McDonald & 49 others, in Bassett and Kay DB:130-131.

Tokomaru. With Te Puia just five miles from Tokomaru and three miles from Waipiro, the requests for these native townships were thwarted until amending legislation in 1898 repealed the provision that such townships could not be within 10 miles of each other. The Te Araroa request was initially turned down on the grounds that it was an existing Maori settlement.

The three townships were ultimately decided upon by Native Minister Carroll and Surveyor General Percy Smith when they visited the area in January 1899. Once again the Waiapu County Council was closely involved, with County Engineer William O'Ryan proposing the site of the Tokomaru Bay township, and being given the job of surveying the Waipiro Bay town site.[261] The sections at Tokomaru and Te Araroa were offered for lease in December 1900, and those at Waipiro three years later. Many of the town sections at Waipiro Bay and Te Araroa were taken up, but the townships at Te Puia and Tokomaru were not successful. By April 1900 only 10 Te Puia sections had been leased, the lack of demand attributed to the close proximity of the other townships. The lack of interest in the town continued despite the placement of the county hospital at Te Puia after 1905, and the financial investment of the county council in developing the access roads to the virtual town.

In 1901, £10,000 was borrowed by the council for the formation of a road from Hikuwai to Te Puia, and in March 1912 the council resolved to amend the terms of the Main Road and Bridges Loan to incorporate the town on the main road north.[262] By this time most of the town's quarter-acre leases were held by speculators.[263] At the Tuatini native township at Tokomaru Bay, barely half the sections were taken up on the first offer, and again much of these were said to have been "mopped up by a few persons for speculative purposes."[264] The concentration of the town leases in a few hands gave the lessees a degree of leverage in the town; witness for example Williams Oates' attempt on behalf of the Tuatini leaseholders to acquire the freehold of the sections.[265] Oates was a county councillor at the time and held the leasehold to 13 sections in the township. His son owned the leasehold to a further seven.[266] The lack of genuine demand for the sections at Tuatini makes a lie of Pakeha agitation for the township in the first place.

The purpose of repeating Bassett and Kay's work with regard to the Native townships on the East Coast is to emphasise the role of the Waiapu County Council in the establishment and

[261] Bassett and Kay, p.131.
[262] WCC to Superintendant, NZ State Advances Office, 18 March 1912, WCC Letterbook no 1, 1910; DB:544.
[263] Bassett and Kay, p.67.
[264] Native Minister's memorandum, 19 March 1913, quoted in Bassett and Kay, p.171.
[265] Bassett and Kay, p.173.
[266] See table in Bassett and Kay, pp. 173-177.

continued support of these forced settlements. The townships gave existing Pakeha residents secure title, and encouraged increased Pakeha settlement for the same reasons. Importantly, the townships proved to be yet another means to enable Pakeha to secure their foothold in the predominantly Maori district. Regardless of the lack of genuine demand for the sections at Tuatini for instance, the establishment of the township contributed to the general transfer of control over the Tokomaru Bay frontage at this time from Maori to Pakeha hands. It is also clear that these statutorily created Pakeha townships were served with road access in a way that Maori communities on the coast never were. Quite apart from the personal benefit individual county councillors such as William Oates stood to gain from county investment in developing road communications to these places, the townships and the county expenditure on infrastructure to access them can be seen as the foundation of Pakeha settlement to come.

4.2.7 Tokomaru Harbour Board

Tokomaru has already been posed as a case study by David Alexander in his Public Works Report, where, it is argued, the cumulative net effect of a series of takings and statutory vestings associated with the establishment of a harbour at Tokomaru Bay was to exclude Maori from the coastline, and compromise traditional links between land and sea. [267]

The Waiapu County Council was largely responsible for bringing this about. Early steps by the Council include the compulsory taking in 1905 of the Kakepo tauranga waka, a quarter-acre traditional landing close to Te Ariuru pa. It was vested in the County Council which then leased it to the Tokomaru Farmers' Cooperative Company, who built a jetty and a wool store on the site and ran it as a commercial business.[268] In December 1907, the County Council resolved to apply to be constituted as a harbour board for Tokomaru Bay. Trade through the harbour was increasing, a freezing works was envisaged, and facilities for dealing with cargo would be required. The application was made at the behest of the ratepayers of Tokomaru Bay who, it was claimed, desired "that the Council should have power to provide these facilities and generally have control of such works and arrangements as may be required."[269] The application was approved by order in council in April 1908, the limits of the Tokomaru port set at Kotunui Point and Te Mawhai.

The Tokomaru Sheepfarmers' Freezing Company was formed two weeks later, the first directors being the principal large land owners (and ratepayers) in the district – Ken Williams,

[267] Alexander, p.341.
[268] Alexander, p.347.
[269] A. P. Durrant, WCC to Secretary, Marine Department, 4 March 1908, in WCC Letterbook 1905; DB:498.

Edward Murphy, H. B. Williams, W. Busby, G.M. Reynolds and H.D. de Lautour, as well as Apirana Ngata, MP.[270] Murphy and de Lautour were councillors at this time and Ken Williams became one at the end of the year. Drawing on their political connections in Parliament, under the Tokomaru Freezing-works Site Act 1909, the company was able to acquire some 88 acres of Maori owned land in Tawhiti 1A and 1F to build the works.

By June 1910 the county council was promoting legislation that would empower the harbour board to take over the wharf being built by the freezing company as well as the Farmers' Co-op's jetty and shipping shed, and authorise the council to borrow in order to do so. Of note is the relationship the county council enjoyed with its parliamentary representative MacDonald MP:

> As it is a matter of great concern to the Council that the Bill should be got through this session, the Council has consulted Mr MacDonald MP and he hopes to be able to get the Standing Orders suspended so as to allow of its being introduced.[271]

The Waiapu County Council (Tokomaru Harbour) Empowering Act 1910 authorised the council to borrow up to £100,000 to carry out the requisite harbour works. In fact, the council resolved to raise a special loan of £20,000, to be secured by a special rate over the ridings of Tokomaru, Waipiro and Piritarau in order to buy out the existing harbour works of the two companies, and to purchase land, erect buildings, and construct such further harbour works as may be necessary for the use of the Waiapu County inhabitants.[272] The requisite ratepayers' poll on the proposal was held on 3 August 1911. A mere 20 votes were recorded in favour, with none against. The harbour board expended £10,000 on the completing the wharf and in 1914 substantial improvements were made. In addition to the loan, Huiarua No. 1 block of 7,533 acres was vested in the county council as an endowment for the harbour board.

In July 1914 the Tokomaru Harbour Board (aka Waiapu County Council) sought to have the foreshore of Tokomaru Bay vested in the county council (as harbour board), being "strongly of the opinion that in the best interests of the surrounding district, the Tokomaru Bay foreshore should now be under their control."[273] The request was acceded to, but in the absence of any authority to do so, special legislation was required. The following year, the

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[270] Rau, p.26.

[271] W. O'Ryan, Engineer WCC to Nolan and Skeet, Gisborne, 29 June 1910, WCC Letterbook 1905, p.455; DB:533.

[272] 'Notice of Result of Poll on Proposal to raise a Loan', 7 August 1911, WCC Letterbook no.1 1910-, p.163; DB:539.

[273] Quoted in Alexander, p.348.

Tokomaru Bay Harbour Act 1915, once again drafted by the county council's solicitors, vested the whole of the foreshore of the bay in the Waiapu County Council and also authorised the council to reclaim any part of it.

The foreshore was subsequently surveyed, and the title to the almost 192 acres involved was issued to the county council. In 1914, further pockets of land were taken to widen the road to the works and wharf through the Te Ariuru Maori settlement. In 1915 land was taken from Tawhiti 1F, some 16 acres 20 perches for harbour purposes and another 9.6 perches for road purposes. In February 1917 the coastal frontage of Koau hill was taken, involving the freezing-works company's land. Alexander has also detailed the proposal, again through legislative means with the support of the MP, MacDonald, to enable the Tokomaru Sheep-farmers' Freezing Company to utilise the compulsory acquisition powers of the Public Works Act to take land for housing purposes for their employees, although nothing appears to have come of this.

Alexander has concluded that over a 30-year period, the Crown and the Waiapu County Council succeeded in converting the coastline of the northern part of Tokomaru Bay from a Maori domain to a public domain (from which private interests derived considerable benefit).[274] Once again, the purpose of reiterating research that has been addressed in both the Public Works and the Environmental Impacts Reports is to highlight the role of the county council, and also to call attention to the ways in which the aspirations of the local body were facilitated by the general government, with the close personal association of Members Ngata, Williams and MacDonald, and through the sponsorship of local or private Bills, to back up its authority with the force of law.

The development of Tokomaru Bay as a port of significance in the county also highlights the links between local government and private enterprise operating in any community, where many of the members of the county council were also directors of the local Farmers' Cooperative Company and the Sheep-farmers' Freezing Company. The commercial interests of the latter were actively supported by the public body, not only by the development of requisite infrastructure in the way of roads and wharf facilities, but in the taking over or buying out of company liabilities by the county ratepayers. The drive of all of these entities – public and private – was the development of the region as a pastoral economy, and it was the large land-owning Pakeha farmers, by and large, behind the wheel.

[274] Alexander, p.356.

4.2.8 Bridging the Waiapu

The story of the political forces at work behind the bridging of Waiapu has been related in Suzanne Doig's history of the Waiapu River.[275] It is repeated, and supplemented here, because once again it demonstrates how local body actions were guided to such a large extent by the economic interests of its Pakeha constituency, which invariably won out over Maori community and economic interests. It is best read with the 1904 Waiapu County map at hand in order to appreciate the interests at work.

The bridging of the Waiapu River was as much of pressing concern to the local resident Maori population as it was for Pakeha, and had been talked about since Campbell's time. A survey of the bridge crossing at Te Wairoa, near Waiomatatini had been completed by 1896, and one of the resolutions of the Mangahanea hui in February 1896 was to ask the government to undertake and fund the construction. By 1902 the Waiapu County Council was also involved: O'Ryan wrote to the chief engineer of roads confirming the Wairoa site.[276] Bridging the Waiapu however was a major work, estimated at the time to cost around £6,000. In the context of the time, it was also considered – by the Waiapu County Council at least – to be a district work, of most benefit to ratepayers in the Matakaoa and Awanui ridings. The expense of the work, to be shouldered by these relatively poor ridings, was one reason behind the delay in further action.

Another was the location. Pakeha ratepayers did not support the crossing at Te Wairoa. Rather, they sought to have a bridge built further downstream, at Tikitiki, which would give these northern farmers a route more or less straight to Port Awanui, rather than having to detour along the north-western bank of the river, cross at Te Wairoa, and then back-track on the other bank to the seaport. In January 1904 Councillor Henderson moved that a loan of £1,000 be raised to build the bridge crossing at Tikitiki. The motion was carried, on the proviso (by Chairman A.B. Williams), that the works would not be subsidised by the county as a whole. Henderson also succeeded in a resolution to have council apply to the government for a grant of £1,000 towards the bridge.[277] The council's 1905 grants application included a request for £6,000 for the Waiapu River Traffic Bridge and Native Minister Carroll was asked

[275] S Doig, 'The Waiapu River, Maori and the Crown', Waitangi Tribunal, 2000. Unless otherwise indicated, the information in this section derives from her research.
[276] Doig, p.305.
[277] Rau, p.31.

by the council to lobby for the grant on its behalf.[278] On this occasion, a disappointing £500 was granted. A further grant application for the purpose was made in February 1908.[279]

Site inspections for the bridge were conducted in April 1908 by the Road Department's district engineer. McMillan was concerned about the Tikitiki site from an engineering perspective. To him, the Wairoa crossing was preferable in terms of engineering and cost, and he also maintained that it would give better access to the wider Waiapu district. His visit appears to have prompted a petition from the Maori locals, who had informed him about the river's behaviour. In May 1908 Hatiwira Houkamau and 17 other rangatira of the Waiapu district petitioned against the proposed Tikitiki crossing on the grounds that it was a poor choice, shallow and easily flooded, and where the river often changed its course. As the ratepayers on whom the cost of the bridge would largely fall, the petitioners signalled their support for the original site, at Te Wairoa, where the telegraph line crossed. They asked that an expert be sent to determine the best site.[280] The petition, together with the district engineer's report, prompted the Minister of Lands' decision that no government money would be spent on the bridge at Tikitiki.

The Waiapu County Council asked the Minister to reconsider: "The Council have reason to know that certain Maories who are interested in lands on both sides of the river at Wairoa are extremely anxious that the Bridge should be erected there, and are working up an agitation and making statements calculated to prejudice the claims of the other site."[281] Three petitions from residents and settlers of the Matakaoa and Awanui Ridings were organised by past riding representatives on council, Henderson and Boyd, and by a David Duff at Awanui. Doig has questioned the veracity of some of the Maori signatories to these petitions.[282]

The Road Department's district engineer did review the matter in February 1909, and once again McMillan stuck to his earlier opinion that the Te Wairoa site was far superior to that at Tikitiki. As Doig relates, The county engineer reportedly agreed with McMillan about the relative engineering merits of each site, but disagreed over cost estimates. McMillan believed that the council's reason for situating the bridge at Tikitiki was the convenience of settlers at Port Awanui, which he considered inappropriate as the bridge was on a through road and

[278] WCC to Carroll MP, 21 July 1905, WCC Letterbook 1905; DB:482.
[279] Ibid, O'Ryan to Minister for Public Works, 10 February 1908; DB:497.
[280] The petition is set out in Doig, pp.313-14.
[281] W. O'Ryan to Minister of Lands, Wgtn, 20 June 1908, WCC Letterbook 1905, pp.212-213; DB:499-500.
[282] Doig, pp. 315-6. Doig points to the fact that some of the signatories on the Awanui Riding petition supporting the Tikitiki bridge were also signatories on the Maori petition opposing the site; that marks were made in a number of cases in lieu of signatures; that the petition was not translated into Maori; and that a number of signatures appear to be written in Boyd's handwriting.

should reflect the interests of the wider travelling public.[283] Despite this report, the bridge at Tikitiki went ahead.

In July 1909 the Chairperson of the Waiapu County Council, Ken Williams, gave notice he intended to propose a special loan to be raised to build not one, but two bridges over the Waiapu. The first, the subject at issue for the past year, to connect with Port Awanui, and the second to connect with Tuparoa, to cross the Waiapu at Rotokautuku and from there extend up the Tapuwaeroa Valley. The council had sponsored a reconnaissance of a route from Pakihiroa, Williams' station at the head of the Tapuwaeroa Valley, through to Te Kaha, and at this meeting freshly returned Councillors Murphy and Sherwood enthused over its feasibility.[284] The implications were huge: a stock road through the route would shorten the travelling time between coasts by several days, circumventing as it would the whole of the East Cape north of Tuparoa or modern-day Ruatoria. Opotiki County had been approached in April about cooperating with Waiapu to contribute to the road works and in June the largest road grant the council applied for was £1,000, for the "Tapuwaeroa –Te Kaha" road.[285]

In August O'Ryan reported that the law would not permit of raising the combined loan for the bridges, as the proportion of native land in the proposed district was too great. In order to do so, the special district would have to be extended further south. A.B. Williams then announced his intention to have the council consider raising a special loan for the Rotokautuku Bridge only. In November 1909 the Waiapu County Council approached Ngata, MP, about the Tapuwaeroa–Te Kaha route. Little assistance had been forthcoming from Opotiki County and the Waiapu County Council now suggested government should undertake the work, given the "great public utility" of the thoroughfare.[286]

The suggestion that council resources be divided between two bridges must have caused a great deal of consternation between the ratepayers and residents of northern Waiapu, when the county did not yet have a bridge at all. Nor would the by-pass proposal have been welcomed by the two northern ridings which still had a very poorly formed access north of the Waiapu River. Nonetheless the proposals for both bridges proceeded. In June 1911 the council resolved to raise a £5,000 loan to build the Rotokautuku Bridge. A ratepayers' poll was held in November 1911: 27 ratepayers voted in favour, with none against. According to the special

[283] Doig, p.306.
[284] Detailed in Rau, pp.33-34.
[285] Durrant, Clerk WCC to chairman, Opotiki County Council, 15 April 1909; O'Ryan, WCC to A. T. Ngata, MP, 5 June 1909, WCC Letterbook 1905, p.314; 323; DB:513;514.
[286] Ibid, W O'Ryan, engineer, WCC to AT Ngata MP, Wgtn, 27 November 1909, pp.375-6; DB:524.

rates book, 18 of the ratepayers were Pakeha, so it is assumed there was a degree of support for the proposal among the affected Maori ratepayers.

The Tikitiki Bridge was completed in March 1914, at a cost of some £7,000, a little under half of which was borne by the government. A further £1250 had been voted as a road grant in 1911 to subsidise the county's share of the bill. Just two months later the first floods washed out the approaches to the bridge and in May 1916 and again in February 1917 flooding seriously damaged the bridge. In April 1918, one week after the official reopening ceremony following the reconstruction of the bridge with a higher deck, three whole spans were washed away and part of the approach completely destroyed.

The bridge was repaired. In 1920 floods eroded the bank at Tikitiki, requiring the bridge to be lengthened. In June 1921 two more spans were washed away. On this occasion it was decided to abandon the site. In the formal Public Works report in July 1921 it was stated that in the seven years since the bridge was first opened it had been useable for only six to nine months. In that time, the cost of recurring repairs, estimated at over £13,000, was almost twice that of the original construction. In assessing the future of the bridge, the Public Works inspector considered further expenditure unwarranted: "The district, though an unusually fine one, is mostly in the hands of native owners and this road, though the only inlet by land for the Matakaoa Country [sic], is not yet of great importance…"[287] No thought appears to have been given to revisiting the original proposed bridge site at Te Wairoa.

Following the vote of £700 for the Tapuwaeroa –Te Kaha road from the roads grants in 1911, the proposal to develop this route was dropped. The bridge still proceeded, and the £5,000 borrowed by the county for the Rotokautuku Bridge was subsequently matched by the Crown. After the 1915 floods the bridge was moved two miles upstream. In the 1916 floods the relocated bridge was almost demolished. Repairs to the bridge on this occasion were met by a further government grant of £2,000, and another £5,000 special-district loan. The £10,000 originally budgeted for the bridge had blown out to £18,000. Doig relates that the district debt of £10,000 on account of the bridge became a county liability under the Waiapu County Council Empowering Act 1930.[288]

The Waiapu Bridge saga is the one occasion former Waiapu County Chairperson Charles Rau admits in his history of the county of parochialism at work. In dealing with the issue of relative service provision, it is often difficult to prove one way or the other the veracity of

[287] Inspecting engineer to engineer-in-chief, PWD, 1 July 1921 quoted in Doig, p.320.
[288] Doig, p.312.

competing claims that are made. While it is clear that Maori interests were invariably ignored, it is less clear that upholding such interests would have resulted in a better "public" outcome. On this occasion, the evidence of a relatively independent third party – the district roads engineer – brings a degree of clarity to the issue. The Wairoa site was the best place to bridge the Waiapu. Rather than trust to centuries of wisdom about the river, benefit its Maori ratepayers and farmers in the process, and the wider Waiapu district as a whole, the county council instead favoured its Pakeha farming constituency, the large landholders up the Tapuwaeroa Valley in particular.

The fact that the county council was able to over-ride the objections of the government's district engineer is testimony to the extent of its political might in the national arena at this time. The resolution to proceed with two bridges when the ratepayers and residents of Matakaoa and Awanui had waited so long to be able to afford a single crossing, highlights the innate competing self-interest encouraged by the whole council paradigm, with its riding accounts, franchise qualifications, and voting procedures.

After seven years of patching the bridge together after every flood, no admission was made that Maori opposition to the Tikitiki site had been well-founded. Newspaper reports instead portrayed these concerns in the realm of superstition that "some day the mighty spirit of the Waiapu would rise in its wrath and sweep away the work of the pakeha."[289]

4.2.9 Health services

The constitution of Waiapu County as a separate hospital district occurred in 1903 at the instigation of the council. The hospital board which began its control from 1904 was itself drawn from county council members: A.B. Williams, T.S. Williams, Sherwood, and Murphy were the inaugural board members elected at the county council's AGM in December 1904. The county council's control over the hospital board was no doubt justified by the fact the hospital administration was propped up by levies paid by the council. Reserves in the new township of Te Puia were acquired for the hospital and vested in the county council. The hospital was built at Te Puia in 1907. The history of the hospital board is not dealt with in this report, except to point out that it too, was run by members of the county council.

The county council was also responsible for sanitation in the district. Prompted by the regular incidence of typhoid in the autumn, in July 1908 it took steps to employ its first sanitary inspector to enforce regulations regarding the proper disposal of rubbish and night soil, and to

[289] *Poverty Bay Herald*, 17 June 1921, quoted in Doig, p.318.

disinfect the premises where typhoid had occurred. One-third of the part-time position was subsidised by the Public Health Department. Once again, however, the council's services were only to extend to Pakeha in the district:

> With reference to the Maories[sic] in the County, the Council's circumstances will not allow of provision being made for the Sanitary inspection of their premises as it would entail a considerable amount of work and constant attention for some time to come; the Council also understands that the Native Department has already made some provision in that direction, and has appointed a Native Sanitary Officer.[290]

Dissatisfied with the work of the Native Sanitary Officer, however, the council suggested its own inspector assume responsibility for Maori within the county, the cost to be borne by the Native Department. Two days later, the same request was made to Ngata, MP: "The whole County would be dealt with in a much more satisfactory way than if there be two Inspectors – one for Maories and one for Europeans," argued the council, but it wanted the Native Department to bear two-thirds of the full-time salary of such an inspector.[291]

In the face of a growing outbreak of typhoid among Maori the request was repeated to the Chief Health Officer in October. Notified cases of the disease were treated by the District Medical Officer for Maori, Dr. Davis, but the council was concerned that little was being done about the inspection or disinfecting of kainga. It urged that the duties be handed over to a Pakeha appointed by the council, "so that the work may be done in a satisfactory manner."[292] In December the council forwarded to the Chief Health Officer a bill for six cases of disinfection carried out on Maori premises at Tokomaru Bay by the county inspector.[293]

The official appointment of a 'Sanitary Inspector for the Waiapu District' was made in November 1908. No distinctions were made between Maori or Europeans in the inspector's duties conveyed in his offer of employment, and the bill referred to above were for cases that had been dealt with prior to his official appointment. On the face of it then, councillors had refrained from the outright segregation of its services. The Native Sanitary Inspector continued to operate in the Horouta Tribal District stretching to Torere.

In 1910 the council again raised the continuing incidence of typhoid among Maori at Tokomaru Bay, which fell outside the Horouta District. The council's inspector dealt with the fumigation of affected premises as they occurred, but the council acknowledged its

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[290] W. O'Ryan, secretary, WCC to Chief Health Officer, Wellington, 25 July 1908, WCC Letterbook 1905, p.223; DB:504-5.
[291] Ibid, Durrant, clerk WCC to A. T. Ngata, MP, 27 July 1908, pp.227-8; DB:506-7.
[292] Ibid, Durrant, clerk WCC to Chief Health Officer, Wgtn, 26 October 1908, p.251; DB:509.
[293] Ibid, Durrant, clerk WCC to Chief Health Officer, Wgtn, 14 December 1908, p.275; DB:512.

ineffectiveness to prevent the disease recurring. On this occasion the Chief Health Officer was asked to send a medical officer to the district for a few days to review the problem and advise the council on the best means to stamp out the disease.[294] Outbreaks of typhoid at Tuatini Pa were reported as late 1932 and attributed to the poor water supply and sanitation there. The cost of improving conditions was to be borne, not by the council, but by the Mangahauini Incorporated Committee and the Maori Affairs Department.[295]

4.3 Te Tino Rangatiratanga 1890-1920

On a national level, the resumption of Crown purchasing in the 1890s sparked a new wave of resistance from Maori communities. In 1892 the Kotahitanga movement together with a formal Maori Parliament was established to present a united tribal front. The Kotahitanga demanded an end to the Native Land Court, its replacement by Maori committees, local government through district committees, and centralised self-government through the Maori Parliament. The movement based its claim for te tino rangatiratanga on the 1835 Declaration of Independence, the Treaty of Waitangi, and Section 71 of the Constitution Act 1852. Arguments for Maori autonomy throughout the 1890s were couched in terms of "home rule," a term borrowed from debate of the time concerning Ireland.[296]

The issues driving Kotahitanga were also felt on the East Coast. Angered by the Crown's land purchasing, some 170,000 acres north of the Waiapu river were successfully withdrawn from the Native Land Court's jurisdiction from 1894-1902.[297] Hapu continued to meet to discuss the matters affecting them. One such gathering at Mangahanea, Tuparoa, in February 1896, was recorded by Ngata.[298] Brought together to bless the carved house of Hinetapora, the meeting also turned to discuss the issues of the day. Attendance, and the fundraising for church purposes, was still organised on parish lines, in particular the parishes of Tuparoa, Whareponga, Tokomaru, Whangara, Te Kawakawa, Te Horo, Rangitukia and Turanganui. Wi Pere MP was also present. On the agenda was the petition spear-headed by Paratene Ngata to Parliament the previous year to end Crown land purchasing in the district. Ngati Porou leadership sought to exert some control over land alienation which was undermining their efforts to develop sheep farming. Each iwi or hapu was to decide which lands were to be retained for their well-being within their respective districts, and these blocks would be written down as "whenua rahui," which could not be sold.

[294] Ibid, W O'Ryan, secretary WCC to Chief Health Officer, Wgtn, 6 July 1910, p.461; DB:534.
[295] MA W2459 211 19/5/34 Hauiti Water Supply, Archives NZ, Wgtn; DB:347-8.
[296] Waitangi Tribunal, *CNI Report*, pp.229-230.
[297] Stout-Ngata, 'Native Lands and Native-Land Tenure', *AJHR* 1908, G-i, p. 2.
[298] 'Hui at Mangahanea', in Kaa, p.30.

Other local issues discussed at the hui included the bridging of the Waiapu river at Wairoa, the development of roads in the Waiapu Valley, and the establishment of forest reserves for the preservation of birdlife. Ultimately the hui called for the empowerment of existing hapu komiti "hei tiaki i te rangimarie, me te noho pai, me nga mahi e puta ake ai he pai ki o ratou hapu i roto i o ratou rohe ake." Ngati Porou again professed their allegiance to the Queen and to the New Zealand Government: empowering their komiti, it was assured, would not undermine the laws of the colony or the county council. By way of further explanation Ngata elaborated:

> Kua roa e mahi ana o tatou komiti e mahi noa iho ana. Kaati ko ta tatou tono kia homai he mana ki nga komiti e te ture. Me hanga mai e te Paremata he ture kia rite nga kupu ki nga ruri o a tatou nei komiti. Ko te mea uhupoho ko nga moni hamene me era atu moni e puta ana ki nga komiti. Tera pea e meatia kia utua ki te kaute o te koroni. Ko ta tatou tono kia waiho ano ia tatau hei mahi mo a tatou nei mahi rori me era atu mahi e rite ana.[299]
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> For a long time our committees have been operating de facto. Enough, we demand that these committees be given status by the law. Parliament should enact legislation to bring uniformity to the rules of our committees. Fines resulting from summons and other committee revenue need to be strictly accounted for. It might be said these should be paid to the counties of the colony. What we ask is that an amount is left to us to carry out our road works and other works that we have decided upon.[300]

It is significant that Ngata considered the recent Bill to guarantee Tuhoe a measure of self-government over their rohe as a sap – "Ki au hei patipati noa taua ture i Te Urewera" – and unworkable in the Ngati Porou context, when so much of the district had already been sold or leased to Pakeha, or passed through the court system and surveyed: "Me pewhea e hoki ai ki te Maoritanga…?"

At the time Ngata was part of the Te Aute College Students Association (TACSA), which came to be known as the Young Maori Party, along with fellow East Coast graduates Reweti Kohere and Tutere Wirepa. Since the early 1890s Ngata had been concerned to materially improve the living conditions and health of Maori communities on the coast, with campaigns directed at the ventilation of wharenui and curbing the consumption of alcohol.

The third annual conference of TACSA was held at Taumata o Mihi in December 1898. Ngata was made travelling secretary of the association while Kohere became editor of *Pipiwharauroa*. Supporting as it did Maori local self-government and Maori control of their

[299] Ibid, p.34.
[300] My translation.

lands, the Young Maori Party represented the so-called 'moderate' element within Kotahitanga (that is, more willing to compromise with the Crown). At the Ohinemutu Parliament in 1900, Ngata was part of sub-committee that drafted a Bill for new local committees as the embodiment of Maori autonomy. Despite the suspicion of many at the watering down of its goals, the Bill was endorsed by the Kotahitanga Parliament, replacing the call for a national Maori representative body.[301] It became the basis for the "limited measure of local self-government" provided in the Maori Councils Act 1900.

The 1900 legislation introduced by Native Minister James Carroll separated land issues from governance. The preamble to the Maori Councils Act 1900 promised "some simple machinery of local self-government, by means of which such Maori inhabitants may be enabled to frame for themselves such rules and regulations of matters of local concernment, or relating to their social economy as may appear best adapted to their own special wants." Under the Act, district councils elected under the legislation were to be empowered to pass regulations "for the promotion of the health and welfare and moral well-being of the Maori inhabitants of the district."

Based on tribal boundaries, these district committees would be able to deal with matters concerning community health: sanitation, drainage, rubbish, water supplies, animal trespass and noxious weeds; the regulation of community facilities, such as meeting houses and burial grounds; the prohibition of alcohol and gambling; the promotion of education; the collection of demographic statistical data; the registration and control of Maori owned dogs; and the regulation of eel weirs, shellfish beds and fishing grounds. Council bylaws on these matters would be administered locally by komiti marae, or village committees.

Public health projects were to be funded from dog registration fees, rates and fines collected by the council themselves and government subsidies would be available for sanitary works. In arguing for the Bill, Carroll agreed that the statutory recognition of Maori self-government was innovative, but that the fact that Maori were not well represented on existing local bodies in districts with large Maori populations was in itself justification for creating the new system.[302] The Act omitted to grant the councils civil or criminal jurisdiction, yet the response from Maori was initially enthusiastic. Seddon received a letter from Tuta Nihoniho and 139

[301] Waitangi Tribunal, *CNI Report*, p.248.
[302] R. Lange, 'A Limited Measure of Local Self-Government: Maori Councils, 1900-1920', Rangatiratanga Series no. 2, Wellington, Treaty of Waitangi Research Unit (TOWRU), pp. 21-22.

others of the East Coast profusely thanking him and his "far-seeing and truly wise and philanthropic Government" for such a valuable bill.[303]

Land matters were relegated to the accompanying Maori Lands Administration Act 1900. Contrary to Maori demands, the Native Land Court was retained and a Pakeha majority provided for on the six Maori Land Councils established under the Act to control the alienation of Maori land. Of significance to the northern Waiapu County, Maori owners of customary land were empowered to form a Papatupu Block Committee, which could investigate title to the land and, subject to confirmation by the Council, have this ratified as an order of the court. Papakainga lands identified as such were to be absolutely inalienable.[304]

Ngata was involved in the drafting of model by-laws under the Maori Councils Act and was chairman of the Horouta Maori Council, which represented communities on the East Coast from Omaio to Tokomaru. Komiti marae existed at Tauranga Koau; Wharekahika; Waiomatatini; Tikapa; Rangitukia and Ohinewaiapu; Rahui, Raorao and Putaanga; Whenuakura; Horoera; Te Araroa; Tutua; Tuparoa; Kariaka and Mangahanea; Waipiro; Kiekie; Akuaku; Whakapaurangi and Hiruharama. Chaired as it was by the architect of the system, Horouta was the first to have its bylaws gazetted in October 1901 and over the summer Ngata put his energies into "… gradually perfecting the machinery of my own Council, so that I can base on experience at home the organization of Councils in other districts."[305]

By February 1902, Ngata reported that locals had contributed £125 for council administration and Waiapu County Council had given over the dog tax, "with a small deduction on dogs owned by Europeans." Not all of the hapu within the district supported the scheme:

> It was a matter of notoriety that last spring there was a rift in the district a large number, led astray by agitators, forsaking the Council & actively opposing its work. I am glad to inform you that the opposition has narrowed down considerably to one or two hapus, which will not seriously affect the work of the council in the Waiapu district.[306]

Ngata was in fact made Organising Inspector of Maori Councils that year; his job being to promote the establishment of councils and assist them with administration and financial

[303] Tuta Nihoniho and 138 others, 14 September 1900, Seddon Papers, 2/36, quoted in Lange, p. 18.
[304] O'Malley, p.244.
[305] Ngata to Native Minister Carroll, 8 February 1902. MA-MC 1 box 2 1902/2-50, ArchivesNZ Wgtn; DB:275-6.
[306] Ibid.

management. Two years later he resigned the post. Shortly after he was elected to Parliament as MP for Tairawhiti.

The records of the councils' activities are slim. Elections were held for the Horouta Maori Council in February 1906 and Ngata, representing Waiomatatini, was re-elected as chair. His fellow councillors were Renata Tihore (Hicks Bay); Hori Mahue (Kawakawa), Piripi Rairi (Te Rahui); Ehau Pakatai (Tuparoa), Wiremu Pokiha (Akuaku), and Hohepa Rairi (Whareponga). By August that year however, Gilbert Mair who had taken over Ngata's job as national co-ordinator, was complaining that no financial returns had been filed for Horouta since 1904.[307]

The whole council system was undermined by a serious lack of funding: Mair had been unable even to obtain copies of the Act and bylaws for the edification of the elected members. His 1906 report noted the diminishing interest of Maori in the councils as a result of the lack of funding to undertake their numerous functions, and by January 1907 Mair himself had resigned in disgust.[308]

Despite the lack of official interest, the Horouta Maori Council appears to have muddled on. By 1909 Paratene Ngata had assumed the chair. Supported by its Anglican connections at Te Rau College, in 1911 the council resolved to hold a poll under Section 46 of the Licensing Amendment Act 1910, to ban the sale of alcohol in the district.[309] The council had to pay the £64 for the cost of the poll, which was subsequently carried. The state of prohibition prevailed until 1922.

Quite apart from the government-sanctioned komiti, from the turn of the century East Coast communities became involved in the business of farming sheep on their own account. Availing themselves of incorporation provisions under the Native Land Act 1894, the first five farms comprising 3,000 acres established in 1899 expanded to 111 farms comprising 76,000 acres by 1909, with the number of sheep increasing almost three-fold.[310] Unable to access state finance, much of the capital required for this early development was provided by loans from Samuel Williams and lease monies. The new farmers also benefited from the practical farming advice from Sydney and James Williams.

Early organisation under the aegis of the Ngati Porou Farmers Organisation, gave way in 1912 to the establishment of the Waiapu Farmers' Cooperative Trading Company. The co-operative

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[307] In Maori Councils 1906-07, special file 184a, MA23/14. ArchivesNZ Wgtn; not included in DB.
[308] Ibid.
[309] MS Papers 6919-0123 Maori Licensing Poll, ATL Wgtn; not included in DB.
[310] Walker, p.106.

store was based at Tikitiki, to help farmers with purchasing goods, marketing wool, buying and selling livestock and managing insurance. Keesing was told in 1929 that the company built "practically the whole township of Tikitiki itself – store, sheds and yards, houses for its employees, a hall, and the like, thus creating for its workers and the surrounding tribesfolk the conveniences of civilisation."[311]

In the mid-1910s many of the coastal leases expired, including that of the Waipiro block, which then became subject to the first experimentation with title consolidation. Consolidation, or "individualisation" as it was also called, entailed the exchanging of lands between hapu and whanau so that individual farmable blocks could be created. The consolidation of the Waipiro block was said to have been undertaken by Ngata and the clerk of the Native Land Court between 1911 and 1916.[312] Ngata subsequently referred to the displacement of families the farming venture entailed:

> Our bush country was deliberately colonised from 1900 to 1909, families being rooted up and moved to new lands. It is true these were within the tribal boundaries, but the colonists were from other hapus & were dumped down among comparative strangers.[313]

Another initiative during this period was the erection of a telegraph wire, from Mataahu to Taumata a Apanui. A newspaper report claims the venture was inspired by the refusal of Pakeha at Te Araroa to allow Maori to use their telegraph wires.[314] In January 1907 it was said that the abundance of telegraph wires was one of the two most conspicuous features on the coast; the other being sheep stations. By this time the line had reached Waimahuru and a hui had been held at Potaka to mark the event.[315] It was reported that Ngati Porou had expended £700 on the project, fundraised by the people. In her history of Northern Waiapu, Pinky Green even refers to an early Maori electrical supply, generated by the Waiapu River, and servicing households within a 10 mile radius of Waiomatatini and Tiktiki. According to Green, this initiative ran from 1914 to 1926, when it was discontinued as uneconomic.[316]

The optimism of the era is reflected in the Stout-Ngata Commission's 1908 report on Maori lands in the Waiapu County. In opening the commission on his home marae, Ngata posited the

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[311] F. Keesing, 'Maori Progress on the East Coast', *Te Wananga*, Board of Maori Ethnological Research, 1929), vol.1, p.53.
[312] Keesing, p.38.
[313] Ngata, 4 January 1929, in M. P. K. Sorrenson (ed.), *Na To Hoa Aroha/From Your Dear Friend: the correspondence between Sir Apirana Ngata and Sir Peter Buck 1925-50*, 3 vols., Auckland University Press, Auckland, 1986, vol. 1, p.164.
[314] *Te Pipiwharauroa*, April 1906, p.9, [online] at http://www.nzdl.org/niupepa.
[315] *Te Puke ki Hikurangi*, 7 February 1899, p.3, [online] at http://www.nzdl.org/niupepa.
[316] Pinky Green, "A History of Northern Waiapu", pp.95-96, qMS 0882, ATL Wgtn.

review in terms of whether, "the Maori owners of the lands in this district, by their past action and present endeavours, have justified their claiming a large proportion of the balance of their lands for their own use and occupation."[317] The overwhelming tenor of the subsequent report was affirmative, going so far as to suggest that the cooperative model of farming might well be extended to Pakeha. The achievement of the cooperative farming venture is all the more remarkable because it was largely conducted without government financial assistance. As the second decade of county government drew to a close, Ngata paid tribute to the Pakeha in the district for their support – both practical and financial - in bringing the success about:

> It is due to the European settlers of this progressive district to say that they have assisted to the best of their ability the farming operations and the schemes of social advancement of their Maori neighbours. … The County Council have always been on the best terms with the Maoris, who are rapidly recognising their responsibilities for the maintenance and construction of public works.[318]

The "best terms" relationship between the council and its Maori inhabitants at the height of this early pioneering era was reflected in the support Ngata lent to the county's annual road grant applications and the practical farm training extended to Maori by the Williams family. As alluded to in the statement above, the tribal drive to turn customary land into productive (rate-paying) farming units would have been welcomed by the council, and much of the early financing for this development came from councillors such as T.S. Williams and George Kirk.

This cooperation however fell short of a formal relationship between the two authorities and the evidence suggests a parallel development in separate spheres. At this time, Maori still lived largely communally in kainga, with marae affairs run as they always had been. Oliver and Thompson have remarked on the way in which the two populations kept apart with their "respective centres of gravity … widely separated."[319] Throughout this period Maori communities within the Waiapu County were managing their own affairs in the realm of farming, housing, community services, roading, communications and media. According to Walker, once Ngata's 'Bungalow' was built at Waiomatatini in 1912, it became the hub of social and political life of the district.[320]

Within the next decade, the "best terms" relationship was to be sorely tested, with Maori farmers increasingly concerned over the inequitable treatment with regard to road access, and Pakeha increasingly agitating for a rates return from Maori land.

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[317] Stout and Ngata, 'Native Lands and Native Land Tenure', interim report, Appendix 1, *AJHR* 1908, G-I, p.16.
[318] Ibid, pp.4-5.
[319] Oliver and Thompson, p.163.
[320] Walker, p.162.

5. Waiapu County 1920-1980s

By 1920 the pattern of county roads in the southern ridings had been established. All roads led to Tokomaru, where the freezing works and wharf were located. The development of the inland Main Highway was also well underway. Over time, and particularly with the Waiapu Bridge crossing at Rotokautuku, the inland route resulted in the movement of economic activity away from former coastal hubs. A new town took shape at the crossroads by the bridge – Ruatoria – built from the borrowed bits of the now deserted Tuparoa and Port Awanui. This became the location of the Ngati Porou Dairy Factory, which was, from 1924, an exclusively Maori initiative.

As indicated as early as 1908, the increasing participation of Maori in the farming economy brought with it an increasing pressure from local government for rates from Maori land. As Towers has demonstrated, this became the predominant Maori issue for local bodies on the East Coast from 1920 to 1950. The following chapter explores the extent to which the increased rates demands from Maori land was translated into participation and representation in local government, and the related issue of provision of service.

From the 1950s the prosperity of Waiapu County gradually declined as pastoral-based industries such as the freezing works and dairy factory closed down in the wake of an improved road network and other transport improvements. The outward migration of Pakeha as a result of declining opportunities was matched by the diaspora of East Coast Maori communities, seeking work and better living conditions in the urban centres of Gisborne and beyond. Faced with this decline, the role of county government – still representing the large landowners – was reduced to maintaining the existing infrastructure, enforcing planning restrictions, and little else. The development of planning and the impacts of planning restrictions on Maori are discussed in a later chapter.

5.1 Local Government and Rates

The efforts of the Waiapu County Council to extract rates from Maori land have been set out in full in Richard Towers' report on the rating of Maori land on the East Coast. Following World War One, the Waiapu County Council, along with other East Coast counties, was in the vanguard of local bodies knocking at the door of Parliament, demanding a solution to the issue of rating Maori land. In August 1923, the keynote address of the deputation of local bodies to Native Minister Coates was delivered by the chairman of the Waiapu County Council. He reiterated a call made by Ngata two months before to have the issue of Maori rating investigated by a commission of inquiry.[321]

Many of the tribal initiatives (with Ngata at the forefront), such as land title consolidation, were driven by the issue of land productivity (the 'use it or lose it' doctrine), and lurking behind the issue of land productivity, was that of rates. Within each consolidation scheme, a portion of land was to be vested in the Crown to satisfy outstanding rates. With most of the consolidated titles too small for viable sheep farming, the tribe's attention was turned to dairying. Financed partly from Maori monies managed by the Native Trustee, by 1924 the Ngati Porou Dairy Company was registered, milking sheds were built, and the first herds were bought. A dairy factory was built at Ruatoria to take advantage of the road. The first milking season was 1925-26 by which time there were 58 suppliers. With the help of state development funds finally made available by way of loans to Maori farmers from 1929, the number of suppliers to the factory had risen to 249 by 1931-32.[322]

The tribe's dairying venture had received the Native Minister's blessing on his visit to the district in December 1923. Ngata had used the opportunity to impress on his colleague the need for better road access and state development capital for Maori farmers (who had long found themselves ineligible to the funds provided to so many Pakeha small farmers under the State Advances to Settlers scheme, instituted by the Liberal Government as early as the 1890s). As a result, Coates authorised the first payment of Native Trustee monies. Importantly, his visit also prompted the setting up of a committee to look into the issues behind the non-payment of rates on Maori land. The committee to consider Waiapu County was made up of four men all very familiar with the area: A. T. Ngata, MP; K. S. Williams, MP; Judge Carr of the Native Land Court, and; A. W. Kirk, Chairman of Waiapu County Council.

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[321] Towers, pp.121ff.
[322] Walker, pp. 173-4.

The rating committee's report, delivered in May 1924, was an informed account of developments affecting the ability of Maori to receive an economic benefit from their land, such as the lack of clear title, the inability to obtain development finance, and the impact of Crown purchase activities in the county. The committee considered that the solution of the "Native rating problem" was bound up with the profitable occupation of Maori lands that were suited to settlement, and the exemption from rating of lands found to be unsuitable for settlement. The committee recommended a greater role for the Native Land Court in identifying the appropriate land owners and occupiers, as well as areas that should be exempt from rates, and to recoup due and overdue rates through charging orders.[323] It was also confident that the district consolidation schemes would result both in monetary recompense for overdue rates, as well as securing a better rates return from Maori land in the future.

The goodwill apparent in the 1924 report was wearing thin by 1927. In a worsening economic downturn, Waiapu County Council was becoming impatient for the promised fruits from consolidation. In July 1927, in the company of Ngata and Williams, the council again received an audience with Prime Minister Coates to discuss the issues raised by the 1924 report.[324] One outcome of the meeting was the first payments to the county council from consolidated land revenue. When Ngata became Native Minister in 1929, Waiapu County Council was offered and accepted a cash compromise for overdue Maori rates on lands in northern Waiapu. A second settlement offer of £10,000 for an estimated £25,000 of arrears was accepted by the council in July 1930.[325]

Despite the welcome cash injection in the thick of depression, Ngata's rates compromises angered the Waiapu County Council and Pakeha ratepayers generally. This "state of unrest and indignation against the Maori" seems to have been exacerbated by the Maori monopoly on dairy farming: a common complaint was that Maori farmers used the county roads to transport their cream to the factory at Ruatoria, yet supposedly did not pay the rates to maintain the roads. In July 1931, and again in April 1932, the Waiapu County Council put its case before Prime Minister Forbes and Native Minister Ngata, calling for Maori land to be "brought into line" with general land with regards to rates recovery. K. S. Williams gave voice to the source of the anger; the erroneous perception that Maori farmers enjoyed an unfair

[323] 'Outstanding Native Rates', H. Carr, K. S. Williams, A. W. Kirk, and A. T. Ngata to Native Minister Coates, 23 July 1924, in Towers DB:1316-1332.
[324] Towers, pp.159-162.
[325] Towers, p.174.

advantage by avoiding individual rates obligations through the compromise arrangements.[326] The result of the 1932 meeting was another commission of inquiry into Native rating.

5.1.1 The 1933 Rates Committee

The 1933 rates committee inquiry comprised Judge Jones of the Native Land Court, Alexander McLeod, MP, and John Reid, Opotiki County Councillor. Hearings were held along the length of the East Coast in May 1933. Waiapu County Council had its hearing at its new premises at Te Puia on 22 May. Like the township itself, the hearing was a 'Pakeha' affair: those recorded present were representatives of the council, the hospital board, and the Tokomaru Bay Harbour Board. Having been greeted by Council chairperson D. W. W. Williams, the council's submission was then presented by its lawyer, J. S. Nugent.

The Waiapu County Council was primarily concerned with the issue of collecting rates revenue from Maori land. It argued that the engagement of Maori in farming in the district, both as sheep farmers and more particularly as dairy farmers, meant that they made full use of the roads and bridges in the county and that they were as able as Pakeha to pay rates. In the depression years, rates payments from Maori land were said to have ranged from 28–39 percent, and the council was calling for more effective means of extracting payment. The council considered that it had been "very generous" with regards to the compromise of rates through consolidation, and now that the schemes were all but completed:

> Natives should toe the line and pay their rates. The old spirit of compromise is still prevalent with the Native owners. But this must now be abolished and statutory rights given to the Council to enforce payment by selling lands, if necessary.[327]

In drawing attention to the council's experience of the ineffectiveness of charging orders (or, rather, the ineffectiveness of the county's prosecution of charging orders), Nugent referred to the rates arrears on Ngata's property at Waiomatatini – twice. He also drew attention to the rating issues surrounding the new development scheme initiatives in the district. The full-throttled attack was tempered to some degree by the county chairman who spoke after Nugent. He added that, "it is not a question of Pakeha versus Maori in this business, because there is quite a number of Maoris who have always paid their rates in this county and who continue to do so."[328]

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[326] K. S. Williams, Deputation from Members of Parliament to the Prime Minister, 13 April 1932, cited in Towers, p.192.
[327] Nugent, in Towers DB:979.
[328] D. W. W. Williams, 22 May 1933; Towers DB:985.

Local Maori had their turn at Ruatoria two days later, where a "large gathering of the Natives of the district" attended the hearing. Waiapu County Councillors were also present, as was Ken Williams, MP. The Ruatoria hearing was the first occasion in which Maori perspectives on the issues were heard, and they had arranged for Captain William Pitt to speak for them. Pitt introduced himself as representing Maori not just of Waiapu County, but also of the counties of Cook, Waikohu, and Uawa. He was working as a Maori Welfare Officer in Gisborne at the time and had been closely involved with the Maori Councils at a national level.

From the outset, the committee was assured by the assembly of Maori of their support for the payment of rates – the question was one of affordability. Pitt pinpointed reasons, such as defaulting Pakeha lessees of Maori land, which contributed to the inability to pay. He also refuted many of the assertions made by Nugent two days before. The main focus of his presentation however, was a stinging indictment of the council's performance with regard to Maori in the county: "I want to submit that the whole of the Maori people of the Waiapu district have no confidence in the Council."[329] The issues highlighted by Pitt included the council's expenditure on new premises at Te Puia (including the building of staff housing), in a time of depression; the changing of riding boundaries to bolster Pakeha control; the expenditure of council revenue on roads that benefited Pakeha farmers and the corresponding failure to provide or maintain access to service Maori land; the abrasive treatment of Maori by councillors and council staff; the fraudulence surrounding council claims to compromise monies; and lastly the mean-spirited reference to Ngata's rates arrears, which had been reported in the press.

The 1933 hearing appears to have been the first time that Maori complaints regarding the council were voiced out loud: certainly they appear to have fallen like a bombshell among the councillors present. K.S. Williams attempted to counter the allegations on the day, and Chairperson D.W.W. Williams and the county lawyer, Nugent, later made written statements to the committee in defence of council actions. Rather than accepting Pitt's submission as a mouthpiece of the people, he was cast as a "stranger" to the district who had exaggerated Maori concerns.[330] There were no such complaints from Maori about Pitt's role.

The county council continued – in 1934, 1935 and 1936 – to lobby for a government solution to the continued problem of obtaining rates from Maori land. The following year it took

[329] W. T. Pitt, 24 May 1933; Towers DB:1010.
[330] D. W. W. Williams, statement to Committee of Inquiry, 10 July 1933; Towers DB:1123.

proactive steps to sort out the valuation rolls itself, as inaccurate valuation and rating rolls made it very difficult to legally enforce rates demands.

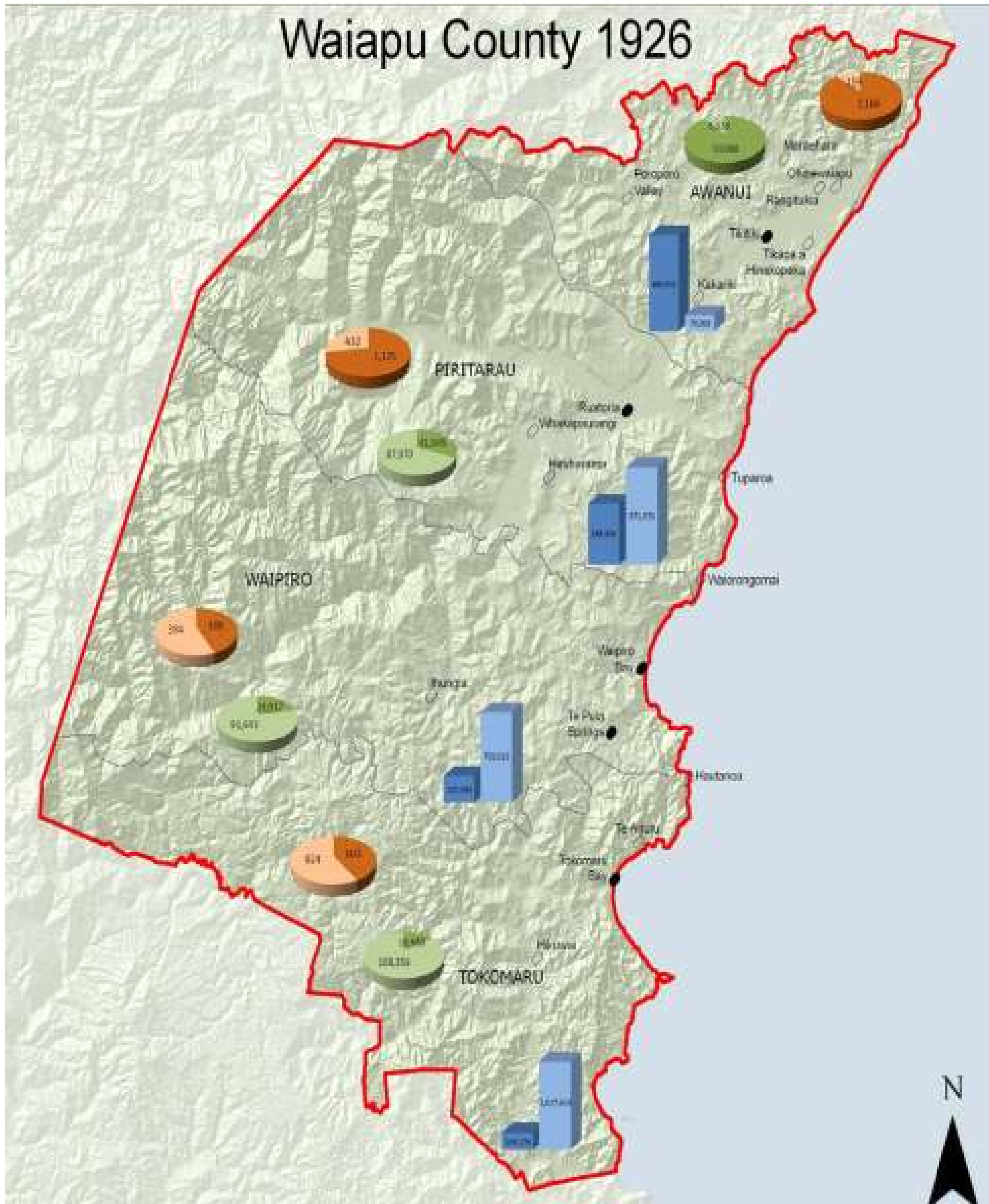
The wero laid down at the hearing – for Maori to get themselves on to council – was taken up with the election of Councillor Hami Te Rapu in 1936. Although Pakeha farmers maintained their control on council, from this time on Maori had at least a presence. Under the development schemes that continued from the 1930s, the Native Department took on responsibility for providing road access to the new farms (the cost being added to the development finance already accruing on Maori land being developed). Towers' report reveals that by the 1940s the level of cooperation between the Native Department, Native Land Court, Valuation Department, Maori Land Board, and the local bodies resulted in increased rates receipts from Maori land. By 1945 the East Coast counties were no longer at the forefront of counties lobbying for change. The report now turns to consider the issues of representation and the provision of service to Maori within this time period in more detail.

5.2 Representation

5.2.1 Waiapu County 1926

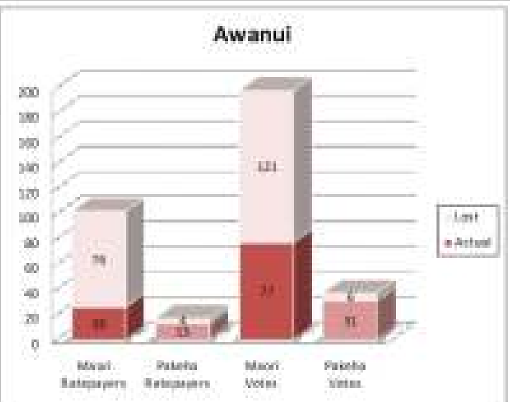
Information regarding the status of Maori participation and representation in county government has been processed from the county rates books over different time periods, and presented in the graph and map below. As with all the maps in this report, it should be read in conjunction with the accompanying graph. In the first half of the century, the county itself compiled separate lists for the "European" and "Native" ratepayers of each riding, which, with the caveat that the successful progeny of both were sometimes listed as Pakeha, readily lends itself to a comparative analysis of Maori/Pakeha occupancy and rateable value. The map below is based on information from the Waiapu County rates book of 1926 -27.[331] The details of ratepayer names, land descriptions, land area, and rateable value were entered into a spreadsheet, and the statistics compiled from there. For the purposes of analysis, only land titles held by people (as opposed to companies or trusts) were counted for the map.

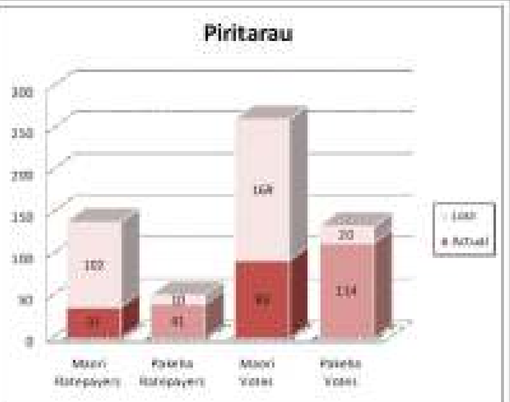
[331] WCC Rates books, 1926-27, GDC Te Puia; DB:677-757. Set out in Appendix 4.

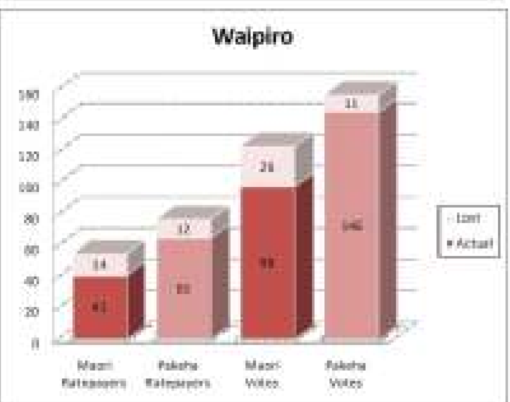


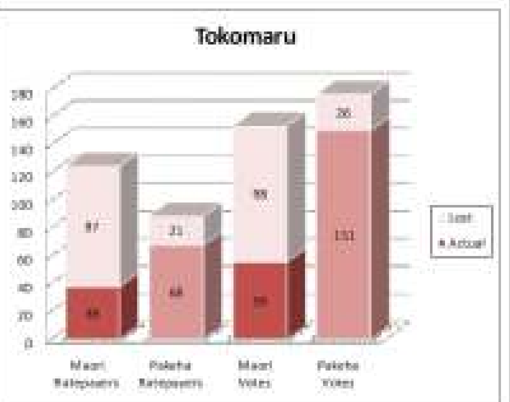
Map 5: Waiapu County Ratepayers 1926

Ratepayers and Votes, showing impact of default and compromise







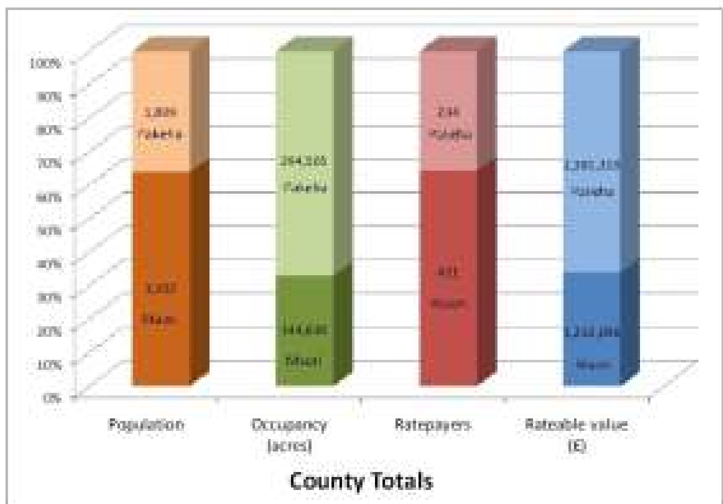


Legend

Locality >100   Township >100

Data as at 1936. A locality is defined as a particular named locality without a definite settlement nucleus.

Whenuakura locality unplaced



Sources: *Waiapu County Ratebooks, 1926-27; New Zealand Census, 1926. Auckland Sheet 5, 1914.*

Dealing first with the overall county totals, Pakeha at this time comprised a little over one-third of the population and occupied two-thirds of the land. Of interest is the fact that by 1926 the population figures correlate with the number of ratepayers, with the two-thirds majority Maori population also comprising a two-thirds majority of ratepayers, reflecting the ongoing individualisation of consolidated Maori land titles and consequent enfranchisement of Maori land owners. The fact that this Maori majority controlled only a third of the rateable value of the county suggests that their land-holdings were considerably smaller (or of lower quality in economic terms) than their Pakeha countrymen, which is borne out by the rates book.

Waiapu County in 1926 comprised the four ridings of Awanui, Piritarau, Waipiro, and Tokomaru, three of these configured as corridors giving the inland farms access to a seaport. The map reveals that the Pakeha stronghold was in the southern half of the county, where they outnumbered Maori numerically and held 82 percent of the land in the combined Waipiro and Tokomaru Ridings. Within the Piritarau Riding, the Pakeha minority occupied a majority of the land, both in terms of acreage and rateable value. It was only in the northern riding of Awanui that Maori ratepayers prevailed, with an 86 percent share of the rateable value.

The 1926-27 rates book was also used as a source of information regarding the impact on franchise of weighted voting. The number of votes each individual was entitled to was calculated from the value of their property on the scale of the day, that is, 1 vote for land worth less than £1,000; 2 votes for land worth between £1,000–£2,000; and 3 votes for land worth more than £2,000. The results are shown in the preceding graph 'Ratepayers and Votes', depicting the number of Maori/Pakeha ratepayers, together with the number of Maori/Pakeha votes. It is evident that the weighted voting provisions transformed large land-owners into a formidable political force: in every riding the number of votes accruing to paid-up Pakeha ratepayers more than doubled their numerical weight and within the Piritarau Riding, their numerical weight was almost tripled, the 41 paid-up ratepayers entitled to 114 votes. This trend is also true of the Maori rate-paying constituency, most forcefully in the Awanui Riding, and to a lesser extent in the Tokomaru Riding.

Last but not least, the rates book provides an insight into the significant impact of defaulting on the Maori vote, based on the evidence of payment. The prevailing law at this time was the Counties Act 1920, Section 57 of which provided that the failure to pay rates was a disqualification for voting. The general rate was set on 18 August 1926 for the period from 1 April 1926 to 31 March 1927, to be paid in one lump sum by 1 September 1926. Ratepayers had six months grace in which to pay their rates. Payments made after the end of March not only incurred a penalty, but also disqualified ratepayers from the triennial elections held in early May 1927. A full two-thirds of the 421 listed Maori ratepayers were disqualified from voting in the 1927 election as a result of default. On the graph, the number of "lost" ratepayers and votes – as a result of the defaulting provision – is shown in light pink. It will be seen that the incidence of lost votes materially affected the election outcome in the Piritarau Riding.

Of the 421 Maori ratepayers, however, only eight individuals did not pay their rates – less than the number of defaulting Pakeha. Working from the date of payment recorded in the rates book, it has been deduced that in the case of 128 ratepayers, the rates were paid, but not before the March deadline. In the remaining 143 cases, the rates were compromised; that is, covered by the bulk payment the government made on behalf of Maori (to be recouped in land). Unfortunately for these ratepayers, the rates compromise payment from the Tairawhiti District Maori Land Board was made on 30 August 1927, too late to enfranchise the affected ratepayers for the 1927 election. The Waiapu County Council received the rates on Maori land, some late and some compromised. Maori on the other hand, were not enfranchised in return. It was not until the Native Land Act 1931 that provision was made to enfranchise ratepayers whose land was affected through Ngata's rates concessions. For the purposes of election, under Section 537 of Native Land Act 1931, Maori were not liable for rates for which compromises have been reached.

In a number of instances, ratepayers held more than one property and circumstances regarding payment varied. A ratepayer may have paid his own rates on one property, and had the rates on another property compromised. Under the rules of the day, where payment was not made, the ratepayer's name was placed on the defaulters' list. Even if the rates had been paid on a number of properties, the failure to pay on *all* properties relegated the ratepayer to the defaulters' list. Individuals appearing on the list were unable to vote. This is another

reason why the defaulting statistics for Maori are so high. The calculations depicted on the map and associated graphs are the result of a careful analysis of the net impact on franchise.

What the map does not convey is the number of blocks still held in multiple ownership. This continued to be a common tenure, and it must be remembered that all of these "other" landowners and occupiers could not participate in the county election until the residency provision of 1944.

In the absence of an electoral roll, the above map indicates the nature and extent of electoral franchise in the 1927 election. It does not take into account mistakes and omissions in the rating rolls wrought by ongoing partition, unfamiliarity with the land-occupying populace, and by the consolidation schemes of the 1920s. In the 1924 review of the rating of Maori land in Waiapu County, it was concluded that an overhaul of the valuation rolls would be ineffective in light of the consolidation schemes either recently finished or about to be started.[332] By 1933 the valuation rolls of Waiapu County were said to be out of date, County Chairperson D. W. W. Williams admitting: "We have on the roll names of individuals who have been dead for years, and there has been the greatest difficulty in getting the names altered."[333]

In the previous revaluation of the county undertaken three to four years before, the valuer had "just valued the land as it was," without making inquiries as to the Maori occupiers of the land.[334] Councillor Rickard testified to the 1933 Rating Committee that: "As a result of the state of the roll, rate demands go out and come back through the Dead Letter Office."[335] It is also the case that the situation was exacerbated by new rating legislation in 1926 which reintroduced the power of local government to have unpaid rates ordered as charges against the land. Unless a person was the sole owner, the land itself was liable for rates. Prime Minister and Native Minister Coates placated county councils that the new laws did away with the uncertainties of the nominated owner system.[336] It also did away with the need for local bodies to identify the individual owners of the land, which again raises the issue of

[332] H. Carr, K. S. Williams, A. W. Kirk, and A. T. Ngata to Native Minister Coates, 23 July 1924; Towers DB:1326.
[333] D. W. Williams, 22 May 1933; Towers DB:999-1000.
[334] Councillor Rickard, 22 May 1933; Towers DB:1000.
[335] Ibid.
[336] Towers, p.141.

representation. One of the members of the 1933 Committee of Inquiry shared his experience with the Waiapu County Councillors present at the Te Puia sitting:

> We had the same difficulty in the Opotiki County. We knew perfectly well that quite a number of Natives whose names appeared on the roll had been dead for many years. We employed a Native interpreter to go round and check off the roll and rectify mistakes – to strike off dead names and put down the names of the occupier. That action made a lot of difference in the last county election. By cleaning up the rating roll we had an idea of who was entitled to vote.[337]

In the long-running debate regarding the issue of rates from Maori land, Reid's comments are one of the few occasions where rating has been placed in the context of representation, and not of county revenue. Waiapu County Council subsequently acted on the advice and in 1937 requested the Valuation Department to engage the services of Councillor Hemi Te Rapu to provide advice as to Maori occupancy. Meetings of land owners and occupiers were called at Tikitiki, Ruatoria and Tokomaru Bay over the spring and summer of 1937-38 to correct the valuation rolls. At the Tokomaru Bay meeting, amendments were made to 60 percent of the listed occupiers.[338] The rolls of both Waiapu and Uawa counties were substantially correct from 1939 onwards.

One further issue regarding franchise lies in the configuration of riding boundaries. Captain Pitt's allegation to the 1933 Commission of Inquiry into rating regarding the council's game of "chess or draughts with the boundaries of the ridings as it pleases themselves," has already been quoted in Chapter 3. According to Pitt, Maori ratepayers formerly in the Waipiro Riding had been placed in Piritarau, in order to concentrate the majority of the Maori population within the two ridings of Piritarau and Awanui.[339] The allegations were countered at the time by K. S. Williams who argued that the change in riding boundaries was the result of changing road communications:

> … when county was originally formed trade and traffic all went by the coast. Small steamers called at Awanui, Tuparoa, Waipiro Bay, Tokomaru Bay and sometimes at Anaura; the boundaries were so fixed that the portions which traded with each port would have their own road to the port and their own riding so that they could maintain their access from the inland to the port. The coastal road was only a bridle track; and

[337] Reid, 22 May 1933; Towers DB:1001.
[338] Towers, pp.242-3.
[339] Pitt; Towers DB:1029.

> I do not think any more could be made of it because it was nearly all on slippery country except when it went on the beach. Later on when the main road was put through where it is now, the subsidiary roads were made to run to the main road instead of to the sea. This caused riding boundaries to be altered in some cases in accordance with community of interest. As far as I know there was no intention of being unjust to the Maoris.[340]

Ken Williams' comments suggest that the changes in riding configuration depicted on the 1945 map of Waiapu County (see Map 7 below) had been made by this time; the county comprising seven ridings, with five of them having two members. Councillor Hale was stung to respond at Ruatoria that Maori had sufficient numbers to return members from the ridings in which they formed the majority of ratepayers, and so to "dominate" the council: "They have their remedy by paying their rates and thus becoming eligible to vote."[341] These remarks are at odds with the discussion just two days before regarding the out-of-date valuation rolls which made it difficult to properly notify Maori landowners and occupiers of their rates liabilities.

Pitt was questioned at the time about Maori representation on council. He responded that Maori tended to nominate Pakeha for office, and singled out A.W. Kirk in the Piritarau Riding and Messrs Hyland and Rickard in the Awanui Ridings as Pakeha nominees supported by the Maori ratepayers.[342] D.W.W. Williams maintained that in the 1933 election Maori ratepayers in the Tokomaru Riding eligible to vote had had sufficient numbers to return those Maori who stood, but neither was elected. At the time of the inquiry, the council comprised 10 members, all of them Pakeha. Hami Te Rapu became the first Maori to be elected to council in 1936, and according to Rau's list of councillors, an F. Manuel was on council the following year.

5.2.2 Waiapu County 1945

In 1944 the county franchise was extended to adult residents, who became entitled to a single vote. The weighted voting provisions remained intact. Map 7 below depicts the Waiapu County structure for the election that year, based on the 1944 electors' roll and the county rates book for the year 1944-45. By the end of World War II the county was beginning to see

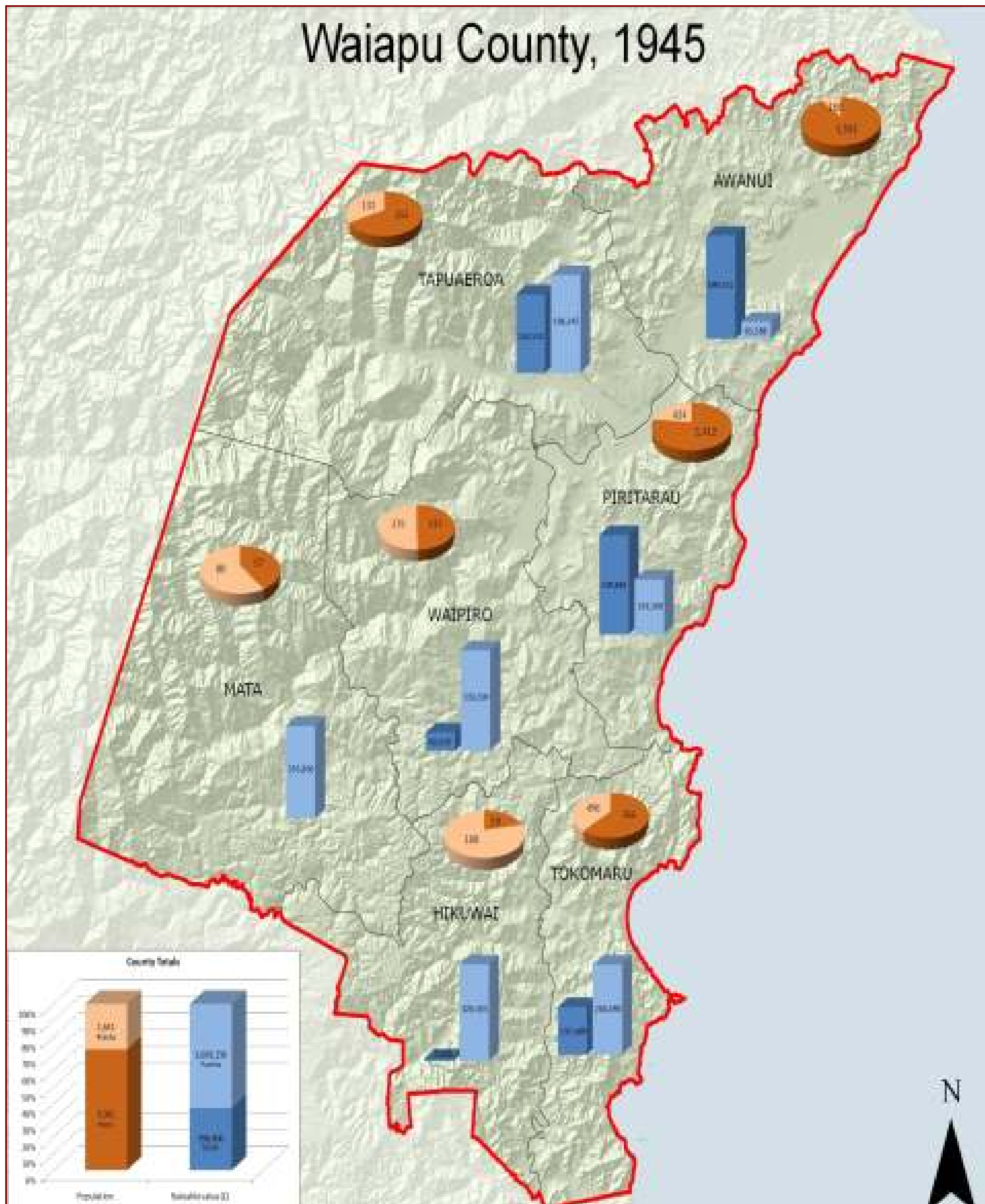
[340] K. S. Williams; Towers DB:1031-2.
[341] Councillor Hale; Towers DB:1038.
[342] Pitt; Towers DB:1029.

the outward migration of inhabitants, particularly Pakeha, a trend which continued. In the 18 years since 1926 the Pakeha population had decreased from 1,809 to 1641. Maori now made up 73 percent of the county population, and while they still occupied just 37 percent of the rateable value of the county, one would expect the impact of the residency franchise to be reflected in increased Maori representation in local government. Yet this was not so.

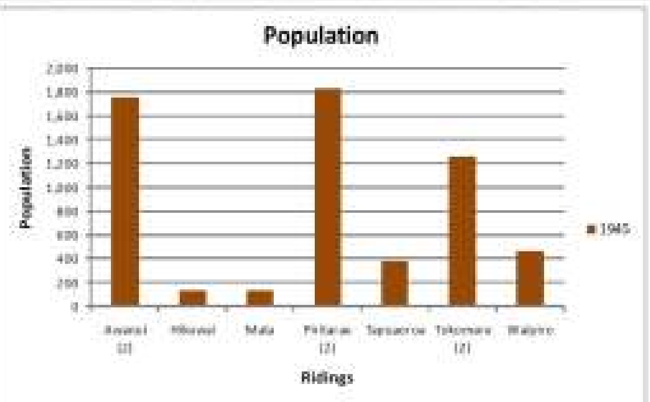
By 1944 the county had been recast into seven ridings. From K. S. William's comments to the 1933 Rating Committee noted above, this reconfiguration seems to have taken place before 1933. The corridors of old, giving the inland areas road access to the port, had been sliced the other way. According to Williams, the redrawn ridings reflected new communities of interest brought about by the inland highway. The ridings of Awanui, Piritarau and Tokomaru had 2 representatives apiece, while the other 4 ridings had a single councillor, making a council of 10 members.

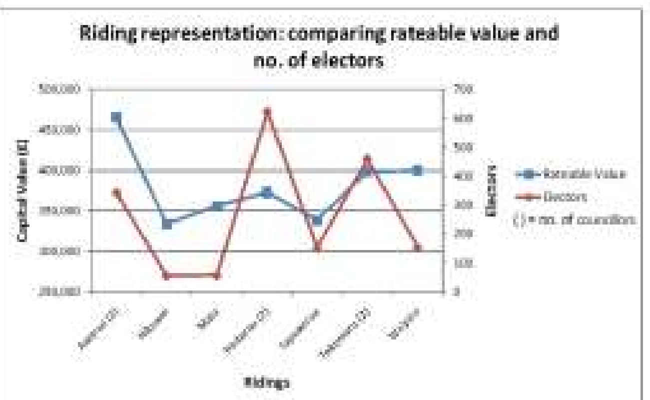
The distribution of relative Maori/Pakeha political influence is readily apparent from the 1945 map (Map 7). On the coast in the north Maori dominated in the ridings of Awanui and Piritarau, both in population and in rateable value. The Pakeha bastion was the southern inland ridings of Hikuwai and Mata, the last of which was exclusively occupied by Pakeha. Within the ridings of Tapuwaeroa and the more populous Tokomaru, Maori outnumbered Pakeha but accounted for less rateable value. In Waipiro Riding, the population was split almost 50/50, but Pakeha occupied the majority of land.

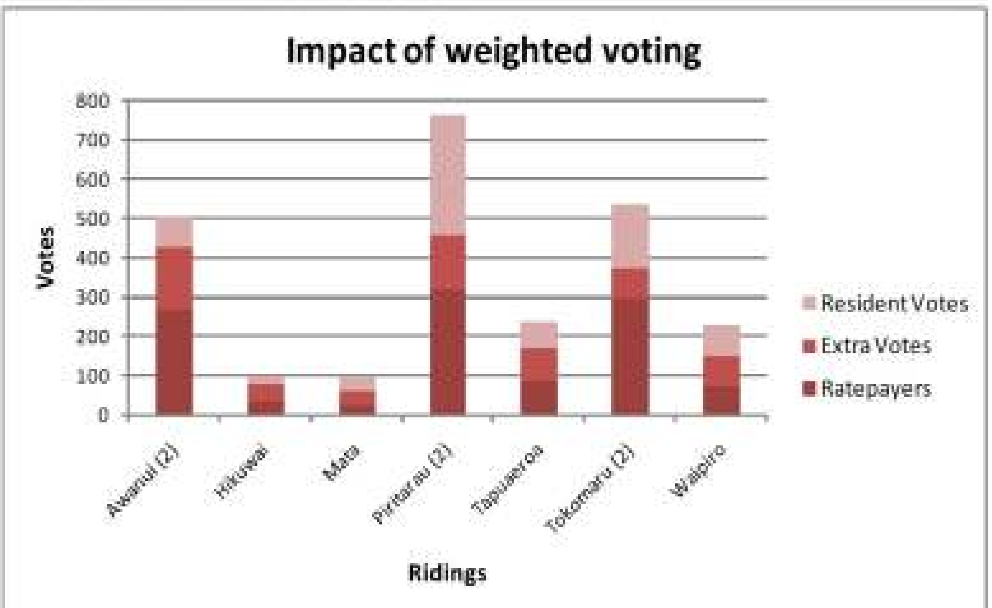
The map gets interesting once comparisons are made between ridings. This has been done in the associated graphs in three different ways: population, number of electors, and the rateable value. Piritarau and Awanui were by far and away the most populated ridings with 1,836 and 1,758 inhabitants respectively. Tokomaru was third with 1,262. Compare this with the 137 people in both the Hikuwai and Mata Ridings. Even taking into account that the most populated ridings had two representatives, in terms of democracy it could be said that each person in the Hikuwai and Mata Ridings was worth almost seven of those in the northern coastal district.



Map 6: Waiapu County Ratepayers 1945







Sources: *Waiapu County Council Rates Book, 1944-45*; "Electors' Poll 1944, Ratepayers and Residentials", 7/2 Elections and Polls, County Elections 1944; *New Zealand Census, 1945*.

A similar scenario unfolds with the number of electors. Once again Piritarau Riding's 621 electors was by far in excess of the next closest total of Tokomaru Riding, with 458. Tapuwaeroa and Waipiro Ridings had less than a third of this number again, while Mata and Hikuwai had just 55 and 53 electors respectively. Again, taking into account the two representatives for the northern coastal ridings, in terms of ratepayer representation, each elector in the Hikuwai Riding could be said to be worth almost six of his fellow county constituents in the Piritarau Riding. The rateable value of the southern inland ridings was lower than the coastal northern ridings, and Tapuwaeroa also had a relatively low rateable value. In the absence of any reasonable explanation for the inequities of this arrangement, one is left with the conclusion that the configuration was expressly designed to ensure a continuing Pakeha control of local government in the face of dwindling numbers. Judging solely by the surnames on Rau's list of councillors – such as Ngata, Fox, Reedy and Walker – it is apparent that post World War 2, Councillors Te Rapu and Manuel had more Maori company on council.[343] But Maori were never the majority in this period, winning at best the four seats from the ridings of Awanui and Piritarau on a ten-member council. Riding configuration was the key to maintaining Pakeha ascendancy.

The graph attached to Map 7, 'Impact of weighted voting', also reveals that despite the enfranchising of the resident population, large landowners retained their power to influence electoral outcomes. In every single riding the rate-paying constituency was able to outvote the residents by virtue of their extra votes. This was particularly crucial in the ridings of Hikuwai, Mata, Piritarau, Tapuwaeroa and Waipiro. In Mata Riding for instance, by virtue of their multiple votes the 20 listed ratepayers would be able to secure their nominee ahead of the 25 resident shepherds, station hands, station managers and their spouses.[344] In fact, elections for the ridings of Mata, Hikuwai, Tapuwaeroa and Waipiro were seldom held, the incumbent councillors returning uncontested time after time.

The trends identified above continued throughout the late 1950s and 1960s, with Maori joining the outward migration from the county in search of work and housing. Pakeha numbers continued to fall. By 1962 the ratepayers within the Mata Riding numbered just 10, with a further 15 residential electors. The growth of Ruatoria on the other hand had pushed the total number of county electors within the Piritarau Riding to 709: 1 elector in the Mata Riding was now worth 14 of those in Piritarau – and still the riding boundaries were not

[343] Rau, p.94.
[344] 1944 Roll of Electors, Waiapu County, GDC Te Puia Service Centre; DB:758; 763-90.

changed. The rateable unimproved value of both the Awanui and Piritarau Ridings was also twice that of Mata Riding, and considerably more than the Hikuwai Riding, a fact that should be kept in mind when considering the provision of access in the Awanui Riding set out below. In the 1962 county election, only the ridings of Piritarau, Waipiro and Tokomaru were contested. Candidates from Awanui, Tapuaeroa, Mata and Hikuwai were returned unopposed.[345]

5.2.3 Waiapu County, 1965–1989

In 1965 most of the Matakaoa County was amalgamated back into Waiapu, and the existing representation arrangements were maintained, in that the united county now comprised 11 ridings (Waiapu's seven and Matakaoa's four). The northern ridings were given 1 representative each, while Awanui, Piritarau, and Tokomaru Ridings retained their 2 councillors, making a 14-member council. The arrangement was short-lived. While not comprehensive, Rau's list of councillors indicates that by 1970 the council had reduced to 11 members, and from 1972 just 9 councillors were returned. This remained the pattern of representation until amalgamation in 1989. It is demonstrated in Map 8 (see below) of Waiapu County as at 1980.

It can be seen that the four northern Matakaoa ridings had been reduced to the two ridings of Oweka and Whangaokeno. In addition, Awanui, Piritarau and Tokomaru Ridings had lost their second representative: one member was now drawn from each of the nine ridings, making a nine-member council. The impact of reducing the council in this way fell mostly on the "Maori" ridings to the north, while the sanctity of the Pakeha domains of Hikuwai, Mata and Waipiro remained intact. In effect, the alterations returned the county to its pre-amalgamation balance, even in the face of ever-more glaring inequities. By 1980 the ridings of Hikuwai and Mata had just 20 and 21 electors respectively. Both councillors for these ridings, C Rau and DH Johnstone, maintained their position in office for 23 and 27 years respectively. For most of this time, their tenure was not contested. From the 1960s Maori had a strong presence on Waiapu County Council, but they were never in the majority. As at October 1981, for example, only four of the nine councillors were identified as Maori.[346] Two of these were also members of the local Maori committees of the Tairawhiti District Maori Council.

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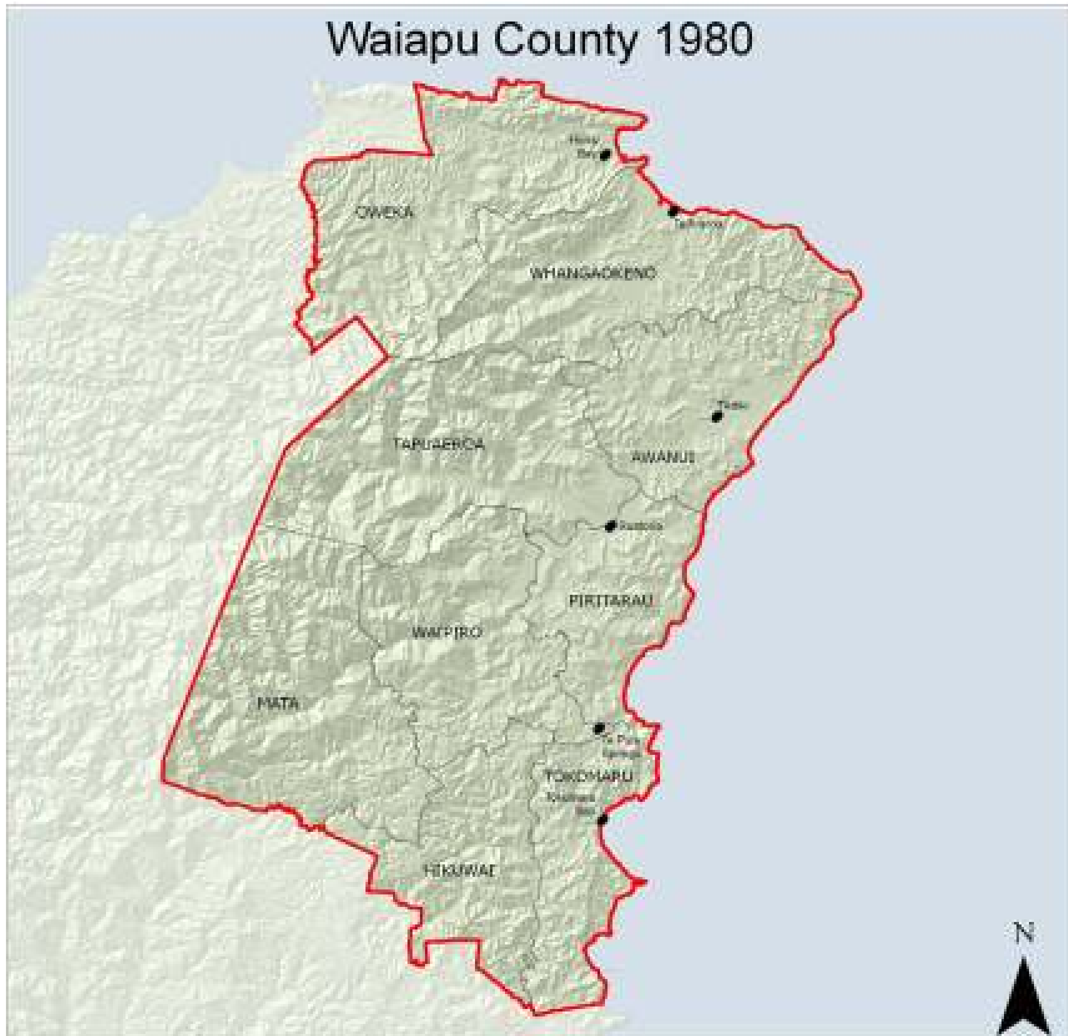
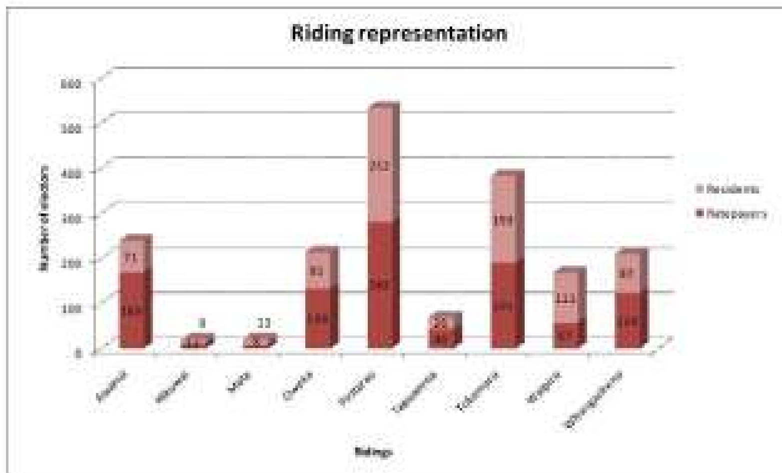
[345] 7/2/5 Elections and Polls, County Elections 1962, GDC Te Puia Service Centre; DB:791-813.
[346] County clerk, WCC to Planning Secretary, New Zealand Planning Council, 16 October 1981, 37/1/10 GDC Te Puia Service Centre; DB:1022.





Legend

● Township

Sources: "Elections 1980"; "County of Waiapu" (map) n.d. GDC Te Puia Service Centre.

Map 7: Waiapu County 1980

The weighted scale was removed from the ratepayers' qualification in 1974, and the age limit was reduced to 18 years. Plural voting – the right to vote in all ridings in which an elector was a ratepayer – was discontinued in 1986 with the abolition of the ratepayer franchise. Such moves towards democratic principles would have been mitigated to a large extent by the intransigent configuration of the Waiapu County ridings, yet the 1986 county election does suggest the tide was turning. In the 1980 election, only the Piritarau Riding was contested, eight of the nine candidates being returned unopposed. The contest was hard fought, with an astonishing 78 percent voter turn-out, but the long-standing incumbent, T.T. Fox, was returned. Of interest is the fact that 26 percent of the 282 ratepayer electors lived outside the riding. In the county as a whole, 36 percent of the ratepayer electors were similarly non-resident in the district.[347] In the 1983 election, only the Awanui Riding was contested.[348] In 1986 however, the four ridings of Oweka, Whangaokeno, Hikuwai and Tokomaru were contested. Rau held on to Hikuwai Riding by a single vote and in Tokomaru Riding, W.S. Busby was upset by Maukino Whakataka. Rudland, who had taken his father's place on the Matakaoa County Council 20 years before, held on to his seat, but in the riding next door, G. Stainton won out over the incumbent T. Wirepa.[349]

Graham Bush makes the point that as late as the 1970s local government rulers were anything but representative of the community from which they were drawn, describing the archetypal councillor as a middle-aged middle class male.[350] To this he should have added 'Pakeha'. The fact that rural representation was kept for so long as the preserve of large land-holders, with extra political privileges for the wealthy ones, makes Bush's observations all the more true of rural local government rulers. Bush's general observations regarding local government electoral apathy, reflected in low voter turn-out and the return of incumbents uncontested, is also true of Waiapu County. Over half of the councillors, Maori among them, held their seats on the Waiapu County Council from the 1960s to the 1980s.

Any analysis of representation on ethnic grounds runs the risk of putting people into boxes that may not necessarily be appropriate. This is particularly true of the East Coast, where intermarriage has resulted in many offspring of mixed Maori/Pakeha heritage. However, this should not be used as an excuse for a continuing hegemony of Pakeha control. As distasteful and crude as head-counting may be on ethnic lines, as long as representative democracy

[347] 'Elections 1980' box, GDC Te Puia; DB:815.
[348] 'Elections 1983' box, GDC Te Puia; DB:818.
[349] 'Elections 1986', 7/2/12 Elections and Polls 1986, GDC Te Puia; DB:819-20.
[350] Bush, p.42.

remains the basis of local government and power, it remains a means of judging the equity (or otherwise) of the existing electoral system.

As a result of the 1989 amalgamation of counties into the Gisborne District, the former Waiapu County was split in two, the Waiapu River becoming the boundary. Matakaoa Ward lay north of the river and Waiapu Ward to the south. Each ward was represented by a single member on the 15-member council. The county offices at Te Puia were retained as a service Centre.

5.3 Provision of Services

Complaints that the roading infrastructure on the East Coast benefited Pakeha ratepayers, and that the needs of Maori farmers and communities were not provided for, surfaced from time to time from the 1920s on. When Native Minister and Minister of Public Works Coates visited Waiomatatini in November 1923, Ngata publicly drew his attention to the fact that Maori efforts to utilise their land were being held back in the Waiapu and Matakaoa districts by a lack of expenditure on roads.[351] Specific road requirements mentioned by Ngata on this occasion included: access to Reporua, and to the 150 inhabitants of the village of Tikapa; to four Maori farmers at Maraehara; and a road from Port Awanui to Tikitiki, and then on to Rangitukia. He also mentioned the slip at Kaiinanga which was blocking the main road out.

In 1928 Ngata made the point to Peter Buck about local bodies generally, who "were asking for their pound of flesh on the theoretical basis of racial equality, where in practice the Maori was not regarded or treated as an equal and in the road services for which the unpaid rates were demanded large areas of Native lands were shamefully treated."[352] In 1925 the poor access to their land in the Waiapu Valley was referred to, tongue in cheek, as the tribe's salvation: "Otira e ki ana a Ngati Porou na te kino o ratou huarahi i tika ai ratou, ara i kore ai o ratou whenua e hiakaitia e te kanohi pakeha."[353] On a more serious note, in his 1929 study of "Maori progress" on the coast, Keesing noted the "bitter friction" caused by rating in places like the East Cape, "where the money was to be spent largely on roads and bridges which until recently the isolated folk never used or even saw."[354]

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[351] *Poverty Bay Herald*, 27 November 1923, in Towers DB:1345.
[352] A.T. Ngata to P. Buck, 9 February 1928, in Sorrenson, vol. 1, p. 68.
[353] "It is said by Ngati Porou that they have done well from the bad state of their roads, in as much as it has kept their lands from the hungry stare of the Pakeha" (author's translation), 'Te Hui a Ngati Porou', *Te Toa Takitini*, 1 May 1925, p. 229, Niupepa: Maori newspapers online.
[354] Keesing, vol. 1, p. 16.

The allegations made by Captain Pitt at Ruatoria in 1933 to the Rating Committee provide more detail about the situation on the ground. Pitt had taken the committee members on a tour of the county roads through Maori land the day before, to ram home his point that: "The [Waiapu County] Council has spent practically nothing on roads to give access to Native lands in this locality. What work has been done has been done out of the unemployment funds or out of funds provided by the Natives themselves or by Government subsidy."[355]

At the hearing Pitt maintained that the only road serving Maori land was the main road north, and pinned up a map of Waiapu County to reiterate his point. The road touched the coast at Waipiro; at Tuparoa (where half of the road was said to be the stream bed); and at Port Awanui. The district in between was said to have "no access at all, yet they were the first lands in this county to pay rates and they have no roads." Tuparoa Road was singled out as an example of former well-maintained access which the council had neglected since Maori had resumed the lease:

> At one time – when Mr Williams ran all his business from Tuparoa – that was one of the finest roads in the district. It is not even half a road now. … they kept a man working there all the time. After every fresh a gang of men would be put on to straighten the road out. Today the road is allowed to go without attention.[356]

Pitt called attention to the council's inequitable treatment of Maori and Pakeha ratepaying farmers, comparing the Maori lessees of Crown land at Maraehara who had been paying rates since 1902 yet still had no access, with the returned soldiers' settlement at Hurakia, to which a road had been "put in straight away – right into it"; and with Pakeha settlers at Poroporo who also had a road recently constructed "as far as the furthest section in. We do not get that treatment at all." With regard to the Maraehara settlers, a formed road was shown on the county map, but as Pitt declared "… if you can show me a formed road there I will give a pound to the hospital."

Pitt also called attention to the way in which roads serviced farmers, and not communities:

> Now, we have a road running out here (the Tapuwaeroa road) as good as a "highway" road, and yet you can count the settlers on your hands. But here, Whareponga, where there are countless hundreds, they have no road at all.[357]

[355] Pitt, 24 May 1933, quoted in Towers, p. 211.
[356] Ibid; Towers DB:1013-4.
[357] Ibid; Towers DB:1014.

In addition to the difficulty the lack of access posed for Maori sheep farmers at Whareponga, Pitt suggested that the council's duty should extend to the community there, where sick people had to be carried on a stretcher around the rocks and land before a conveyance could transport them to hospital. He asked: "How many thousands and thousands of pounds of rates have been spent by the Council on other places?"

Pitt pointed to examples, such as the roads to Tikapa, Whareponga and Rangitukia, which had been constructed with Maori and government funds, without any contribution by the council. Acknowledging the connection between rates and access, Pitt maintained that the lack of access was a material factor behind rates arrears.

> The Maori does not see any reason why he should keep on paying rates year after year and have no access, and no sign of access, and probably no chance of getting access until some benevolent Government comes along and provides the Maoris with a grant so that they can do the work themselves, as in the case of the road to Reporoa which is another district which you cannot get to at the present time by road.[358]

Many of the specific issues raised by Pitt – such as the county's failure to bridge the Poroporo River, when it was financing a second bridge over the Mata River – were countered by K. S. Williams on the day.

Williams too, claimed personal credit for the survey of the Maraehara road and access to Whareponga. In response to the general issue of access he stated: "You cannot make them all in a day; you have to go on quietly." The council's lawyer, Nugent, also responded that, "…members of the Council are keen to further the interests of the natives in this district and assist them wherever possible. Every suggestion is welcomed by the Council." In a subsequent written response, County Chairpman D. W. W. Williams was dismissive of the allegations:

> a glance at the map of the County shows that the main road runs mostly through native country and the short distance to the Coast as compared with the distance to the Western boundary where most Pakeha settlers reside is clearly shown. There are as many roads going to the Coast as inland and the Reporua Country to which reference was made is well served by the main road.[359]

This response does not answer the allegations regarding the state of the roads shown on the county map. The chairman painted Pitt's advocacy for Maori as a practice of some alleged

[358] Ibid; Towers DB:1014.
[359] D. W. W. Williams statement to Committee of Inquiry, 10 July 1933; Towers DB:1123.

Native Land Court tradition of "extravagant demands … in the hope that some small concessions will be granted." Nor did he accept that Pitt was speaking on behalf of local Maori:

> I feel sure Capt. Pitts remarks in general do not convey a true statement of the views of the local natives. Various matters referred to by him have never been heard of before. Living in close contact with and dealing with the various native farmers as we do here had such feelings prevailed we would have had some indication thereof.[360]

The committee's report in September 1933 was brief. With regard to the equitable provision of roads, it concluded that Maori land was served as thoroughly as lands occupied by Pakeha. It claimed that the problems lay with access roads – those connecting Maori land to main roads – which were the responsibility of land owners or the Crown, not of local government.[361]

5.3.1 Servicing Maori communities

Producing no rates, and presenting "all the evils of communal ownership," Maori settlements were completely neglected by county government and bypassed by the developing road structure. As a result, in some cases the mountain was instead moved to Mohammad, and traditional pa were left for new roadside locations. In others, as Pitt pointed out in 1933 with respect to Whareponga, Maori communities simply put up with poor communications and substandard living conditions. The construction of the Whareponga Road is considered as a case study below.

The council was of course cognisant of the communities. The 1924 report on rating in Waiapu County referred to "… small sections in Native occupation and reserved as kaingas dotted up and down the County," but only in terms of the problems they presented, as communal lands, for collecting rates.[362] It was observed that these settlements, each with its meeting house and public buildings, produced no revenue, but were said to "… save their owners any cash payments for rent, house sites, grazing for horses and milch cows, and ground whereon to grow maize, kumeras and potatoes."[363] At no point was there any suggestion of a county responsibility for service to these kainga, and indeed the report recommended that such papakainga be exempted from rating, reinforcing their removal from

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[360] Ibid.
[361] Towers, pp.220-21.
[362] 1924 Rating Committee, p.5; Towers DB:1320.
[363] Ibid.

council purview. Keesing's 1929 review speaks of these villages having septic tanks and water laid on,[364] and it is assumed that these improvements were undertaken by village komiti and financed through farming operations.

In the early years of the county, where Maori settlements coincided with seaports such as Anaura, Uawa, Tokomaru, Waipiro, Tuparoa and Awanui, these settlements benefited from ongoing road maintenance as a result of the economic importance to Pakeha of these thoroughfares to the sea. Other coastal settlements existing at the turn of the twentieth century, such as Marahea, Tangoiro, Waikawa, Whareponga, Reporua, Te Karaka, Te Horo, Tikapa, and Te Hatepe were also on the coastal route extant at this time, which in many cases was the beach.

With the end of the coastal leases in the 1910s, and the growing importance of the inland main road, council upkeep of the access to these Maori communities was not maintained. The smaller communities were forsaken, and even the former important sea ports such as Awanui and Tuparoa, by the 1920s, were fast becoming ghost-towns. Keesing referred to the migration of "the whole population from the coast to the main roads, now a few miles inland" as the "most visible adjustment" Maori on the coast had had to make.[365] It was portrayed as a positive move "out from the crowded sea-shore pas with their great unventilated sleeping houses and unsanitary conditions, often situated beside swampy land reeking with fever and consumption…"[366]

Keesing's main informant for his study was Ngata, the architect of consolidation. In the closing years of his life, Ngata wrote of this "rearrangement" of hapu settlement, from their traditional coastal villages, as being a result of consolidation and the drive to utilise Maori land in a profitable way. Listed below are the old village settlements described by Ngata as "celebrated centres of the old Maori culture" that had been fully functioning at the turn of the century.[367]

[364] Keesing, p.45.
[365] Keesing, vol. 2, p.100.
[366] Ibid.
[367] A. T. Ngata to Horouta Tribal Executive Secretary, 29 March 1949. MS Papers 6919-0362 Horouta Tribal Committee, ATL Wgtn; DB:457-62.

Table 6: Waiapu Kainga

Hikurangi South		
Kainga	**Meeting house**	**Date built**
Waipiro	Iritekura	1902
Houhoupounamu	Hau	1907
Akuaku	Old schoolroom	1877
Whareponga	Materoa	1893
Hiruharama	Kapohanga	1901
Whakapaurangi	Te Aowera	1905
Hikurangi North		
Waitotoki	None	
Tuparoa	Ruataupare	Reconstructed 1920
Waitekaha	Umuariki	1892
Reporua	Tuauau	Reconstructed 1910
Mangahanea	Hinetapora	1895
Taumataomihi	Rauru	1886
Kariaka	Ngatiporou	1898

The migration, Ngata maintained, was accelerated by the formation of the highway inland, and the fact that the communities such as Akuaku and Houhoupounamu had no access to motor roads. With regard to Hikurangi North, the construction of the inland road and the location of the traffic bridge over the Waiapu, the Tuparoa consolidation scheme, and poor road communications were all cited as factors behind the reluctant drift away from traditional coastal pa. The forces behind the abandonment of traditional coastal settlement should be kept in mind when considering the constraints preventing Maori from moving back to the coast to live two generations later. These are discussed in Chapter 7 on town and country planning.

5.3.2 Servicing Maori farmers

When the 1933 Rating Committee moved on to Te Araroa, the general grievance that Maori farmers were not equitably provided with access was reiterated by Matakaoa County Councillor Reweti Kohere. Most of Kohere's testimony related to the Matakaoa County, and is set out in the Matakaoa County chapter. Kohere drew attention to the basis of county finance and expenditure on separate riding accounts, arguing that this worked against weak ridings that were always in debt. The Awanui Riding of Waiapu County was said to be one such "unhappy" riding. Under the Counties Act 1920, once debt, levies, administration and

main roads had been taken care of, county councils were required to apportion the remainder of gross income among the ridings in proportion to the rates received, to be expended on works in that riding. Kohere's point was that such an arrangement perpetuated and indeed intensified the inequities between ridings. The plight of ridings such as Awanui was not helped by rates compromises either: under Section 536(4) of the Native Land Act 1931 it was not necessary for the local authorities receiving such settlements to apportion the sums among the riding accounts in the same way. Kohere maintained that the little money the county had spent in the riding had been spent on forming roads to Pakeha farms.[368] Three years later he went further, alleging that the heavy debt of the riding was on account of "too much money spent in a part of the county where Europeans live and thus the native part of the riding suffers."[369]

From the 1930s on, the Native Department became responsible for funding the construction and maintenance of roads that gave access to their land development schemes. This was continued in Part XXXIV of the Maori Affairs Act 1953, which provided for expenditure on roads giving access to Maori land being developed for farming purposes. Early on, roads were often constructed by Maori under Maori Affairs supervision (as part of land development schemes), or through unemployment grants, and then "taken over" by the county council who became responsible for maintenance. Maori Affairs would not proceed with road construction without the written agreement of the local body to maintain the road.

Maori Affairs road files give some indication of the problems faced by Maori on the coast from 1930–1960. Many of the roads in the counties of Waiapu and Matakaoa have their genesis in Native Land Court orders in the 1930s, to provide access to coastal farms created under the Maori land development schemes. Whether or not Maori farmers got their road built however, depended on a complex mix of funding factors involving the Department of Public Works (later Ministry of Works), the local body, and the Maori Affairs Department. The interplay of these various factors is apparent in the following case study of the Jerusalem–Whareponga Road.

5.4 The Jerusalem–Whareponga Road

As early as 1884, Tuta Nihoniho approached the Cook County Council to lay off a road connecting Whareponga to the main Waiapu inland road. This was turned down by the

[368] R. Kohere, Te Araroa; Towers DB:1078-9.
[369] R. T. Kohere to Minister of Public Works, 24 July 1936, 3/2/7, Te Puni Kokiri (TPK), Gisborne; DB:1822.

council on the grounds that there were already roads at Tuparoa and Waiapu.[370] Almost 50 years later, in 1931 Apirana Ngata acknowledged the passing of Eruera Moeka of Whareponga, commenting that the leader had seen "a motor-road connection from the inland main road just beginning to peep at the sea from the hills west of Whareponga – a Moses on Pisgah."[371] It will be remembered that the road was the subject of specific complaint by Pitt to the Native Rating Committee in 1933, both as an example of the inequity of the council provision for Maori farmers, and the overall injustice of county expenditure on a small number of farmers while populous communities were neglected. The road was built by the Public Works Department using unemployed labour and Unemployment Fund subsidies shortly after, and gazetted a public road in 1934.

The first complaints regarding the condition of the road were aired in August 1937 to visiting politicians. The council's response on this occasion was that flood damage had occurred, and that grants had been applied for to repair the road. The council claimed to have spent £350 that year on maintaining the road and noted that rates arrears of £525 were still outstanding from Maori serviced by the road.[372] The following March, complaints were laid via the Gisborne Registrar of the Native Department that the Council was only maintaining the road as far as the Crown land, and that the roadman did not work on the lower end near Whareponga station, where the Maori properties were.[373] The Waiapu County Council denied the charge, stating that the roadman was available for the full length of the road, and that £800 had been spent on maintenance in the past year. Somewhat contradictorily, it was claimed that flood damage, and not council edict, determined the extent of metalling. It was also stated that the road had not been constructed to county standard (although this seems unlikely given the role of the Public Works Department in its construction) and would require considerable widening before metalling could be carried out.[374]

It seems the coastal end of the road was left to deteriorate. Ten years later a newspaper report that the road vote for Waiapu County Council had been reduced by a third, and that three roads of importance to Maori had been excluded from the list of Public Works Department

[370] Cook County Council Minute Book 1, 12 June 1884, p. 471; DB:1142.
[371] A. Ngata to P. Buck, 2/7/1931, in M. P. K. Sorrenson (ed.), vol. 2, p. 173. Ngata's reference is to Deuteronomy 34: 1–4, in which God commands Moses to ascend Mt Pisgah (north-east of the Dead Sea) so that he might have a glimpse of the Promised Land before he dies, Mt Pisgah giving a view of the valley of Jericho and "all the land of Gilead".
[372] County engineer, WCC to Hultquist MP, 23 August 1937, 3/2/8 TPK Gisborne; DB:1729.
[373] Ibid, Registrar, Maori Affairs, Gisborne, to Clerk, WCC, 24 March 1938; DB:1732.
[374] Ibid, WCC to Registrar, Native Department Gisborne, 19 May 1938; DB:1733.

approvals, prompted a protest from Maori Affairs. The three roads – Te Araroa-East Cape; Wairoa–Reporua; and Jerusalem–Whareponga – were the only access to Maori land development schemes in the area and it was "highly desirable that formation and surfacing should proceed." The registrar added: "It is worthy of mention that Maori ratepayers in Waiapu County have in recent years paid more than 90 percent of the rates struck on their lands."[375] Road access was of course critical to making a success of the development schemes, and generating the revenue needed to pay rates.

In July 1949, the council was again reminded that maintenance of Whareponga Road was long overdue. The last two miles of the road was not metalled at all and was unusable in winter. The residents of Whareponga Maori village were said to be adversely affected, especially in times of sickness. On this occasion the council responded by applying to the Public Works Department for a grant of £2,400 from the Maori Road Vote for the formation and metalling of the road end. Maori Affairs baulked at the encroachment into its fund for development farm access, "not normally available for providing access to Maori villages," but acknowledged that the department had a responsibility to assist the residents as far as possible. In return, the council was asked how much it was prepared to contribute towards the cost. The council responded with an offer to pay £250 towards the cost of metalling the road, and to assume responsibility for the maintenance once it was completed.[376]

After some negotiation, by December 1949 it was decided that the road was a county road, and that the Ministry of Works would pay the full cost of formation and subsidise two-thirds of the metalling. With the county council's contribution, this left a little over £200 to be found for the remainder of the metalling, which the two Maori farm stations on Whareponga Road agreed to split between them.

Things came unstuck when the resident engineer visited the community in April 1950. Dallas was shocked by the living conditions, describing Whareponga as "one of the most squalid derelicts of the past that I have ever seen."[377] In addition to the school, which was attended by 30 children, the settlement was said to comprise a dozen habitations, ranging from "one or two reasonable dwellings to ancient houses and squalid shacks." As he saw it, the settlement had no future and did not warrant the expenditure of public money. He may have been

[375] Ibid, Under Secretary Maori Affairs to Under Secretary Public Works Department, 27 November 1946; DB:1734.
[376] Ibid, County Clerk, WCC to Registrar MA Gisborne, 26 September 1949; DB:1739.
[377] Ibid, Dallas, Resident Engineer Gisborne to Permanent Head Wgtn, 14 April 1950; DB:1751-2.

unfamiliar with Maori housing on the East Coast, for Whareponga was not exceptional in the poor standard of its houses, and nor did the state of the houses reflect the attachment of the people to their customary home.

Instead, the resident engineer suggested that an evacuation of the remaining Maori population would be far more constructive and should be commenced as soon as possible. The Gisborne Registrar successfully countered that many of the engineer's criticisms, such as the settlement's inability to attract teaching staff, could be attributed to the lack of access. While acknowledging that the living conditions were poor, he pointed out that the residents of Whareponga would disagree with the assessment that their home was futile:

> The Hikurangi South Tribal Committee is at present actively engaged in raising money to renovate the Marae and erect a new dining hall at Whareponga. This in itself demonstrates the attachment the villagers have towards their ancestral lands and Marae.[378]

In the event it seems that the fact that Whareponga residents were employed on the neighbouring farms that saved the day. After further delay, the road appears to have been completed before the winter of 1951, some 65 years after the first request for access by Whareponga residents.

5.5 Roads in Northern Waiapu

The coastal route around the East Cape, from the northern bank of the Waiapu River, through Rangitukia, Kautuku and around the cape to Horoera and on to Te Araroa was a traditional north-south thoroughfare: it is depicted as such on the 1876 map of Cook County, reproduced in Chapter 3. The following section sets out the history behind Maori efforts to have this ancient track developed to provide access to their farms in the twentieth century. The East Cape area was exclusively Maori and remained so: a schedule drawn up in 1954 revealed that 51 families lived along the length of the Rangitukia-East Cape route, predominantly farming sheep, and all of them Maori. After 1919 the East Cape was arbitrarily divided in two: the northern portion becoming the Horoera Riding of the Matakaoa County and the southern section remaining part of the Awanui Riding in the Waiapu County. At the 1933 Commission of Inquiry into Rating, both ridings were described by Matakaoa County Councillor Reweti Kohere, himself a farmer at the East Cape, as "unhappy" ridings: financially weak and with no provision for access to Maori land.

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[378] Ibid, Holst, Registrar Gisborne to Under Secretary Maori Affairs, 12 May 1950; DB:1753-4.

Because of the county boundaries, part of this story is told in the Matakaoa County chapter. When Kohere voiced his complaints in 1933, the six miles of dray road leading south around the coast from Te Araroa – the Horoera Access Road – reached Horoera, the fourth largest settlement in the county, but 10 of the riding's 12 farmers had no access. Under commissioner control the situation was not improved. The road was poorly maintained, often unusable during the winter months well into the 1950s. The Awatere River at Te Araroa was not bridged until 1962. By the mid-1950s the continuing isolation and difficult living conditions of Horoera locals was expressed in the claim that the area had been "neglected by the Government since the signing of the Treaty of Waitangi…"[379] The claim was part of renewed agitation to have the Horoera Road improved and extended around the Cape.

Within the Waiapu Riding, efforts were made to have the East Cape connected from Rangitukia. The lack of access to Maori farmland in the Awanui Riding was raised by both Pitt and Kohere at the 1933 Commission of Inquiry into rating. The complaints were directed at the lack of road access for Maori dairy farmers along the flats of Rangitukia, for Maori lessees of Crown land at Maraehara, and for Maori sheep farmers further towards the East Cape.

5.5.1 Rangitukia-East Cape Road, 1933-1953

The survey of road lines in the Awanui Riding had been completed by 1933, but formation and maintenance was another matter. The first 1½ miles of the Rangitukia-East Cape Road was described as "an old native track." When initial formation of the road took place during the depression, the improvement of this portion was passed over because the formation would have involved the use of horses and scoops. Instead, about 3 miles of hill section further on was completed by manual labour, funded through the Unemployment Fund.[380] In 1936 Kohere wrote to the Minister of Public Works, requesting the formation of the Rangitukia-East Cape Road which would give access to several sheep stations. Kohere referred to the several miles of the road formed with grants from the Unemployment Fund, and the fact that "hardly anything" had been contributed by the counties concerned, Waiapu and Matakaoa. According to Kohere:

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[379] P Chalmers et al to resident engineer Te Araroa, 8 April 1954, 'Matakaoa Roads' file, GDC Te Puia Service Centre: DB:891.
[380] Memorandum for District Engineer, Minister of Works, 15 December 1949, 3/2/7 TPK Gisborne; DB:1852.

> Representations have been made to the Waiapu County to take over the formed portion of the road but the County has refused. The Waiapu County may say the Maori Estates have not been paying sufficient rates. This is not true. The trouble is the Awanui Riding in the Waiapu County is heavily in debt owing to too much money spent in a part of the county where Europeans live and thus the native part of the riding suffers. I may mention Haha Station has consistently paid rates for over 30 years.[381]

When the Acting Native Minister visited Waiomatatini in March 1937, farmers from across the river took the opportunity to raise their issues. Panikena Kaa invited the Minister to visit Rangitukia to see for himself the need to improve the Haha Road. He also pointed out that there were 47,000 acres of fully improved lands north of Rangitukia without proper access, and he asked for £10,000 for access roads to serve this country. Rangi Raroa also asked for £150 in order to bridge the stream at Rangitukia, and to improve 20 chains of road traversed every day by dairy cows. Iharaira Fox asked for assistance to provide road access to his Crown lease property at Maraehara.[382]

The total length of road from Rangitukia to the East Cape was 10 miles 63 chains (17.4km), over 7.5 miles of which lay in the Waiapu County, the remaining few miles part of Matakaoa County. Much of the ensuing work on the Maraehara road was undertaken by the Native Department, but three years later it was still the case that "a good deal of additional formation with culverting and metalling would be needed to give good access."[383] The 1½ miles of "native track" on the Rangitukia flats had still not been touched. Culvert pipes had been provided by the Public Works Department on the understanding that the Native Department would install them, but "some difficulty" over the cost of labour had meant the work had not been done. The Native Department's supervisor at Tikitiki, Omundsen attributed the delay to a lack of supervision, although two gangs had been engaged on the road on tasks such as clearing slips, opening water tables, and widening. As well, what formation work as had been done on the hill section – some 2.7 miles – was not being maintained. In February 1940, Minister of Public Works Semple, advised that:

> Nothing can be done to improve matters at present as the Waiapu County Council does not regard the work as its responsibility and the only suggestion I can make is that the Natives interested in the road should arrange a meeting and discuss the position with a view to forming a working party or something of that description.[384]

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[381] Ibid, R. T. Kohere to Minister of Public Works, 24 July 1936; DB:1822.
[382] Ibid, Under Secretary Native Department to Registrar Gisborne; DB:1825-6.
[383] Ibid, R. Semple, Minister of Public Works, 6 February 1940; DB:1830.
[384] Ibid.

In April 1940, Panikena Kaa wrote to the Native Minister asking for funds to fix the Rangitukia road damaged by floods in February. On this occasion £5,000 was suggested for the repairs which included four bridges. The Minister was implored not to delay: "Soon there will be no outlet for the Cream."[385] Asked for advice on the matter, the Tikitiki supervisor reported:

> I have on quite a number of occasions approached the Waiapu County Engineer asking him if he would work out the quantities in sections and to make a man available for the Supervision of this job but for some reason he did not seem keen on the matter although he has now promised to do it for me. I saw him again yesterday but on account of rush of other work he has not yet been able to do anything in the matter. If the money could be arranged, on the grant we have paid to the County they would be prepared to do the formation with their Bulldozer.
>
> Actually since the flood and until recently there has been no one available for the job that I know of, but if the work can be got under way it will certainly be a big boon to all the settlers in the vicinity, as well as saving that portion already formed from further damage for want of attention.[386]

In relaying the information to the Under-Secretary, the Gisborne Registrar added that the road did not affect development lands, but nonetheless "affords the only practicable access to other Native farming land in the East Cape area." He recommended that the construction proceed under council supervision, with the necessary funds and material transferred to the local body from the Native Department.[387]

In November Kaa again prodded the Native Minister. He had been told by council members that the county council could not assist with the Rangitukia end of the road. The Public Works Department would not shoulder the whole cost of the road and the work had not been included in estimates for the current year. In January 1941, the registrar confirmed the lack of action. The Waiapu County Council was willing to form the road, but not prepared to bear any of the cost of construction. The Maori settlers who would be served by the road were also said to be unable to contribute towards the cost.[388] From Tikitiki, Omundson advised of continuing county council procrastination with regard to supervision: "Seemingly the council are not anxious for the formation to proceed, it being a much better proposition for them to

[385] Ibid, P. Kaa (translation) to Native Minister, 1 April 1940; DB:1831.
[386] Ibid, Omundsen, Tikitiki supervisor to registrar, Native Land Court, 28 June 1940; DB:1832.
[387] Ibid, Registrar, Gisborne to Under Secretary Native Department, 1 July 1940; DB:1833.
[388] Ibid, Registrar Gisborne to Under Secretary, Native Department, 21 January 1941; DB:1835.

collect the rates as at present than think about what service they give in return."[389] The supervisor advised that Public Works had its eye on the unused culverts for another job, "in which event it would finish with the road as very few of the settlers between Rangitukia and the East Cape are in a position to contribute much if anything toward the formation." He urged that the work proceed as soon as possible.

The proposed works entailed the construction of just 1 mile 48 chains of road, but by April 1944 it had not been completed. The council was approached by the district engineer of Public Works to undertake the formation, and to indicate how much of the cost the council would be prepared to contribute. In June the council resolved to apply for a Public Works Grant of £525 to carry out the work. The formation was in fact completed the following year. As at 1945, the first 5 miles of the Rangitukia-East Cape Road – about half the distance – had been legalised, the balance remained roadline.

In May 1945 the Waiapu County Council received a petition from Kohere and eight other Maori farmers to have the council apply for a government grant to have the Rangitukia-East Cape Road extended the full length to provide access to their farms. It was in effect, the same request Kohere had made to the Native Minister nine years before. A long-term councillor of Matakaoa County himself, the petition was framed by Kohere to appeal to councillor sensitivities:

> We wish also to remind your Council that sheepfarmers in the area for a number of years in the past have been working under the greatest difficulties owing to the absence of access and the majority of them have been paying their rates and further that both in the Waiapu and Matakaoa Counties, all touching the proposed road (two miles of which lie in the Matakaoa County) close to 1000 acres of rich flat lands are to be found which will immediately start dairying operations on the completion of the proposed road. We wish also to point out that the Government spent a sum of £600 in the formation of a portion of the road which as been of the greatest assistance to the Sheepfarmers although it has been allowed to deteriorate. It is needless to point out that the completion of the proposed road will materially increase production in the district and so enhance its valuation thereby enabling your petitioners to discharge their rating responsibilities.[390]

The petitioners were told that the matter would be taken up by the county chairman when he met with the Minister of Works in July. In August 1946, the Gisborne Native Land Court

[389] Ibid, Omundsen, supervisor to registrar Native Land Court Gisborne, 23 January 1941; DB:1836.
[390] Ibid, Petition of R. T. Kohere and others to the chairman, Waiapu County Council, 24 May 1945; DB:1839.

Registrar was informed of the Council's intention to construct the six miles of road as far as the county boundary in piecemeal fashion over a period of four years, at an estimated cost of £11,700. The first 1½ miles had been formed and metalled, and a further 1½ miles would be completed in the current year. According to the Council, the Public Works Department intended to continue the road from the Waiapu boundary through the Matakaoa County.[391] The cost of constructing the road was borne by the Native Department with the transfer to the Council of a grant of £5,300 in October 1947 and £3,500 in February 1949, with a request for urgent action. An additional £1,800 grant was given by the Public Works Department for the widening, culverting and metalling of the first 5½ miles. In November 1949, with the last 1½ miles still to be formed, the Waiapu County Council approached the resident engineer for a further £3,243 from the Maori Road Vote to complete the road. The budget blow-out was blamed on rising wage and plant hire costs and the heavy expenditure on formation caused by slips. In March 1952, the Minister of Maori Affairs approved a further grant of £3,960 to complete the road to the Waiapu County boundary.

In December 1953 the Rangitukia-East Cape road was completed as far as the county boundary. In informing the resident engineer of the feat, the County Council also requested the reimbursement of £5,775 of "unsubsidised expenditure on this road incurred by Council to date." The amount was said to have been spent of road formation and flood damage repair. Council figures showed that in the 16 years since 1938, £14,889 had been received by the council from Treasury for the road, and just £372 contributed from council funds for metalling in 1946-48. In the ensuing wrangle over the reimbursement, it was also revealed that the annual rates levied on the properties serviced by the new access amounted to £630, and that for the past four years the council had expended £1,500 on ordinary maintenance on the whole length of the road, including, in the last 12 months, the permanent location of a surfaceman there.[392] In June 1954, Maori Affairs agreed to reimburse the council. As agreed to by the owners and the Maori Affairs Department, no compensation was payable by the council for the land taken for the road.[393]

5.5.2 Maraehara Road

Before relating the fate of the coastal route, this is perhaps a good place to review similar requests for access to properties at Maraehara, which branched off at Rangitukia. Ngata

[391] Ibid, County clerk, WCC to Registrar, Native Land Court Gisborne, 7 August 1946; DB:1842.
[392] Ibid, Acting county clerk, WCC to District Officer Maori Affairs Gisborne, 6 May 1954; DB:1864.
[393] Ibid, WCC to District Officer, Maori Affairs Gisborne, 3 March 1954; DB:1862.

specifically raised the lack of access to these Crown leaseholds with Native Minister Coates at Waiomatatini in 1923, and ten years later Pitt reiterated the same complaint to the Rating Commission at Ruatoria, decrying the council's inequitable treatment of Maori and Pakeha ratepaying farmers. According to Pitt, these leaseholds had been taken up in 1901. Under the provisions of Crown settlement lands, a third of the rental derived from the occupation of such land was redirected back to the local body for the purpose of providing access to the properties. This had certainly been the case for Crown settlement land in the southern ridings of the county. Pitt claimed the formation to the Maraehara Crown leaseholds "starts from nowhere and ends nowhere. To get into it you have to use a pack-horse." In 1937 Iharaira Fox again approached the Acting Native Minister during his visit to Waiomatatini for assistance to provide road access to his property at Maraehara.

It appears that these Maori farmers continued to put up with poor access for another decade. Inspired perhaps by the results of Kohere's petition the year before, in November 1946 a similar petition was made to the Waiapu County Council from six Maori farmers on the Maraehara-East Cape Road. The petitioners asked the council to make application to the government for a supplementary grant to improve the access:

> You are no doubt aware that the Native Owners and Farmers with the assistance of the Native Department themselves formed a road over the most difficult part of the surveyed line, but has now fallen into bad repair. About 10,000 sheep have to travel over this road to shearing and other operations; it is their only means of access to the back settlers; in winter the conditions are appalling.[394]

The petition was received favourably. According to the county clerk, the road had been part of the road estimates for 1946-47, allowing the formation and metalling of three miles at an estimated cost of £3,000. The project had been halved when the county's road allocation for the year was less than expected, and then abandoned altogether by the Public Works Department when further reductions to the road vote were made. The council raised the matter with the Under Secretary of Public Works, signalling its willingness to undertake the work in the current financial year if the necessary grant was reinstated.[395]

Three years later the situation was unchanged. In September 1949 Fox tried again to expedite the road through Maori Affairs, in particular the funding reserved for access to Maori land. In

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[394] Ibid, Henare Kaa and five others to Chairman and councillors, WCC, nd; DB:1843.
[395] Ibid, County Clerk WCC to Under Secretary Public Works, 22 November 1946; DB:1844.

November he was informed by the Minister of Maori Affairs that the Maori road development funds could not be used to construct the Maraehara Road because the farms it would serve were not "under development." Fox was directed back to the county council:

> I would suggest, therefore, that you continue with your representations to the County with a view to having an item included in their next application for Governmental assistance on the roads in their district.[396]

This advice is the last reference to the road on file, and presumably the road was subsequently formed. The details of how, and when, and who paid for the construction have not been found. The experience of the Maori farmers of Maraehara, farming for half a century without access, stands in stark contrast to the experience of Pakeha farmers further south. The council's signal failure to lobby strongly on behalf of its Maori ratepayers becomes even more apparent as this report returns to consider the fate of the through road from Rangitukia to Te Araroa, via the East Cape.

5.5.3 Rangitukia–East Cape–Te Araroa: The Through Road

It had taken 17 years since Kohere's initial request to get the Rangitukia–East Cape Road to the Waiapu County boundary. But Kohere's property lay at the East Cape, on the other side of the county line, and despite a lifetime of paying rates he did not live to see the road reach his farm, either from Te Araroa, or from Rangitukia. Renewed calls from Maori at Horoera to have the East Cape Road made a through road to Te Araroa were made through their local MP, W. Sullivan, in the winter of 1954. As detailed in the Matakaoa chapter, similar complaints about the state of the existing road at Horoera were also directed at this time to the resident engineer, and, at his direction, to the County Commissioner in June. The road was impassable for wheeled traffic for much of the year, and the Awatere River near Te Araroa was not bridged, making life extremely difficult for the handful of dairy farmers in the riding.

Sullivan took the issue of the through-road up with the Minister of Maori Affairs. Although Corbett acknowledged the need for the road, it was claimed that the departmental Vote for Maori roading was already fully committed to other projects. Financial assistance from the department was also denied on the grounds that none of the affected properties were development units under Maori Affairs control, which would make it difficult to justify

[396] Ibid, Fraser, Minister of Maori Affairs to Iharaira Pokiha, 29 November 1949; DB:1851.

funding from the Maori Land Development Roading Vote under the provisions of Part XXIV of the Maori Affairs Act 1953.[397] A further stumbling block was the policy adopted by the Matakaoa County Commissioner, based on 20 years of wringing blood from stone, that the county was not prepared to take over the future maintenance of the road until two years from the time of its construction.[398]

The matter was pursued by the Ministry of Works. Maori Affairs were asked to supply information regarding the area the proposed road would serve: the ethnicity of the occupiers; the number of persons in each household; the number and type of livestock; whether rates had been paid, and how much; and what cash contribution towards the cost of the road would be guaranteed. The schedule subsequently prepared by the department's Consolidation Officer, J. Karauria, detailed the settlement along the coast. On the Waiapu side, the existing road from Rangitukia to the county boundary served 19 titles, or, in human terms, 28 families mostly engaged in sheep farming. On the Matakaoa side, the existing road from the Awatere River to the Horoera school served 23 titles, or 17 families, engaged in sheep and dairy farming. The unformed middle section affected 11 titles, or 6 families. This isolated area was used for sheep farming, dairy farming being impossible without a road. All 51 households, comprising a total population of 305, were Maori.[399] The schedules were sent to the Maori Affairs supervisor at Te Araroa in order to ascertain whether rates had been paid by the affected occupiers of the proposed road.

Liaison between the local Maori Affairs development officer and the Ministry of Works resident engineer, D.B. Dallas, resulted in meetings with the affected owners at both ends of the road in November 1954. The meetings were very well attended, and the owners and occupiers unanimous in their desire for the road. They were also unanimous in their agreement to contribute £4,000 over a four year period towards the cost of the road, through a special rate over properties the length of the road, to be collected by the two county councils. The value of annual rates on the affected properties amounted to £1,444. The £1,270 said to be outstanding included the current unpaid rates. In addition to the cash contribution, the land owners were also willing to donate the land for the road from Horoera to the Waiapu County boundary. As well, in the interim, Horoera residents had been made aware of the Matakaoa

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[397] Ibid, Memorandum from Ropiha, Secretary Maori Affairs to Minister Maori Affairs, 11 June 1954; Ropiha to Commissioner of Works, 29 June 1954; DB:1867-8; 1870.
[398] McKillop, Commissioner of Works to Under Secretary Maori Affairs, 22 June 1954; DB:1869. The reasons behind the commissioner's stance are discussed in full in Chapter 6.
[399] 'East Cape Road Line', 8 September 1954, 3/2/7 TPK Gisborne; DB:1876-7.

County Commissioner's stance regarding the maintenance of the road. In October 1954 the school headmaster informed the Minister of Maori Affairs that, "this road is to us a most urgent and necessary thing…" Rather than see the road construction put off, the Minister was told the ratepayers were prepared to meet the cost of maintenance over the first two years by special rating.[400]

The first setback to the proposal emanated from Maori Affairs in Wellington. In December the Commissioner of Works was informed that unless the Vote was increased, "for the next three years we would require all the available funds for roads in connection with developed lands actually under the administration of this Department."[401] A second blow was dealt five days later by the Waiapu County Council. The Maori Affairs District Officer was informed by the County Clerk that the Council was "definitely not in favour" of the rating proposal.[402] The Council was already rating to the maximum statutory limit, and it was argued that imposing a special rate on the proposed area would yield only £158 per annum, a sum too small to warrant the requisite bookwork. It was also pointed out that some of the lands involved were in arrears with rates. The suggestion was made that Maori Affairs could instead be responsible for collecting the contributions (even though rates collection was a county function).

In February 1955, a meeting took place in Wellington between Maori Affairs and the Ministry of Works. In order to get over the hurdle of funding, it was agreed that the road was a "through" road, and therefore no contribution would be necessary from the Roads Vote: Maori Affairs. Instead, extra funds were to be made available in Vote: Works to enable the construction to go ahead. It was agreed that the sums of £6,500, £4,000 and £6,500 would be paid for the first three years, and a further £45,000 to complete. The work was to include the bridging of both the Maraehara and Awatere rivers. Maori Affairs took issue with the suggestion that it should be made responsible for collecting the settler contribution. The proposal belonged to the Ministry of Works, it was argued, and negotiations with the settlers affected should be carried out by that department.

In July 1955, another high level meeting was held between T.T. Ropiha, Secretary for Maori Affairs (and Maori Trustee) and the Ministry of Works representatives, including the Gisborne Resident Engineer, Dallas. On this occasion the settler contribution was discussed.

[400] Ibid, P Chalmers to Corbett, 13 October 1954; DB:1882.
[401] Ibid, Assistant Secretary Maori Affairs to Commissioner of Works, 24 December 1954; DB:1885.
[402] Ibid, WCC to District Officer Maori Affairs Gisborne, 29 December 1954; DB:1886.

The Matakaoa County Commissioner had relented and was prepared to take over the maintenance of the road after one winter. It was agreed that the settler contribution should be raised to £5,000 to meet the extra maintenance cost. It was also agreed that the total amount would be paid to the Ministry of Works by the Maori Trustee, to be recovered by him from the individual settlers. Confusingly, Ropiha was now agreeable to having the cost charged to Maori Land Development, in light of the increased amount provided on the current estimates. The commencement of the road works was made dependent on the legalisation of the route by the county, and the payment of the settler contribution by the Maori Trustee to the Ministry of Works.

In August the Maori Affairs District Officer was instructed to call another meeting of interested settlers, to obtain their agreement to having the £5,000 advance charged as a mortgage against their land, to be paid back in five years from assignments over farm produce.[403] The District Officer responded that before any meetings could take place, the details regarding land tenure would need to be checked, as would the valuation details of the blocks concerned. In February 1956 he informed Ropiha that the whole issue was complicated by the Northern Waiapu Consolidation Scheme.

> With the Northern Waiapu Consolidation Scheme now virtually completed, which provides for major changes in ownership of many of the blocks to be served by this through road, we are not in a position at present to follow up the question of contributions and repayment of the proposed Maori Trustee loan for this purpose. The present settlers or owners are not in a position to give an assignment over farm produce nor to commit the land to a debt for this purpose.[404]

The Secretary of Maori Affairs acknowledged the difficulty posed by consolidation, but the District Officer was urged to press on with the meetings as soon as possible: "The formation of this road depends entirely upon the contribution that can be obtained from the settlers and our Department is concerned to give every co-operation to the Ministry of Works towards facilitating its construction."[405] The consolidation officer did not foresee any problems: "the settlers along this road are also group heads in the scheme locations and speak for the proposed owners locating there." The same people would be occupying the land post-consolidation, and they would be the ones paying back the loan. It remained therefore, to assess the valuation of each property in order to apportion the debt. By July 1956 however,

[403] Ibid, Ropiha, Secretary Maori Affairs to District Office Gisborne, 18 August 1955; DB:1892.
[404] Ibid, District Officer to Secretary, Wgtn, 29 February 1956; DB:1899.
[405] Ibid, Ropiha, Secretary Maori Affairs to District Officer Gisborne, 14 March 1956; DB:1900.

new problems had been identified, and the following month District Officer Holst set out the reasons why the Maori Trustee loan could not go ahead:

> (a) The majority of the blocks concerned have many owners and as these owners are not incorporated, they are incapable of mortgaging their lands or of giving valid assignments of revenue.
> (b) Comparatively few of the occupiers have legal tenure, while many of them occupy part or the whole of the blocks in which they have an interest but pay nothing to the other owners.
> (c) Some of the blocks are already mortgaged to the Department under Part XXIV or for housing to the Maori Trustee or to private farms.[406]

In short, the proposal had run into the brick wall of the title complexities arising from a century's worth of Maori land legislation. "There is no doubt," continued the District Officer, "that the completion of this road could result in unoccupied land being brought into production and in production from land already occupied being increased and in the establishment of proper tenures but I cannot see how the contribution of £5,000 required from the owners can be raised." One suggestion to get around the problem was to hold a meeting of owners to get their agreement to the Maori Land Court apportioning and charging the repayment to each block. Another was to have one or two of the established incorporations affected by the road to guarantee the repayment of the loan, and make their own arrangements to be reimbursed by the other occupiers. By now it was October 1956.

As Maori Affairs officials pondered over the legal obstacles, on the ground locals were still anxious to have the road made. A full year before, in August 1955, U. Walker and 10 other farmers of Horoera wrote to the Secretary of Maori Affairs, concerned at the ongoing delay. The residents had been advised that the road was to be constructed in three sections: from the Waiapu County boundary to W. Walker's property; from Walker's to Horoera School; and the construction of the Waipapa bridge. Of most concern to the writers was the bridging of the Awatere River:

> This is our worry, we are wondering how long it would be before the proposals set out above are put into effect. We are hoping it would be in the near future. We are fearing that the delay would be indefinite and there will be further delay in the construction of the bridge across the Awatere and then there will be trouble. … We are hoping that all the operations concerning this road will be put into effect simultaneously

[406] Ibid, Holst District Officer Gisborne to Secretary Maori Affairs Wgtn, 30 August 1956; DB:1904.

> and not leave the construction of the Awatere bridge to be put off indefinitely.[407]

Once again, a list had been prepared by the Kawakawa Tribal Committee at Horoera, detailing the individual circumstances of the affected householders and reinforcing the need for the Awatere Bridge.

In December 1956 the Secretary for Maori Affairs and the District Officer travelled to Tikitiki to discuss the matter with the affected landholders. The meeting was told that £56,000 was on the Works Vote for the construction of the road, and that the expenditure of this money depended on the ability of land owners to find their share of £5,000. They were told that the Maori Trustee was willing to advance the amount as a loan, provided sufficient security was made. The minutes record that the Horoera Committee was prepared to guarantee the loan, on the proviso that shareholders were willing to forego their dividends for at least five years. It was also clarified that the proposed works included the bridging of the Maraehara and Awatere Rivers. In the result the meeting resolved to accept the Maori Trustee's offer of the £5,000 loan. Details of repayment would be fixed between the Horoera Committee, the land owners concerned and the Department of Maori Affairs.[408]

Four days later H.F. Dewes, on behalf of the Horoera Committee, was informed by the District Officer that the Awatere Bridge was to proceed in the new year, and that the Ministry of Works required the settlers' contribution to be paid. Both Dewes (for the Horoera people), and Henare Kaa (for those on the Rangitukia end) were asked to provide the details of the land blocks to be used as security for advance, on the understanding that the liability was to be shared equally.[409] At a meeting with both Dewes and Kaa shortly after, it was clarified that the whole of the proposed loan was to be charged to Marangairoa 1B4, half of which would be paid by the committee of management, and the other half collected from other people concerned. For some reason, the Awatere Bridge was now being treated as a separate project, with a further £1,000 settler contribution required. This too, was to be secured by Marangairoa 1B4, but paid for by those at the Horoera end of the road. Rather than deduct the £1,000 from the original proposed loan, the Maori Trustee loan sought was now to be £6,000. The loan was approved by the Board of Maori Affairs in February 1957. Because of the

[407] Ibid, U. Walker et al to Ropiha, 25 August 1955; DB:1893-5.
[408] Ibid, 'Minutes of Meeting Concerning Kautuku Road Held at Tikitiki', 7 December 1956; DB:1907-8.
[409] Ibid, Holst, District Officer to HJ Dewes; H Kaa, 11 December 1956; DB:1909.

"rather unusual" purpose of the mortgage, the formal consent of the Maori Land Court was also to be obtained at its next Tikitiki sitting.

As the last bureaucratic hoop was being jumped, the district officer was informed by the resident engineer that as a result of the lack of progress, the estimate for the work had been postponed. F.K. Roberts had taken over from Dallas at the Ministry's Gisborne office. Holst was told however that "if you feel that you require it as soon as possible please advise and an officer will be detailed to make an inspection." No such advice is on file.

It is often the case that the end of a Maori Affairs road file indicates an end to years of lobbying and the commencement of construction of the road. Incredibly, as road maps attest today, the East Cape through-road did not happen. The road was not included in the three-year programme submitted in 1959 by Maori Affairs or by Waiapu County Council. In February 1960, District Officer Holst wrote to the resident engineer querying whether Works still intended to proceed with the road, or at least the Maraehara Bridge. The Resident Engineer's non-committal response indicates the matter had gone full circle. Referring solely to the bridging issue, it was stated that the matter was in the hands of Waiapu County Council and that perhaps it, "would be at this stage unwise to commit the County Council until the District allocation is known, which will be probably in May next."[410]

The Awatere Bridge was opened in 1962 and the Horoera Road was improved at this time also. The Maraehara crossing, and that of the Waiau stream, also on the Rangitukia Road, were described in 1959 as being the only open crossings in the whole length of the road in the Waiapu County. Maraehara was also described as not fordable for many months in the year. The following year the Waiapu County Council itself lobbied the local MP for the necessary funds to bridge the Maraehara River, the project having been on the council's priority schedule "for some years." No doubt it was completed within the next few years.

The inequitable treatment Pitt accused the county council of in 1933 seems to have endured until the late 1950s, and for many Maori farming families the celebrated "pioneering" times associated with the turn of the century was in fact the grinding reality of post World War II New Zealand. It is difficult to imagine what farming and living in these conditions was like, particularly when the rest of the country could take modern conveniences like a formed road and even electricity for granted. While Pakeha ratepayers in Waiapu County by and large had

[410] Ibid, Resident Engineer FK Roberts to District officer Maori Affairs Gisborne, 11 February 1960; DB:1917.

well-maintained access by the time of the 1933 Native Rating Commission, the same is patently not so with the Maori ratepaying constituency. Ken Williams' response to the 1933 commission – "You cannot make them all in a day; you have to go quietly" – would be a bitter pill to swallow for farmers still without access 30 years on. Quite apart from the arduous material living conditions, there are also clearly identifiable economic and social consequences arising from the lack of access, such as the decline in land productivity and settlement, which are still manifest in the district today.

Once the needs of the farming ratepayers had been met in the way of roads, the council did little more than keep this infrastructure maintained. Resting as it continued to do in the hands of the large back-country farmers, a very much reduced local government still ensured that their produce got out. Charles Rau, who chaired the Waiapu County Council throughout the 1970s–1980s described the council as "an organisation that collected sufficient rates to maintain a roading system that suited the locals and not very much else."[411] To what degree the continuing decline was the result of ineffective local government is a difficult call to make. As discussed in Chapter 7, the council's role in implementing planning legislation only added to the impetus for Maori to move away from the district in search of a livelihood.

5.6 Te Tino Rangatiratanga 1920–1960

From the 1920s on, the advent of Maori land development schemes, funded initially from Maori Trust funds and then, after 1929, by the Crown, saw a departure from tribally controlled farming. The schemes were administered closely by Ngata as Native Minister until 1933. After his fall from grace in 1934, the Native Department seems to have assumed increasing control over the farming units in each scheme. Hill relates that by World War Two, the Native Department was generally regarded by Maori as an oppressive agency of racial control.[412] By 1948 Maori Affairs supervisors were regulating the payment of rates, directing farmers to augment their income with casual work, directing farm operations (from dairy to sheep), obtaining widows' pensions and fixing the water supply.[413] A telling recollection by Amiria Stirling reveals the pervasiveness of departmental control during this period, said to extend, only half-jokingly, as to whether a paddock could be set aside for the

[411] Rau, p.73.
[412] R. Hill, *State Authority, Indigenous Autonomy: Crown-Maori Relations in New Zealand/Aotearoa 1900-1950*, p.189.
[413] Supervisor to registrar, Maori Affairs Gisborne, 10 December 1948, MA 1 415 20/1/52 part 3, ArchivesNZ; not included in DB.

planting of kumera.[414] It is apparent from the road case studies outlined above, that Maori Affairs was also assumed to have responsibility for providing access to Maori farmers and communities that were not under its control, although this was not the case.

5.6.1 Maori Health Councils

Following World War One and the influenza pandemic that was brought home at its end, the flagging concept of Maori Councils was revived by Peter Buck to address Maori health issues. Under the Health Act 1920, the councils were reborn as Maori Health Councils and transferred to the administration of the Health Department, under the supervision of Buck and the newly-created Division of Maori Hygiene. The Maori Health Councils were to advise the District Health Officers and assist them with sanitary policies and operations. Like their predecessors of the early 1900s, however, the councils were starved of funds, particularly as they lost their ability to collect dog registrations under the 1920 Act (the much-hated 'dog tax' being one of the few sources of income available to the Maori Councils established under the 1900 Act). Initial enthusiasm over sanitation and water supply projects gave way to increasing disinterest in the continuing absence of promised government subsidies. The councils suffered too, from the same problems of competing jurisdictions with Pakeha-dominated county councils, particularly as Maori were no longer living in exclusively Maori villages to the same extent as the previous generation. All of these issues were identified at a national conference of the Health Councils in March 1929.[415]

In terms of local self-government, the role of the Maori Health Councils has been described as having been "pared down" to matters concerning public health.[416] Buck's successor, E. P. Ellison nonetheless pointed out in 1930 that in districts where Maori Councils were functioning well, the number of cases coming before the Magistrate's Court were much reduced. By 1937 the Under Secretary of the Native Department admitted the Maori Health Councils had not been a success, attributing this to the lack of funding and overlapping jurisdictions. By 1940, in addition to the implication that the village committees were outdated ("pa life is over. It is used only by the indigent and backward element of the race"), the Under Secretary was also attributing the demise of the health councils to the personnel on

[414] A Salmond, *Amiria: the life story of a Maori woman*, Auckland, Heinemann Reed, 1988 reprint), p.81.
[415] Pitt to Ngata, 18 March 1929, MA W1369 13 26/3 pt. 1, Archives NZ Wgtn; DB:277-8.
[416] R. Lange, "In An Advisory Capacity: Maori Councils, 1919-1945", Rangatiratanga series no. 5, TOWRU, Victoria University, 2005.

them. In the face of spontaneous Maori organisation around the war effort, the Maori Affairs Department began drafting an alternative arrangement to ensure government control.

The official records concerning the Horouta Maori Council held in both Maori Affairs and Health Department archives indicate that the government-sanctioned council was largely inactive in the period of Health Department control. From 1927 to 1933 for example, the council's bank balance of £9 slowly dwindled to £6 over time with bank fees, but no sums were either deposited or withdrawn.[417] Additional bylaws were passed at Waiomatatini in September 1924, shortly before the death of the council's long-standing chairman, Paratene Ngata. The nine extra matters, each carrying a varying fine for non-compliance, ranged from cruelty to animals to adultery and sexual assault, swearing and insults, theft, and unlawful assembly. The council also imposed an annual levy on picture theatres and store-holders as a way of raising funds. Of interest is the ninth edict, outlawing any hui within a Maori settlement without the permission of the district Maori Council. This carried the same hefty £25 fine as that regarding adultery and sexual assault. The bylaws were gazetted in January 1927. (Whether some of these bylaws were even within the legal powers of the Maori Council is a subject for legal opinion, although it seems unlikely the government intended Maori Council authority to extend to criminal matters; note below that one case brought by the Council was dismissed from court on jurisdictional grounds.)

The komiti marae gazetted in 1926 included Waipiro, Horoera, Hiruharama, Te Pahou, Whakapaurangi, Waitangirua (No.'s 1 & 2); Te Kiekie, Taiharakeke, Akuaku, Whareponga, Te Araroa, Tutua, Taurangakoau, Potaka, Tapuwaeroa (No.'s 1 & 2), Waiomatatini and Te Horo (No.'s 1 & 2), Kakariki (No.'s 1 & 2); Kariaka, Taumata o Mihi, Mangahanea (No.'s 1 & 2), Tuparoa & Waitotoki (No.'s 1 & 2), Tikapa & Taumata (No.'s 1 & 2), Whenuakura (No.'s 1 & 2), Wharekahika, and Reporua. The incidence of two komiti in a number of the marae was because men and women in those places had decided to organise separately. At the admonishment of Ellison in September 1927, these gender-based committees were amalgamated into single entities by 1929, with no more than five members in each. In the revised list, some of the settlements were arranged differently, and others, such as Rangitukia and Ohinewaiapu were added.

[417] See for instance BNZ statements for Horouta Maori Council in H1 1937 121/15 3248, ArchNZ Wgtn; DB:331; 317.

The Horouta Maori Council was chaired at this time by Tieke Peka, of Tikitiki. Port Awanui farmer and Waiapu County Councillor, George Kirk, was also an official member. Correspondence between Ellison and Peka in September 1927 indicates that the council was concerned with the regulation of fishing and shellfish grounds and the costs involved with prosecuting summons. On this occasion, Ellison expressed his regret regarding the failure of legislation to empower Maori to grant fishing licenses. Peka was told to await the outcome of Marine Department deliberations regarding Maori Council jurisdiction to make bylaws regulating the use of fishing and shellfish grounds.[418]

By 1932 the Horouta Maori Council was chaired by Renata Tamepo, from Opiki, Tokomaru, and Kirk remained the official Pakeha. The other Maori members were William Ellison, Touto Te Orongo and Erueti Kopu, all of Te Kaha; Peter Mulligan of Horoera; and Hamana Mahuika, Paratene Tuhaka and Turei Maki, all of Tikitiki.[419]

The Health Department's interest in the operation of the council was piqued in June 1932, when requests for two new komiti marae at Wharekahika were made directly to the Department. The correspondents were told to follow procedure, and apply for status through the council. The Director General however, had "received unofficial advice that the Settlements in the district have not the support of the Maori Council." After visiting Tamepo, Turbott, the Gisborne Medical Officer, reported that the council was not functioning. The council had not met in the last 12 months, and nor was the chairman in contact with his councillors; "in fact he has almost forgotten them." It was said that the large district did not permit of regular meetings, and the cost of transport and time taken in travelling interfered with Tamepo's work as a dairy farmer. One result of the meeting was the suggestion that the Horouta District be divided in two.[420] Shortly after the visit, Tamepo wrote in with the details of four more komiti marae at Reporua, Whareponga, Nukutaurua and Wharekahika to be gazetted. He also requested copies of the bylaws, so that these committees would know their powers, and spoke of a recent case thrown out of court on the basis that the marae komiti had no jurisdiction.

The proposal that the district be split was discussed with the Maori Welfare Officer in Gisborne, William Pitt, and approved by the Health Department. In November Tamepo was

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418 EP Erihana, Apiha Whakahaere to T. Peka, chairman, Horouta Maori Council, September 1927, MA W1369 18 26/3/8 ArchivesNZ Wgtn; DB:316-7.
419 Ibid, Turbott, Medical Officer of Health Gisborne to Director General of Health, 9 August 1932; DB:335.
420 Ibid.

invited to submit the names of members for the altered East Coast Council, and this was duly forwarded. In addition to Tamepo, Pehikura Awetiri of Mangahanea; Turei Maki of Whenuakura; Hamana Mahuika of Tikitiki; Max Pohatu of Kakariki; Peter Mulligan of Horoera; and George Stainton of Hicks Bay were to constitute the revised Council. According to Turbott, the proposal was thwarted by opposition from Ngata who visited the district in December. In February 1933 he reported that Tamepo and others had changed their mind about forming their own council. In May 1933, four more members were added instead.

By March 1935 Turbott was advocating the need for change: "The dissolution of the present Council and appointment of keen men is really needed here. There are men available and willing to act." Turbott approved of the members on the Bay of Plenty side, but described the East Coast members as "deadheads," and the prospect of change slim "…a big row would be necessary, and Sir Apirana is very powerful indeed in this area."[421]

In August 1937 Tutere Wi Repa wrote to the new Minister of Native Affairs. A new Horouta Maori Council had been elected to replace the old, and the quorum present had then chosen Wi Repa as chair. The Native Minister was requested to convene the first meeting of the council at Hicks Bay, in accordance with the 1900 Act: "It is the desire of the new Council to get to work as soon as possible." In response, Wi Repa was told of the 1916 amendment, that there was no provision whereby members of Maori Councils could be elected. He was told to forward the names instead to the Director General of Health, so that the "persons whom the meeting referred to" could be <u>appointed</u> as members.[422] There is no record of the new council's response to the insult, and it seems that that official recognition was not pursued. Towards the end of 1943, the medical officer at Gisborne, now TC Lonie, was directed to "resuscitate" the Horouta Maori Council. In January 1944 he reported on his failure to do so:

> Every endeavour has been made to influence the Maori Elders in this district and to obtain the assistance of Sir Apirana Ngata. They are reluctant to make any move in this matter until such time as the proposed new Maori Councils Bill has come before the House and been discussed.
>
> In the meantime several Maori Committees have been formed in the area of this Council and are doing excellent Welfare work. In fact their activities are a pattern to other Pas and they are influencing them to form similar Committees. However until they are duly gazetted they would

[421] Ibid, Turbott to Director General of Health, 11 March 1935; DB:341.
[422] Ibid, F. Langstone, Native Minister to T Wi Repa, 25 August 1937; DB:343. Emphasis in original.

> not have any legal standing and for this reason have made requests to be gazetted so as to give them legal status.[423]

In the absence of a Maori Council however, there was no way under the 1900 Act to have the existing committees gazetted. The issue was referred to the Native Department, which agreed that the only way to grant the committees legal status was through the appointment of a council. Given the intention of the Native Minister to introduce a new Maori Councils Act that year, "it does not seem worth while doing anything about appointing another council for Horouta."[424]

5.6.2 Maori War Effort Organisation

According to Richard Hill, Maori support for World War Two, both by enlistment and through the incredible domestic contribution to the war effort, was driven in large measure by the rationale that one consequence of doing so would be an increased willingness on the part of government to recognise and provide for rangatiratanga.[425] Ngata was one of the strongest proponents of such a view. The Maori War Effort Organisation ('MWEO') was a spontaneous Maori-driven initiative, built on existing informal tribal structures to co-ordinate war-related activities. The formalisation of the organisation was approved by government in May 1941, although politicians and bureaucrats remained wary of the degree of Maori autonomy it heralded. Deliberately eschewing Native Department control, the network of official tribal committees which emerged under the MWEO were said at the time to "function entirely under Maori control and according to Maori ideas."[426]

Although primarily directed at enlistment, the activities of these komiti continued in homefront activities such as land production, manpowering Maori into essential industries, rehabilitation, and fundraising. According to Hill, over time many of the tribal committees began undertaking local government functions, assuming powers previously exercised by the Maori councils, as well as welfare functions. Financed from fundraising with no State money whatsoever, "flax-roots tribal committees did practically whatever they felt they needed to do."[427]

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[423] Ibid, T. C. Lonie, Medical Officer of Health to Director General of Health, 18 January 1944; DB:344.
[424] Ibid, Under Secretary Native Department to Director General of Health, 14 February 1944; DB:346.
[425] Hill, pp.187-9.
[426] Quoted in Hill, p.192.
[427] Hill, p.195.

By September 1944 the Maori War Effort Organisation comprised 51 tribal executives and 398 tribal committees. In that year, with post-war reconstruction in view, a working party of Maori MPs, headed by Tirikatene, considered proposals for a co-ordinating Ministry for Maori Welfare that would incorporate MWEO-style autonomy. What had been tolerated in wartime however, was not to be contemplated in times of peace. At Labour's Maori Summit Conference in October 1944, Prime Minister Fraser announced that any ongoing Maori committee system would have to operate under Native Department auspices and in accordance with its rules.[428] His stance was applauded by what Hill describes as the "politico-bureaucratic mainstream," and condemned by Maoridom in what was becoming a disparate debate.

5.6.3 Maori Social and Economic Advancement Act 1945

By the end of the war Tirikatene had come up with a compromise Bill, which proposed to meld the tribal committee system within a departmental structure. The new Department of Maori Administration would be similar to the existing Native Department, with new co-ordinating and other powers (and a new ethos), but it would incorporate the flax-roots committees in decision-making. Under the proposal, district councils drawn from tribal executives would provide a senior-level mechanism for advocating community views to government. The quid pro quo for full accountability to Head Office by the community-based committees would be ample funding of the committees and the executives. As Hill relates, the Bill represented a big compromise for Maori, endorsing as it did the continuation of the Native Department bureaucracy over a network of Maori committees.

For the government however, the proposed measure still placed too much control in Maori authorities. Although heralded at the time by government as meeting Maori aspirations, the resulting Maori Social and Economic Advancement Act 1945 entrenched the old bureaucracy with assimilationist objectives. Plans for regional and national representative bodies were rejected, and although the tribal and executive committees were retained, their autonomy was not. All committees under the scheme were to be constituent parts of the department, their activities and structures handled by the department's district officers. The tribal committees were given limited powers to promote "Maori well-being and perpetuating Maori culture." The tribal executives could promulgate bylaws on such matters as sanitation, health and housing, fishing grounds, and water reticulation, similar to the 1900 legislation. Despite the

[428] Hill, p.205.

exhortations of Maori MPs to work with the new system, Hill relates that an immediate reaction to the appropriation and curbing of the MWEO into the state's machinery was the withdrawal of Maori from the scheme. A number of committees went into recess, or even formally disbanded, rather than engage with the requirements of a Native Department-based regime.[429]

The government continued to promote the legislation as a vehicle for Maori to exercise "a measure of local government in matters affecting the living condition, housing, health, and the general welfare of the Maori people."[430] But, in addition to stifling community autonomy through departmental control – over which projects got funded for example – the scheme also fell victim to the all too familiar financial restraints imposed by Treasury.[431] In 1961 an amendment was proposed to restore to the committees' independence from Maori Affairs control. This was achieved under what became the Maori Welfare Act 1962, which also established the New Zealand Maori Council. However, the Act abolished the right of committees to undertake water and sanitation projects, and removed provisions for the committee regulation of Maori fishing grounds.

5.6.3 Horouta No. 1 Tribal Executive, 1948-1962

Given the degree of support on the East Coast for the war effort, it is assumed that the area was one in which MWEO committee activity would have been particularly strong, although evidence of this activity has not been found for this report. The 1945 Act was brought into operation in the Horouta District in 1948, very much under the direction of Ngata, and the delay in doing so can be construed as disenchantment with the legislative development. The aged Ngata had agreed to the operation of the Act in the district on the proviso that the tribal committee districts would conform to the old pastorates "under which we have operated since the days of the kaumatua."[432]

Throughout June–July 1948, hui were held at Hiruharama, Ruatoria, Waiomatatini, Tikitiki, Te Araroa, Hicks Bay, Orete, Te Kaha, Omaio, Torere and Rangitukia to discuss the council structure, and the outcome was much as Ngata had ordained. The Horouta District was to incorporate Te Whanau a Apanui to the north-west, just as in earlier times. The 6 tribal

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[429] Hill, p.215.
[430] Prime Minister Fraser, 1948, quoted in R. Lange, 'To Promote Maori Well-Being: Tribal Committees and Executives under the Maori Social and Economic Advancement Act, 1945-1962', Rangatiratanga Series no.6, TOWRU, Wellington, 2006, p.20
[431] Lange, pp. 34-5.
[432] Ngata to Goldsmith, 7 June 1948, MS-papers-6919-0362, ATL Wgtn; DB:447-451.

committees on the East Coast were Hikurangi South, Hikurangi North, Waiapu South, Waiapu North, Te Kawakawa and Wharekahika, each with committees of 11 members. On the Whanau a Apanui side, 4 tribal committees of Tikirau, Te Kaha, Apanui Mutu and Torere were to have 6 members each. The Horouta Tribal Executive was to consist of 12 representatives from the Ngati Porou tribal committee areas, and 8 members from Te Whanau a Apanui.[433] Ngata was chairperson and Charlie Goldsmith secretary.

One of the primary motivations for adopting the structure was to gain access to government subsidies for community projects, both existing and projected. From the outset Ngata announced that the organisation, "will concern itself more with material projects rather than with control of maraes, offences, liquor regulations and such." Accordingly, attached to the earliest committee correspondence signalling adoption of the scheme were schedules of projects to which subsidies would be directed. The projects included meeting house renovations, marae amenities, water supply systems for both marae and larger settlements (including Ruatoria), community halls in areas of new settlement, cemetery repairs, sports facilities, and an education fund. Driving the projects was Ngata's desire to "preserve the spirit of cooperation among our people in the Horouta district, which has ensured the carrying out of our public and communal efforts in the past." The continuing role of both the dairy company and the farmers' cooperative in tribal affairs is indicated by Ngata's suggestion that the secretaries for the Hikurangi and Waiapu committees be appointed from the staff of these companies to ensure good accounting practices.

Maori Welfare Officer reports regarding the operation of the tribal executive and committees are available from 1952–56. Horouta District fell into "Zone 13" for the purposes of Maori Affairs, and facilitating the work of the tribal committees appears to have been one of the officers' major duties. Ngata's influence over the tribal committees was remarked on in annual reports of the early 1950s:

> In taking over duty in July 1951 it was very noticeable that the whole of work in this zone permeated the atmosphere and dominance of the late Sir A.T. Ngata, consequently activities were confined to purely the "Subsidy" angle of Welfare. The erection and renovations of Dining Halls and Carved Meeting Houses. The over-all administration of the Committees and Executives in this zone were in his hands and direction, and, in consequence of his sudden passing on; the Committees and

[433] Ibid, A.T. Ngata to R. Royal, Controller, 19 July 1948; DB:452-6.

> Members thereof in the localities were left in the dark of just what was required of them.[434]

From 1952 Welfare Officer John Kaua was based at Ruatoria and attended tribal executive and tribal committee meetings as part of his job. By this time the Horouta District had in fact been divided in two, the East Coast side referred to as Horouta Tribal Executive No. 1. Kaua reported in March 1953 that of the six tribal committees, only those of Waiapu South and Hikurangi North were active. Attempts to get the other committees up and running were frustrated over the next few years by what the welfare officer described as a lack of energy, leadership, and vision among the "old regime" in office:

> Our elders on the committees are not very willing to accept any progressive ideas introduced for discussion from the points of advantages and disadvantages. I have experienced at every meeting attended that the more progressive members are never given the opportunity of exercising their rights of democracy. The elder leaders on these Committees outvote the younger members (and the few women members who support them) by eight to one.[435]

Elections were used by Kaua to "weed out" the older generation and replace them with the "progressive young leaders and women of the area." He found the committees in the district somewhat non-plussed regarding their role and function under the wide banner "to promote the welfare of the people."

Housing and unemployment were the biggest problems identified by welfare officers of the day: the cost of the former being prohibitive to large families affected by the shortage of permanent or well-paid work. The tribal executive was consulted over Maori Affairs housing policy, but played no meaningful role in tackling the issue. While welfare officers bemoaned the tribal committees' enduring preoccupation with subsidies, other duties carried out by the committees included resolving domestic disputes and petty crime, and providing adult education and health education. The committees were also concerned with regulating alcohol consumption, issuing permits for alcohol on marae, and prohibition orders against "persistent offenders." The tribal executive was also encouraged to appoint volunteer Maori wardens although, once again, its jurisdiction proved illusory. In December 1955 for example, their appointment of Henare Manuel was turned down by police.[436]

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[434] Welfare division Maori Affairs Gisborne to Under Secretary Maori Affairs, annual report, 20 May 1952, MA W2490 142 36/29/5 pt.1 1949, ArchivesNZ, Wgtn; DB:349.
[435] Ibid, J. Kaua, 'Annual report for period ending 31.3.53'; DB:351.
[436] Ibid, Horouta No. 1 Tribal Executive Meeting, 14 December 1955; DB:361-2.

The official organisation was used as the vehicle to exert tangata whenua control over traditional fishing grounds in 1952. The background to this attempt is set out in Doig's report.[437] Under Section 33 of the 1945 Act, the Minister of Marine could recommend to the Governor General the reservation of any shellfish area, fishing ground or seaweed area for "the exclusive use of Maoris or of any tribe or section of a tribe of Maoris." Control of any grounds so reserved could be vested in tribal executives or committees, which could make bylaws regulating the grounds. Maori in the Horouta District were mobilised into action by the proposal to establish a crayfish and seafood factory at Hicks Bay in 1951, and by the increased incidence of inshore trawling (which devastated coastal fishing grounds). At an extraordinary meeting of the Horouta No. 1 Tribal Executive together with its constituent tribal committees at Hicks Bay in July 1952, it was resolved to apply for the reservation of the fishing grounds at Matakaoa, between Lottin Point and East Island, and up to 1½ miles offshore. It was asked that key inshore fisheries be protected from commercial exploitation and reserved exclusively for Maori use.[438] A similar application for the reservation of shellfish and fishing grounds at the mouth of the Waiapu River was made by the chairman of the Waiapu South Tribal Committee one month later.

Despite the legislative provision, the Crown proved averse to giving control of the fishing grounds to Maori authorities nationwide, and Horouta No. 1 Tribal Executive was no exception. As Doig relates, the outcome of Marine Department deliberations was the appointment of an honorary Maori fishery officer at Hicks Bay, and the stipulation that future applications for fishing licenses in the area would require the written consent of the tribal executive. Commercial fishing was not prohibited, and nor were the tribal committees empowered to make bylaws.[439] Despite the lack of formal recognition, the Waiapu South Tribal Committee went ahead with the appointment of a five-member committee to monitor the fishery at the Port Awanui area. In December an application from Horouta No. 2 Tribal Executive for a similar regime to apply in their district was declined by the Marine Department.[440]

The attenuation of te tino rangatiratanga on the East Coast is increasingly marked during the second half of the twentieth century. As argued in the previous chapter, post-World War One Maori communities on the coast were still largely managing their own affairs on their own

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437 Doig, pp.57-59; 63-68.
438 Doig, p.64.
439 Doig, p.67.
440 M1 2/12/665 part 1; not included in DB.

terms. Faced with the need to develop their land, or lose it, between wars Maori families in Waiapu County got on with the business of farming, on individual consolidated plots. For many, the choice to engage in the new pastoral economy meant the end of 'pa life'. It also brought with it increasing Native Department control over farming (and housing and employment) decisions. The alternative within the existing order was to accept a lower standard of living, like the Whareponga community. Even so, in the absence of State support for its state-sanctioned Maori Councils, it is clear that Maori communities continued to strive to meet their needs in the form of re-styled MWEO committees in the 1940s.

5.7 Waiapu County 1960s–1980s

The economic decline evident in the 1950s was not arrested. Partly, as Oliver and Thompson relate, the slow-down was brought about by the improvement of road communications which brought with it economies of scale. The Tokomaru Freezing Works closed down in 1956 and the Ngati Porou Dairy Company at Tikitiki in 1954. No new industries replaced them. The only permanent work for a burgeoning and young Maori population was on surrounding farms as shepherds, fencers, and cowboys, or in the employment of the county council and the Post & Telegraph Department. Housing was identified in Maori Welfare Officer reports as the single biggest problem facing Maori families in the district. In the face of diminishing opportunity and limited assistance, both Maori and Pakeha left.

By the 1960s, concern about the "sleeping giant" led to the formation of the East Coast Development Research Association, a mainly Gisborne-based lobby group concerned about the stagnation of the region. At its prompting, a Land Utilisation Survey of the Gisborne-East Coast was undertaken by the Department of Lands and Survey, which attributed the economic decline to poor farming standards, erosion, and Maori land "problems".[441] Building on this regional approach, the East Coast Project emerged from the need to control massive erosion problems in the district, and followed recommendations set out in the Taylor Report of 1967. The project envisaged the conversion of the "critical headwaters" area from pastoral use to forest, and soil conservation measures carried out in what it termed the "pastoral foreland" area downstream. The two zones were demarcated by a "blue line." It was estimated that government investment of some $55 million would be required for the planting of 200,000 acres of forest beyond the blue line, at a pace of just 5,000 acres per year. As well

[441] J. Bray, 'The Sleeping Giant: The East Coast 1945-1975 Regional Problems and Regional Responses', MA thesis, Massey University, 1983, p.47.

as controlling soil erosion, it was predicted that the East Coast Project would improve social and economic opportunities for the rural communities, as a result of increased employment, and hopefully arrest the migration away to urban areas.[442] Government support for the project was signalled in May 1968 and the New Zealand Forest Service was directed to commence forestry operations in the area. Other government departments were also involved.

The government-sponsored project in turn encouraged spontaneous regional organisation "to represent the people of the region" during its execution. In 1972 the East Coast Planning Council was formed, a voluntary organisation drawn from the county councils of Waiapu, Cook, Waikohu, Opotiki, and Gisborne City, together with the District Commissioner of Works. Although lacking statutory authority, the planning council saw its role as the creation of a regional plan to guide the growth and development of the East Coast region. In August 1976, Cabinet confirmed the preparation of a regional plan and works programme for the East Coast to provide for the further development of the East Coast Project. The plan was to be a joint exercise between Government, the East Coast Planning Council, local authorities, and the East Coast Regional Development Council (set up in 1973 to encourage local manufacturing).[443]

The annual report of the planning council in December 1978 records the disappointment at the continuing lack of government support for a region-wide approach to development. It noted too, that the enthusiasm and energy to tackle issues evident in the voluntary work of the council's technical committees would wane in the face of continuing government neglect.[444] By this time planting rates had fallen to 2,000 acres per annum as a result of the unavailability of land offered for sale.

The East Cape United Council took over the work of the East Coast Planning Council in 1979, and functioned until the local government amalgamation in 1989. The United Council comprised three members from Cook County Council, five from Gisborne City, two each from the county councils of Opotiki, Waiapu, and Waikohu, together with the Napier District Commissioner of Works, and the Gisborne Resident Engineer. As a statutory body, it had considerably less freedom, and perhaps inspired less local participation, than its predecessor. The fact that it was funded by contributions from constituent local authorities also had the

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[442] See booklet "East Coast Project"; DB:1281-86.
[443] 'East Coast Planning Council: Regional Plan Brief', 16 May 1977, file 197 GDC Gisborne; DB:1292-99.
[444] T.L.C. Williams, Chairperson East Coast Planning Council, Annual Report for year ending 31/12/1978, 31 January 1979, file 197, GDC Gisborne; DB:1305-9.

potential to cause conflict with these bodies. The activities of these regional planning bodies have not been included in this report. The same issues regarding the lack of representation of the Maori community can be seen to apply, drawn as they were from the constituent county councils. A flow diagram of the organisational structure of the East Coast Planning Council reveals for example, that Maori representation was restricted to the presence of a Maori farmers' representative on the council's agricultural technical committee.[445] On the other hand, Maori councillors such as Charles Rau and Lou Tangaere were active on the planning council.

5.8 Amalgamation

Local Government Commission interest in the amalgamation of the three East Coast counties dates back to 1976, and a preliminary report was prompted by the councils themselves at this time on the viability of such a course.[446] It was considered that all three counties shared a common interest, being rural communities devoid of urban areas of any size. Waikohu, Waiapu and Cook Counties shared a similar land area, but the population of Waiapu was half that of Cook and still in decline. The population of Waikohu was smaller still. The combined rateable capital value of Waiapu and Waikohu was also considerably less than Cook County. The outlook for Waiapu County was particularly dour: the county had reached its maximum rating limit and was heavily subsidised (77 percent) by the National Roads Board for its main works programme. In light of the downward population trend and shrinking rating base it was considered that the county would be unable to cope with either expectations for increased services in the existing townships like sewerage or water supply, or with the development of new roads to service the planned forestry project. The projected economic and social benefits of the East Coast Project were not predicted until harvest, some time in the 1990s.

The main benefit of amalgamation was said to be the creation of a stronger unit to advocate local needs to both central and regional government. The perceived disadvantages were the loss of a degree of local control, and the reduction in representation. The fact that county headquarters might be too removed from many parts of the county was also highlighted, as well as the impact the amalgamation might have on National Road Board assistance. It was noted that the high proportion of Maori population within the Waiapu County were not in

[445] East Coast Planning Council, file 197 1972-79, GDC Gisborne; DB:1304.
[446] W. Hudson to chairmen and members, Cook, Waiapu and Waikohu County Councils, 28 June 1976. AANX 7536 W5027 171 LGC/1/2/83, ArchivesNZ, Wgtn; DB:402-16.

favour of amalgamation. Under the National Government elected in 1975, the mandatory element to amalgamation proposals was dropped.

The issue was rekindled ten years later by the Local Government Commission. In April the territorial authorities of the region were told that restructuring was necessary and unavoidable. Local bodies were invited to come up with their own amalgamation proposals, or else face the imposition of a scheme by the commission. The issue was debated throughout most of 1985. One of the ideas touted at this time was the amalgamation of local government on the basis of the existing East Cape United Council, which in addition to the three East Coast counties included Gisborne City and Opotiki County. By September it was agreed that there was no merit in including Opotiki County in the union.[447]

Under increasing pressure that the status quo would not be accepted, deliberations between county council representatives and the Local Government Commissioner Ron Wood in September narrowed the options down to just two:

1. A union of the three counties of Cook, Waiapu and Waikohu; or
2. A union of these three counties with Gisborne City to form a district council.

It was agreed that a feasibility study of the two options be undertaken by the chief executive officers of each county, with the assistance of an independent consultant. Among the issues the proposed study would address was the "effect on Maori people of combining or separating Maori Lands and interests."[448]

The outcome of the feasibility report was to reconfirm the unanimous resolution of all the territorial bodies concerned to retain the status quo. Cook County considered that the independent audit demonstrated the existing county structure fulfilled Section 15 of the Local Government Act 1974 in terms of its functions, resources and ratepayer aspirations, and that no benefit to county ratepayers would result from amalgamation.[449] Waikohu County Council argued that any union would relegate the present county area to the "back seat," with the reduction of its voice to two members on the new council. It pointed to the social impacts of closing down the county office at Te Karaka, with the loss of technical and administrative skills to the area. It also argued that the strong personal relationship that had developed with

[447] Ibid, Elliot & Cobb, Cook & Waikohu County managers, 'Local Government Re-organisation', 11 September 1986; DB:427-31.
[448] Ibid; DB:431.
[449] Ibid, McGregor, Chairman CCC to Commissioner Wood, 27 February 1987; DB:436-9.

its substantial Maori community (47 percent of the total population), particularly with meeting their needs through planning, would be negated by amalgamation. This view was shared by Waiapu County. Waikohu County Council was dubious that amalgamation would result in a stronger regional advocacy:

> The benefits to this region from a "united voice" is very much dependent on the willingness of Central Government to listen. To date this region has suffered more than others from the Government's moves to restructure the economy despite constructive and concerted efforts on the part of the East Cape United Council to reverse this situation.[450]

In September 1987, a re-elected Labour Government pushed on with the restructuring of local government. All local bodies were requested to submit restructuring proposals by January 1988. The amalgamation of the Gisborne District Council was pushed though in 1989 over the continued opposition of the consituent local authorities. As a result, Gisborne District was split into the six wards of Matakaoa, Waiapu, Uawa, Waikohu, Cook and Taruheru-Patutahi – all with one member each – in addition to the Gisborne Ward, from which eight members are elected. Such electoral distribution is based on population, with some 63 percent of the district population resident in Gisborne. The fifteenth councillor is the mayor, elected from the Gisborne District at large.

[450] Ibid, WJ Clarke Chairman WaikohuCC to Secretary LGC, 27 March 1987; DB:440-2.

6. Matakaoa County

The fact that the East Cape was the last area on the East Coast, and arguably New Zealand, to succumb to colonisation was the result of both geographical isolation and the deliberate policy of tangata whenua to limit Pakeha settlement in a bid to retain their control over the area. The withdrawal of the area from the Native Land Court process in 1892 was but one manifestation of this concerted policy. The area was of course nominally part of the Cook County from 1876, and then became the Matakaoa riding of the Waiapu County in 1890. But a look at the map accompanying the 1889 petition to separate from Cook County reveals a thick sweep of blank white on the northern bank of the Waiapu River, stretching from the inland county boundary to the river's outlet at the sea, and north past Hicks Bay.[451] This blank swath represented Maori customary land, undetermined, unsubdivided, "unsettled."

The busy decade of the 1890s saw Pakeha settlement encroach on the northern banks of the Waiapu. Even so, within the riding of Matakaoa, vast areas remained unsubdivided papatupu land. The list of landowners discovered in the 1910 county letterbook reveals that of the 161,000 acres in the riding, Pakeha and Crown-owned land amounted to 14,443 acres; less than nine percent. Over half of the riding, 87,031 acres, was Maori land for which there were no named propriertors; 29,531 acres was Maori land to which title had been determined; and almost as much again was unrated Maori land. In all, Maori hapu of the district retained over 90 percent of the land in the area, and the extent of leasing in the riding at this time was also negligible.[452]

The petition to constitute Matakaoa County came only nine years later. It coincided with local Maori efforts to develop land into productive farms, either as incorporations, or as

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[451] 'Poverty Bay 1889 Triangulation Sheet No.6', General Surveyor's Office, Wellington, 1887, LE 1/281/1889/5. ArchivesNZ Wgtn; DB:2432.
[452] Shown on the map 'Waiapu County 1908.'

individual farmers, with the capital assistance arranged by Ngata. With a predominantly Maori population increasingly engaged in the productive pastoral economy, Matakaoa County presented the greatest opportunity yet for Maori ratepayers to participate in local government, Pakeha style. This was further enhanced by the local leadership of individuals who had been schooled in the ways of Pakeha, either as the off-spring of the mixed marriages in the north, or through their education at Te Aute College.

It was not to be. The following narrative explores the rise and slow decline of Matakaoa County. The loss of franchise through decades of government-imposed commissioner control is one aspect of the sorry saga that ensued. The other is the resulting economic marginalisation of the people. Much of the tale is drawn from Internal Affairs files, written by the men who, in Councillor Wirepa's words, kept "the iron heel upon the ratepayers' necks" for over 32 years. Couched in the self-justifying rhetoric of the officials involved, these archives nonetheless detail the gradual economic stagnation of the district as a result of the government's stringent "rehabilitation" scheme. It is only from the county correspondence files and Maori Affairs road files, containing as they do complaints and descriptions of conditions wrought by the lack of access, that some insight into the personal cost of commissioner control is gained.

The account is organised chronologically until 1937. The report documents the period of council control, from 1919 to 1932; the collapse of 1932, subsequent government intervention; and the first four years of commissioner control which led to ratepayer mutiny in 1937. After this turning point, the report deals with the next 28 years of commissioner control in a thematic way, exploring the recurring extensions of control, representation on council, the provision of services, the deterioration of county assets, and the resulting economic decline on an issue by issue basis.

6.1 Matakaoa County, 1919-1933

6.1.1 The establishment of the county

Matakaoa County was constituted in 1919 at the end of the war and in a time of relative prosperity and optimism. The new county was the result of a successful petition of 71 ratepayers within the two northern Waiapu County ridings of Awatere and Whangaparaoa, 30 of whom were Maori sheep farmers. The bid for separation reflected a nationwide trend of local government fragmentation to take advantage of government subsidies and borrowing

powers to finance infrastructural development. At the time of petition, less than 13 miles of the main arterial road to Te Araroa had been metalled, and the other roads in the two ridings were described as rough tracks, unformed and unmetalled, and impassable in the winter months. The petition was endorsed by Ngata:

> The balance of power as to the available funds is necessarily in favour of the Southern ridings. Necessary & urgent works at the north end do not receive the prompt and persistent attention that works nearer the centre of administration obtain. This is not due to any lack of interest or hostility of the Members of the Council representing the South. It is due to physical difficulties, broken road connections and the strenuousness of travel.[453]

The district was developing rapidly, argued Ngata, and the erection of a freezing works at Hicks Bay would force the settlers to improve the roads between the surrounding lands and the Works. In fact, construction of the freezing works was underway before the petition was lodged and dreams of a port outlet for farmer produce had been fuelled by the recent collapse of the Waiapu bridge. The sole challenge to the Matakaoa County Bill was voiced by Gow, Member for Opotiki, who argued that its small size would result in weak administration and was not in the public interest.

Information about the new county depicted in the Map 8 (below) was taken primarily from rates books. By 1926 Pakeha comprised one-third of the total county population of 1500, and roughly one-third of the 287 ratepayers. Yet the situation was reversed in terms of land occupancy, with Pakeha occupying two-thirds of the 177,006 acres, and accountable for almost three-quarters of the county's rateable value. The main townships were at Te Araroa (in the Awatere Riding) and Hicks Bay (in the Wharekahika Riding). Significant Maori settlements were located at Horoera, Marangairoa, Tokata, Lottin Point and Whangaparaoa. These communities were generally living on non-rated, communally-owned papakainga at this time and do not feature highly in county administration.

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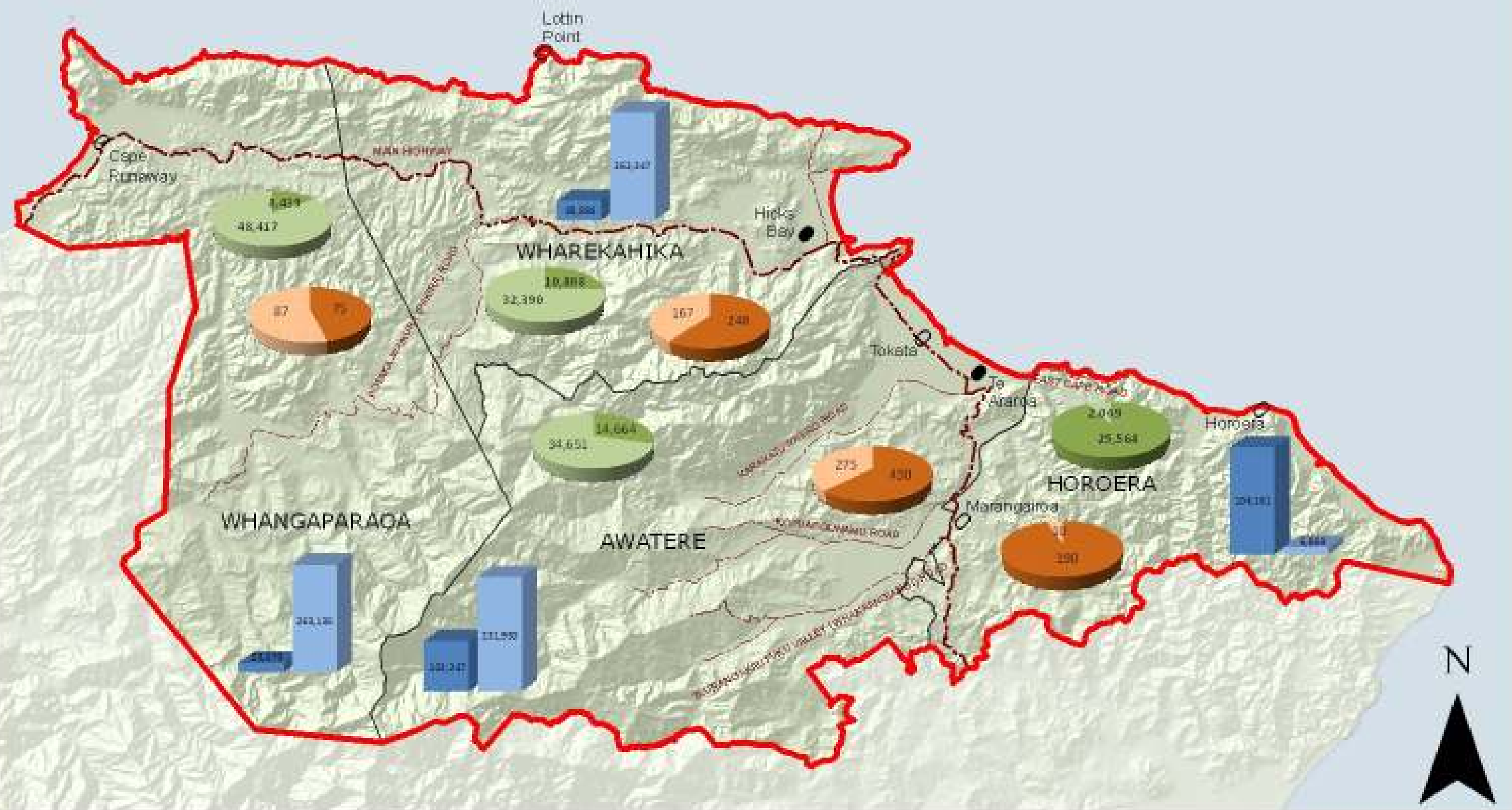
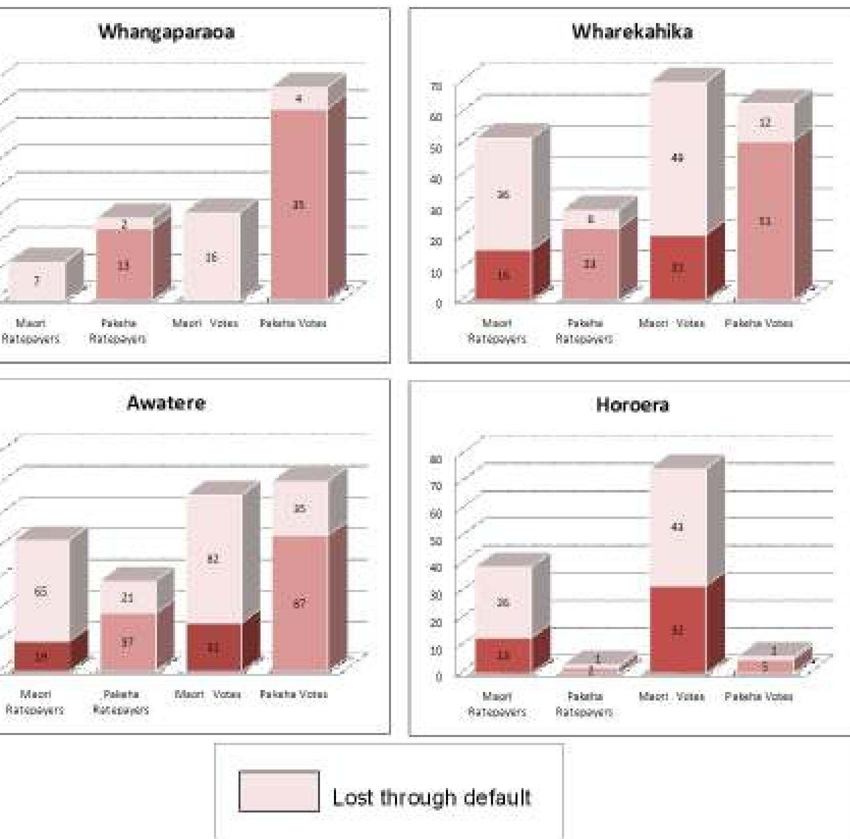
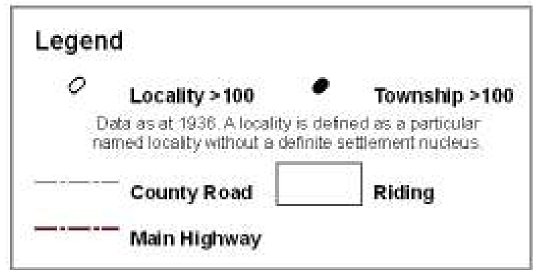
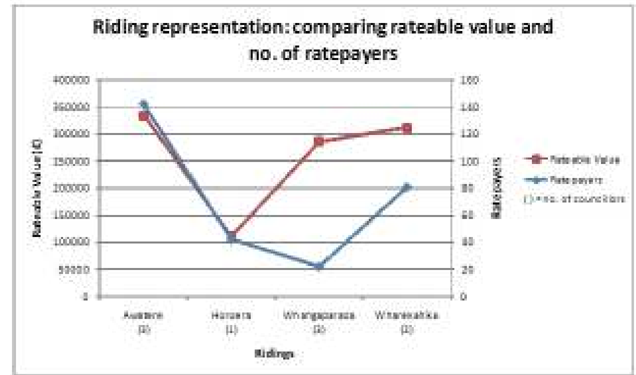
[453] A. Ngata, nd, in Le 1/701/1919/9, ArchivesNZ Wgtn; DB:2.

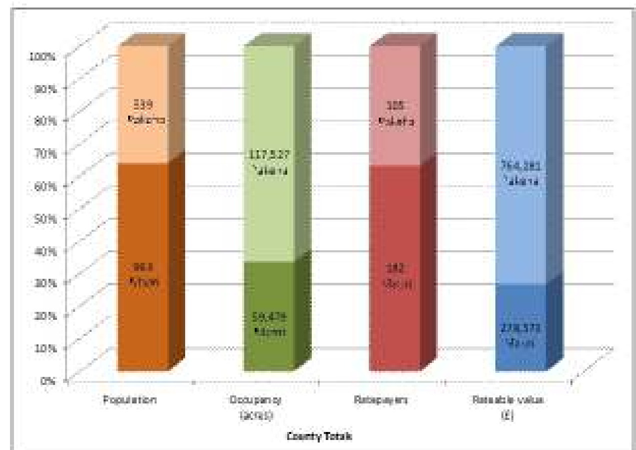
Map 8: Matakaoa County 1925–26











Sources: Matakaoa County Council, *Rates Books, 1925-26; "Whangaparaoa Riding, 1926-27:" Defaulters' List, General Rates, 1925; New Zealand Census, 1926; 1936;* "Auckland Sheet No.5" (map), 1914; "Matakaoa County" (map), IA 1 103/33/7 pt. 1.

The county was carved into the four ridings of Whangaparaoa, Wharekahika, Awatere and Horoera. The first three of these shared a similar rateable value (see "Riding representation" graph), and this appears to have been the primary consideration in drawing up the riding boundaries. Horoera was the poor cousin, with a rateable value one third of the others. The number of ratepayers does not appear to have been a significant factor in riding configurations, ranging as they do from the 22 ratepayers of Whangaparaoa to the 142 ratepayers of Awatere, but they may been a factor in representation arrangements. The county council comprised nine members, drawn from the ridings in the following way:

Whangaparaoa	3
Wharekahika	2
Awatere	3
Horoera	1

The inequity of this arrangement is revealed in the Riding Representation Graph above. Why the 22 ratepayers of Whangaparaoa were allowed three councillors, above Wharekahika's two for example, cannot be explained in terms of rateable value or number of ratepayers. The answer may lie in the strength of the Pakeha vote in the Whangaparaoa Riding, particularly once defaulting rules were taken into account. The smallest, poorest, and overwhelmingly Maori riding was Horoera: it was represented on council by a single councillor.

In the decade the county functioned under an elected council, at least five Maori councillors served, although not at the same time. These included Te Aute old boys, Reverend Reweti Kohere and local doctor Tutere Wirepa, as well as successful farmers Henry McClutchie, William Walker, and George Stainton.[454] The election of three Maori councillors to the inaugural Matakaoa County Council in May 1920 was possibly unique in New Zealand at this time.

6.1.2 Works and debt

With a rateable value of over a million pounds and a general rate of 2d. in the £, Matakaoa County Council anticipated an annual revenue including government subsidies of £10,000. Within the year, the local authority was also constituted as the Hicks Bay Harbour Board, a legal prerequisite before work could begin on the wharf. A temporary wharf was built in 1921 to

[454] C. Rau, *100 Years of Waiapu*, p.147; Bob McConnell, *Te Araroa: An East Coast Community, a History*, Te Araroa, McConnell, 1993, p.287.

service the Gisborne Sheepfarmers' Freezing Works which began production in Hicks Bay that year. Anticipating its first rates collection and two years of government subsidies, the Matakaoa County Council resolved to raise £30,000 for harbour works, including the construction of a permanent wharf.[455] The expenditure was justified on the grounds of providing the county with a means of transporting its produce. Rates from the freezing works amounted to £1250 per annum, and although a county-wide special rate would be struck to repay the loan, it was optimistically felt that sufficient wharfage revenue would in fact preclude the necessity of collecting the special rate. A poll of ratepayers was taken in October 1921 and carried by 148 votes to 1. Government sanction to raise the immediate requirement of £21,000 for harbour works was gazetted in 1921.[456] Unable to raise the money within New Zealand, the Hicks Bay Harbour Loan of £30,000 was eventually financed from London, in 1922.

The new county also had a liability of some £30,000, calculated at the time of severance from Waiapu County as its share of the parent county's road works debt. Given the state of the roads described in the petition, the justice of this arrangement is open to question. Matakaoa County was required to pay half of this at once, leaving the other £15,000 as a liability with the Waiapu County Council. At a special meeting on 24 September 1921, Matakaoa County Council resolved to borrow £15,000 to extinguish the debt by way of a special rate over the whole county.[457] In the event, the "Waiapu Debt Extinguishment Loan" of £15,000 was also raised in London, and paid over to the Waiapu County Council in 1922. The remaining "Waiapu Main Loan and Bridges Loan" was reduced to £11,000, as a result of negotiation which saw the Waiapu County Council pay £4,000 to Matakaoa County. An additional £2,700 was also owed to Waiapu County on account of the Te Araroa jetty loan taken out in 1913.

From the end of 1922, the council also began to borrow for road construction. The general precept operating at the time, inherited from road boards, was that new road construction was funded by special rates on those benefiting from the access, rather than from general rates. The special rate constituted the security for the proposed loan. Sometimes this was achieved by council resolution: at the close of 1922 for example, Matakaoa County Council resolved at a

[455] See correspondence in 'Letters Received, 1921-1925', Matakaoa County Council (MCC), GDC Te Puia Service Centre; DB:858-65.
[456] *New Zealand Gazette* 1921, p.2990.
[457] County clerk & secretary to manager, BNZ, 27 October 1921, 'Letters received'; DB:858-9.

special meeting to raise £1,200 to form the Taurangakautuku Valley Road to the Whakaangiangi estate, a returned soldiers' settlement developed by the Williams family.[458] On other occasions, ratepayers' consent to a special rate was obtained, by way of poll, to secure the loan. In May 1925, for example, application was again made to the State Advances Office for a further £3,000 for the construction of the Potaka Waikura road, giving access to Crown leaseholds in the Waikura block, with a special rate being levied over the Whangaparaoa Riding, by way of written consent of the ratepayers.[459] The extent of road development after a decade of sustained effort and "splendid enterprise" is depicted in Map 8 (above). By 1933 the county had formed 33 miles of main highway and 85 miles of county roads, ranging from metalled dray roads to bridle tracks. It can be seen that most of the valleys now had access, although it is also evident that some areas – Marangairoa, Wharekahika and Horoera – for example, did not. The equity of road provision in the first decade of county administration will be discussed later in the chapter. It also goes without saying that the roads serviced farms, as opposed to communities, and that traditional coastal communities were not provided for.

Quite apart from the economic benefit, the county's roads were a source of pride to many of the ratepayers. Much of the development was carried out when wages and material costs were high: in 1933 it was estimated that £42,836 had been expended by the county on road works since its inception.[460] The county's loans for roads and related workers' dwellings amounted to £5,200, held with both the Public Trust Office and the State Advances Office.

By 1925 the economy had slowed. The incoming council of 1926 was advised to "urgently curtail expenditure in every branch of its administration."[461] The same year the Hicks Bay freezing works closed down. The details behind the works, both its construction and its demise, remain murky. The venture was financed by the Bank of New Zealand and it was also supported financially by county ratepayers, both as shareholders and through the harbour works undertaken by council, including the formation of the Hicks Bay Road. In 1936 a county councillor referred to a £3,000 settlement made by the council with the company for the plant at the closed-down

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[458] Ibid, County clerk to Deputy Superintendent, State Advances Office, 9 February 1923; DB:864.
[459] Ibid, Preliminary Application for Loan, 18 May 1925; DB:865.
[460] *Poverty Bay Herald*, 11 November 1935; Towers DB:300.
[461] Quoted in McConnell, p.297.

works.[462] The closure itself was attributed to various factors. In 1937 it was claimed that the district had simply been unable to carry enough stock to make the works economically viable.[463] In his local history of Te Araroa, Bob McConnell relates that the closure was the result of farmers by-passing the local works and sending their livestock to Auckland for better prices.[464] The result of the closure was that the council lost substantial revenue from rates and wharf fees and local shareholders lost their cash. The situation worsened with the world-wide depression in 1929 with wool prices plummeting. Matakaoa's hospital at Te Araroa, another optimistic county initiative, was opened in 1929 and closed two years later due to lack of funds.

The 1931 year was described as an "exceptionally hard" one that saw many ratepayers, both Maori and Pakeha, default. The council was loath to prosecute defaulters, particularly those on small holdings, lest they walk off their farms. On the other hand, the council was facing an annual liability of some £16,000: £5,300 of which was interest on an overall indebtedness of £67,000. The exchange alone on the capital raised in London was costing £1,000 a year. According to the county clerk, the council had cut expenditure as much as possible without letting the roads go back, but the annual road charges were more than the amount of receipts from rates. Nor had the council's plight been improved by a county revaluation in March which saw the capital value reduced by 14 per cent.

In September 1931 Council Chairperson Kemp and County Clerk McNaught, accompanied by their local Member K. S. Williams, appealed to the prime minister for help. Kemp suggested an annual government grant of £2,000 to keep the council solvent, and to give responsibility for collecting rates from Maori to the Native Trustee. As discussed below, the deputation saw the main problem as being the council's inability to collect rates from Maori, although McNaught did point to other factors, such as the council's heavy expenditure, both on the hospital and the "rather too progressive policy of roading."[465] The result of this meeting was a further rates compromise from Ngata which dealt with the immediate problem of the impending London interest payment.

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[462] R.G. Saxby to editor, *Poverty Bay Herald*, 20 April 1936; Towers DB:113.
[463] *Poverty Bay Herald*, 6 August 1937, quoted in Wharf Committee Report, 13 December 1956, 'Matakaoa re Hicks Bay Harbour, 1954-1959', GDC Te Puia Service Centre; DB:928.
[464] McConnell, p.298.
[465] 'Matakaoa County Council: Financial Difficulties and Inability to Collect Native Rates', 8 September 1931, MA 1 414 20/1/52 pt.2; Towers DB:1411.

By November 1931, three councillors had to leave the monthly council meeting during a discussion on rates, for they were themselves defaulters. The following monthly meeting was attended by K. S. Williams who advised the council to again approach the Minister of Internal Affairs. At the close of March 1932, the £5,000 of rates revenue collected by the county council for the year just ended represented only 31 percent of rates demands. The council's overdraft with the BNZ exceeded the statutory limit, hospital board levies were in arrears, as were interest payments to the Public Trust Office and Waiapu County Council. Nor was there money to meet the next London interest payment. With little hope of collecting arrears, the council resolved to cease operating. Council staff were discharged and the Minister of Internal Affairs was informed of the decision.[466]

6.1.3 Ngata's rates compromises

One of the most commonly argued factors behind the county's financial straits was what was called the 'native rating problem'. Matakaoa County was seen to be particularly affected because about 40 percent of the county was occupied by Maori. The non-payment of rates by Maori at this time can be, and were, attributed to a myriad of political, economic and administrative factors, all of which have been addressed in Richard Towers' research. These issues were known to the council: native rating had been the subject of inquiry in Matakaoa County, and indeed all of the East Coast counties in 1924, as a result of continued local government lobbying.

The committee of inquiry for Matakaoa County included the then council chairperson W. F. Metcalfe. In its report, committee members acknowledged that large blocks of papatupu land had only recently been "settled" by the Native Land Court. This, together with a lack of finance to develop land in Maori occupation, was identified as the main reason for the non-collection of rates. Metcalfe also asserted there was Maori political resistance to rating: "Through treaty rights and legislature the Maoris claim that they are exempt from rates…"[467]

Early county loan applications and repayment estimates explicitly referred to the reality of non-payment. The county's application to the Superannuation Board for extinguishing the Waiapu County debt, for example, stated that: "Allowance has been made in the estimate for Native rates

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[466] *Dominion*, 7 April 1932; Towers DB:81.
[467] 'Copy of Information Supplied By W. F. Metcalfe …', Native Rates Committee, in MA 1 407 20/1/14 pt. 1; Towers DB:1047.

that may not be collected at the expiration of the current year."[468] At the end of its first three years of operation, some £6,075 of rates was outstanding from Maori. The 1924 inquiry however, confidently predicted that rates returns from Maori land would improve with the recent incorporation of farming lands in the Awatere Riding and the provision of development finance from the Native Trustee, enabling the "the effective occupation of Native lands." An impending "reorganisation" of farms in the Horoera Riding, no doubt a reference to Ngata's consolidation scheme extending to Matakaoa County, would "improve the position of all these farms and enable them to meet the rate claims."[469]

K.S. Williams, a committee member on the 1924 inquiry, later revealed that Matakaoa County Council had been "banking on the commission report," with its prophesies of improved Maori rates receipts, in subsequent loan arrangements.[470] In fact, the situation did not improve markedly. Rates books from 1926 show that about one quarter of the listed Maori ratepayers paid their rates, although this statistic does not reveal the percentage of rates returned from Maori occupancy. Successful Maori farmers such as William Walker and Henry McClutchie were listed on Pakeha rating rolls. Maori too, were affected by worsening economic conditions.

Unlike its parent authority to the south, Matakaoa County Council did not press Maori through charging orders for payment, a fact Maori attributed in 1925 to the Maori presence on council:

> Ka nui te ngawari o te Kauti o Matakaoa ki te Maori, i ngawari ai na te uru pea he mema Maori ki te kaunihera. Kaore ano he Maori kia hamenetia mo te kore utu reiti … [471]

Instead, in the worsening economic climate, from 1928 the county took advantage of Ngata's offer of rates compromise. The first agreement with the government was reached in December 1928, when Matakaoa County Council received £3,400 in settlement of the £9,000 of unpaid rates for Maori occupied land that had accrued from its constitution until 1928. Councillor Saxby

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[468] County Clerk to Superintendent, Public Service Superannuation Board, 22 December 1921, 'Letters Received', GDC Te Puia Service Centre; DB:860-1.
[469] H. Carr, K.S. Williams, A.W. Kirk, W.F. Metcalfe, A.T. Ngata to J.G. Coates, 25 July 1924, MA 1 414 20/1/52 part 1; Towers DB:1334.
[470] 'Matakaoa County Council: Financial Difficulties …', 8 September 1931, MA 1 414 20/1/52 pt.2; Towers DB:1412.
[471] "Matakaoa County has gone very easy on Maori, easy perhaps because there are Maori members on council. Maori have not yet been summoned for the non-payment of rates…" (author's translation), *Te Toa Takitini*, 1 October 1925, no. 51, p.309; Niupepa: Maori newspapers online.

later revealed that this initial compromise was negotiated by the Council in order to finance the £3,000 settlement to the Gisborne Sheepfarmers Company mentioned above, for the plant at Hicks Bay when the freezing works closed down.[472] A further £1,800 settlement of rates arrears was made in September 1930, and the money paid in October. For the financial year 1930-31 no direct payments from Maori ratepayers were made. In July 1931 an increasingly desperate council chairperson and clerk went back to Ngata for another £1,000 in lieu of the £2,000 owed to the council in rates for the current year. The council also claimed that £4,000 was owing in rates arrears, although given the previous cash concessions, it is not clear what this claim was based on. In response, Ngata offered the council £1,500 to settle the total £6,000 claimed. In August the council responded that it could not accept the offer if it was to cover the rates for the current year, to do so would be unfair to those who had paid. The council was only willing to accept the £1,500 as compensation for the £4,000 arrears.

As outlined above, in September 1931 Kemp and McNaught travelled to Wellington to plead their case with Prime Minister Forbes. At the meeting, K. S. Williams explained that the council had rejected Ngata's offer of a third compromise to cover the current year's rates owing by Maori, primarily because it was considered to be unfair to paying ratepayers. A second reason was the effect this would have in the upcoming election:

> Another point, which he thought that he should mention, was that the County elections in the ordinary course of events would take place next year, and if the Council accepted this £1,500 it would put all these Maoris on side against the white chaps who probably would not be able to pay; and, frankly, they feared the result of the elections under those conditions.[473]

Paradoxically, when pressed again about Ngata's offer, McNaught claimed that accepting the sum would bankrupt the county. As a direct result of the meeting, a revised settlement was negotiated. On 16 September 1931 a reduced payment of £1,200 was accepted by the council in settlement for rates arrears, not the current rates.

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[472] Saxby to Editor, *Poverty Bay Herald*, 20 April 1936; Towers DB:113.

[473] 'Matakaoa County Council: Financial Difficulties …', 8 September 1931, MA 1 414 20/1/52 pt.2; Towers DB:1409.

In spite of the compromises, and even because of them, Maori increasingly became the scapegoat for the county's economic woes. In the September 1931 interview with Prime Minister Forbes Ken Williams had declared:

> The main trouble was because the County was unable to collect Native rates. … When times were good, the non-collection of the Native rates was not such a burden, but now that times were bad the Pakeha settlers were beginning to think that if the Maori settlers could get their rates compounded they might as well do that too.

Williams thought the prime minister would sympathise with the white ratepayer:

> who was paying and trying to maintain the roads, whilst these other people were running butter and cream and wool over the roads and not paying anything towards them. They were getting all the advantages of what the white people were doing and not contributing anything towards it.[474]

By 1931, K. S. Williams, like many Pakeha, was fed up with consolidation. He considered that the effect of Ngata's rates compromises was to undermine individual Maori responsibility for their rates. The expected returns from incorporated Maori farms had not been realised because these lands had been included in the compromise agreements, and farmers who had "paid well" initially had allegedly "sat back" since the compromise schemes. Moreover, as reflected in his comments quoted above, Williams maintained that the compromises reached for Maori set a bad example for hard-pressed Pakeha farmers. The suspension of county business in April 1932 was erroneously reported as being "entirely due to the non-payment of native rates." The *Poverty Bay Herald*'s editorial the following day mounted a stinging attack on Matakaoa Maori:

> Maoris in the Matakaoa County are liable for one-third of the total rates, but from the inception of the county up to the end of the year 1930-31 the amount paid by them or on their behalf was only 50 per cent of the amount owing, and nearly 30 per cent of what was paid was contributed by the general taxpayer through the Consolidated Fund….The obvious result of this neglect is that the European settlers have been called upon to pay heavier rates than were legitimately chargeable against them. In prosperous times they were able to carry this burden without unduly feeling its weight, but under the present economic pressure the charge has been intolerable, and it is quite possible that the serious discontent that has been created is a factor in the reduced percentage of European rates paid last year.[475]

[474] Ibid.
[475] *Poverty Bay Herald*, 8 April 1938; Towers DB:78.

The newspaper report echoed arguments made by K. S. Williams to the prime minister six months previously. Furthermore, it wrongly suggested that the Maori default was deliberate; the result of "a general determination not to pay rates," leading to a call for some sort of government intervention to enable counties to take legal action against Maori defaulters.

The allegations did not go unchallenged. Reweti Kohere, an inaugural Matakaoa County Councillor and regular correspondent to the newspaper, reminded readers that the principal cause of the county's financial plight was the world-wide depression, and not Maori defaulters. He pointed to the widespread default of Pakeha ratepayers within the last two years, and the relative generosity of Ngata in effecting multiple compromises with the county. Kohere also voiced Maori discontent with the inequitable provision of service within the county. The fact Maori had paid even 50 percent of rates over a decade was commendable, he suggested, given that they saw nothing for such payment.

> Furthermore, roads as a rule are primarily made for the convenience of Europeans, not for that of the Maoris. The Maori gets into the picture more often by accident and good luck than by right. If a native should happen to be on a decent road it is because he happens to be on the main highway or on the line of communication to a European settler. If he should happen to be out of the way he will be left high and dry by the County Council, even though he pays his rates regularly for years.[476]

Throughout the ongoing debate regarding the extent of Maori defaulting, various figures were bandied about. The most oft-quoted was that £42,000 was owed from Maori ratepayers in the period 1921-1932, of which £21,000 was paid, including the compromises from Ngata. In his report prepared for the 1933 Commission of Inquiry into Native Rating, newly appointed Commissioner Bull itemised the history of rates received from Maori ratepayers, excluding compromise payments. According to these figures, over 50 percent of rates were collected from Maori in the first two years of county, rising to around 70 percent for the years 1923-1927.[477] From 1928 receipts had steadily declined, a trend Bull predictably attributed to the "realisation that Native lands could not be sold for rates," and to Ngata's compromise settlements which "have tended to lessen the individual responsibility to realise and meet rating obligations."[478]

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[476] RT Kohere to editor, *Poverty Bay Herald*, 15 April 1932; Towers DB:76.
[477] 'Statement submitted with evidence of CH Bull…', in IA 1 103/33/9 pt. 1; Towers DB:316.
[478] Ibid; Towers DB:317.

Rates for the 1931-32 year were compromised in full. Virtually no payments were made for the year 1932-33.

While it is accepted that the low returns from Maori ratepayers was problematic for a county with 40 percent of rateable land occupied by Maori, it is drawing a long bow to then blame the collapse of the county on them, which in fact became the received version of events. In the global depression Maori, like Pakeha, found it difficult to pay their rates. Yet the non-payment from Maori was compensated by four compromise payments from Ngata. These were not 'giveaways' from a beneficent Minister: Matakaoa landowners paid for the deals in land. Defaulting Pakeha on the other hand, made no such compensating payments. As Kohere pointed out, the financial collapse of the county was due to a depression which hit when the county was still in its infancy, both in terms of farm development and productivity and in terms of its equity in county assets.

6.1.4 'Native rates' – representation and service

The significance of rating for the purposes of this report, particularly given the subsequent commissioner control of Matakaoa County, is twofold:

- to what extent did Maori participate or acquiesce in incurring the debt that led to the county's insolvency?; and
- to what extent were Maori equitably provided with the fruits of this expenditure?

The first relates to the extent of Maori participation, either as councillors, or as poll-taking ratepayers, in incurring the heavy liability which led to insolvency and commissioner control. Much of the county's debt, the harbour loan of $30,000 and road development loans, were raised with the sanction of ratepayers, either by poll or by written consent. Whether Maori had had a say in sanctioning the loans was a question put to Commissioner Bull in 1933, one he was unable to answer. He pointed instead to the fact that there had always been Maori representatives on council.[479] By 1930, Councillors Stainton and Kohere were Maori, the other seven, including the chair, were Pakeha.

[479] Evidence of C.H. Bull, Native Rates Committee 1933, MA 1 407 20/1/14 pt. 1, p.134; Towers DB:1050.

The extent of defaulting is indicated by the 'Ratepayers and Votes' graph Map 8 (above). An analysis of the rates books for the rating year of 1925–26 (and for Whangaparaoa Riding 1926/27) reveals that 134 of the 182 listed Maori ratepayers – 74 per cent – were in default. In actual fact, only 24 of these 134 defaultors did not pay rates. The other 110 had their rates compromised: that is, the rates on their land were paid on their behalf by the forfeiture of part of the land under Ngata's consolidation schemes. These compromise payments to council, however, were made after 1928. For the purposes of franchise therefore, prior to any settlement payment, compromised ratepayers were treated as being in default. Section 57 of the Counties Act 1920 – disqualifying defaulting ratepayers from voting – applied equally to elections and polls. Given the widespread Maori rates arrears detailed in the 1924 committee's report, particularly for the ridings of Awatere and Horoera, coupled with the 1925–26 rates books which show three quarters of Maori ratepayers in default, it is reasonable to conclude that Maori sanction for the county's indebtedness was extremely limited. This is supported by the observation from Ngata in 1932 with regard to Matakaoa County:

> As far as the policy of the County expenditure was concerned, the people who had the least say as to how money should be spent and for what purpose were the Maoris of the district – whether they paid rates or not; they simply said it was the Whites' business. When the counties got into difficulties they were roped in along with the rest.[480]

Maori ratepayers were similarly left out of decisions incurring debt for road construction. By way of example, the Potaka–Waikura road loan was raised in May 1925 with the written consent of ratepayers, and a special rate was levied over the whole Whangaparaoa riding.[481] The available rates book for 1926–27 reveals that all seven Maori ratepayers were in default, indicating that they would have had no say in the raising of the loan.

The financing of road development also raises issues of equity between Maori and Pakeha. As detailed above, complaints regarding the lack of access for Maori were first aired by Reweti Kohere in his letter to the editor in April 1932. These were repeated to the Minister of Internal Affairs when he visited Te Araroa to talk to the council the following month.[482] Councillor

[480] A.T. Ngata, 'Native Rates: Non-Collection of…', 13 April 1932, MA 1 402 20/1/1 pt. 2; Towers DB:615.
[481] Preliminary application for Loan, 18 May 1925, 'Letters Received'; DB:865.
[482] 'Notes of a Conference Members of the Matakaoa County Council had with the Minister of Internal Affairs…', 30 May 1932, IA 1 103/33 pt. 1; Towers DB:50-51.

Kohere reiterated his concerns to the rating commission at Te Araroa in 1933, citing examples where ratepaying Maori farmers suffered great hardship through want of access, appearing before the Commission in his rough riding garb to prove his point. His testimony provides an insight into the working of the county on a riding basis.

Kohere represented Horoera riding, an exclusively Maori riding, and the poorest of the county. Although 42 ratepayers were listed on the roll, in reality the riding comprised 12 working farms, only two of which had access to a road. Kohere explained that county expenditure was based on the riding, each riding contributing to the county's administration and to the main highway fund. What was left over was devoted to road maintenance. In fact, the Horoera Riding could not meet even these commitments, and certainly nothing was left over for roads. While the rest of the county may have been "practically all roaded," access within the Horoera Riding consisted of five miles of clay road. Kohere, a councillor of over ten years standing, claimed that in his experience, the riding system meant that "the stronger ridings run the county at the expense of the weaker ridings."[483]

The provision of service is raised here because the debt incurred by the Matakaoa County Council in its first ten years, the extent of which proved crippling in times of depression, was incurred by Pakeha ratepayers, and arguably spent on Pakeha ratepayers. The 1933 Native Rates Commission of Inquiry did not accept that Maori had been treated inequitably in the provision of access. It was pointed out during the sitting at Te Araroa that Maori dairy farmers benefited from the main road to Ruatoria, and that better access would come with time: "we have all gone through the phase of bad access."[484] In its official report the commission concluded that the majority of Maori land was as well served by roads and bridges as lands occupied by Pakeha within the same localities. It claimed that the construction of access roads to small Maori farm blocks – and it specified the East Coast – must be a charge on the land or the Crown, not local government.[485]

[483] Evidence of RT Kohere, Native Rates Commission 1933, MA 1 407 20/1/14 pt. 1; Towers DB:1070-74.
[484] Chairman, Native Rates Commission of Inquiry 1933, MA 1 407 20/1/14 pt. 1, p.152; Towers DB:1069.
[485] *AJHR* 1933, G-11, p.2.

6.2 Government Intervention

In April 1932 when the council ceased to function, County Clerk McNaught offered to stay on, without remuneration. In Wellington, Cabinet deliberated over what to do with the insolvent county. From the outset, the government was concerned to protect the interests of the county's creditors, and was particularly concerned about the effect defaulting on the London loan would have on the Dominion. Meeting the next London interest payment of £1,615 due mid-May was seen to be the most pressing problem. A government bail out, by loan or grant, was discounted because of the government's own extreme problems, and its reluctance to set a precedent. Although there was power under the Local Bodies Loans Act 1926 to appoint a receiver, this too, was considered unsatisfactory because a receiver could deal only with secured loans: the Bank of New Zealand overdraft and other sundry liabilities could not be liquidated. Nor could a receiver collect outstanding general rates, but only those special rates securing particular loans. Moreover, with regard to the impending London interest payment, it was acknowledged that there was little money to be had within the county until the next year's wool clip was sold.[486] In short, the appointment of a receiver would leave the county's creditors high and dry.

The alternative was to keep the council functioning to "concentrate on the financial position." To this end, local body elections a month away were abandoned for the troubled county. Section 3 of the Local Elections and Polls Amendment Act 1932 extended the term of office of the current Matakaoa County Council for a further three years. The measure was appreciated by the Pakeha councillors, but not by Kohere or Stainton.[487] Reflecting the sorry state of economic affairs nationwide, the Act also removed restrictions of rate defaulters in local body elections generally. A proposal was floated that the BNZ convert the overdraft to a short-term loan, protected by legislation, in exchange for its agreement to continue to finance council administration. The council was instructed to levy the maximum rate for a few years, to incur no further liability, and to keep work to an absolute minimum. This left the London interest payment, only two weeks away.

On the misguided premise that the "crux of the whole situation is the native rating problem," pressure was put on Ngata to make a further compromise for outstanding rates for the year just

[486] Memorandum for Minister of Internal Affairs, 19 April 1932, IA 1 103/33 pt.1; Towers DB:67-70.
[487] County clerk to K.S. Williams, 30 April 1932, 'General Correspondence from June 1929', GDC Te Puia Service Centre; DB:866-7.

ended.[488] The Native Minister pointed out that after four settlements, the limit of land available within Matakaoa County to effect the compromise was almost exhausted, but that, in view of the circumstances, he would find another £935 in settlement.[489] This was raised to £1,615, the exact amount of interest due, in full settlement of rates of £2,300. The objections of the BNZ to using this money to pay London, given its own unsecured overdraft, were only overcome "after considerable negotiation, and a direct request by the Prime Minister. The Bank was influenced in its decision by the statement that the Government has under consideration the difficulties of the Matakaoa County."[490] The London interest payment was in fact made in time.

Attention was then turned to the council itself, with the Minister of Internal Affairs travelling to Te Araroa at the end of May 1932, with Ken Williams, MP, once again in tow. The outcome of the meeting was not particularly satisfying for either party. In order to consider financing continued council administration, the BNZ was insisting that the council levy a 4d. rate for the current year. Having failed so dismally to collect on a 2d. rate the previous year, many of the councillors, and Williams too, thought the proposal ridiculous. The council was still hopeful of government assistance, suggesting that government lending departments take over the bank overdraft as a loan. Pakeha councillors also sought a state guarantee for future Maori rates. The Minister for his part merely promised to try to find £200 for another month of operations "until such time as matters could be more closely looked into."[491]

In fact, Treasury decided against the £200 grant. The Minister of Finance considered that the county council "has not yet demonstrated the full earnest of its intentions to face up satisfactorily to its responsibilities…," and that its proposal to extend the overdraft "savours of the financial policy … characterised by lack of financial intuition and responsibility."[492] The council's request for state assistance was viewed, as before, as an "extremely dangerous" precedent to set. With rates from Maori paid up to date through compromise, the council was told instead to collect the considerable outstanding rates from Pakeha. Internal Affairs negotiated with the BNZ to have the overdraft limit extended to £10,000, for a period of three years, on the proviso that Matakaoa

[488] A.G. Harper, Note for File, 29 April 1932, IA1 103/33 pt.1; Towers DB:66.
[489] A.T. Ngata, Memorandum for Minister of Finance, 3 May 1932, IA 1 103/33 pt.1; Towers DB:64-65.
[490] Fraser, Under-Secretary Internal Affairs to Minister Internal Affairs, 24 May 1932, IA 1 103/33 pt.1; Towers DB:61-62.
[491] 'Notes of a Conference Members of the Matakaoa County Council had with the Minister of Internal Affairs…', 30 May 1932, IA 1 103/33 pt.1; Towers DB:49-60.
[492] Minister of Finance to Minister Internal Affairs, 22 June 1932, IA 1 103/33 pt.1; Towers DB:45-48.

County Council met immediate administration expenses, interest on the overdraft, and the next payment of London interest in November from rates collections. Moreover, under this "rehabilitation scheme" the council was to have reduced the overdraft by £2,000 by the end of the next financial year. Payment for other "internal" liabilities would be deferred in the meantime.[493] The council met to consider the proposal on 20 July 1932. Rates for the current year had still not been struck, and the council had only belatedly taken steps to sue for outstanding rates. Overwhelmed by their "insurmountable difficulties," the councillors resolved instead to resign office.[494]

The news prompted an immediate phone call from the Minister of Internal Affairs, urging them against such a course. This was followed up by letter from Under-Secretary Malcolm Fraser, exhorting the council to at least make an attempt at rehabilitation, and hinting at the consequences of not doing so:

> If the Council does not pursue this course it is evident that creditors will soon become restive and will seek some remedy. It is hardly necessary for me to say that this is always likely to force the position that some other form of control might be sought which ratepayers may find more distasteful than the present embarrassing circumstances.[495]

In fact, the creditors were already restive. The letter was the outcome of further dialogue between Internal Affairs, Treasury, and the Bank of New Zealand.

The BNZ considered the resignation "showed a lack of bona fide on the part of the Council" and it was also made clear "that whatever else happens it is imperative in the interest both of the Government and of Local Authorities that no default should be allowed in the payment of London interest."[496] In his memorandum to the Minister, Under Secretary Fraser referred to "[t]he opinion … expressed in certain interested quarters … that the problem is rather big for this particular council to handle on its own and that some more direct advice and help should be made available in the district, at all events, in the initial stages."[497] In mid-August, Matakaoa

[493] Minister Internal Affairs to General Manager BNZ, 28 June 1932, IA 1 103/33 pt.1; Towers DB:44.
[494] County clerk to Minister Internal Affairs, 21 July 1932, IA 1 103/33 pt.1; Towers DB:40-42.
[495] Fraser, Under-Secretary Internal Affairs to County Clerk, 6 August 1932, IA 1 103/33 pt.1; Towers DB:36.
[496] Fraser, Under-Secretary Internal Affairs to Minister Internal Affairs, 4 August 1932, IA 1 103/33 pt.1; Towers DB:37-39.
[497] Ibid; Towers DB:38.

County Council decided to carry on, and to sue for the recovery of rates, notwithstanding that a number of councillors were themselves in default.

In September the BNZ complained to the Minister of Internal Affairs about the council's decision not to impose a 10 percent penalty for late payment of rates. Nor, given the stressed position of the ratepayers, had the council struck the special rates. According to the local bank manager:

> the Councillors are not greatly perturbed over the fact that the County will in all probability not be in a position to find the half-yearly interest due in London in November next. They are apparently relying on the hope that the government will step in at the last moment to save default being made on the London Market.[498]

The council's lack of success in collecting outstanding rates, and in meeting impending payments, was confirmed by McNaught.[499] Two weeks later, the six-monthly interest payment of £318 on the overdraft pushed it over the £10,000 limit: the BNZ stopped all debit operations, and council staff, bar McNaught, was once again discharged.

The county council was stymied. Prosecuting for outstanding rates had not resulted in any satisfaction: although judgements had been obtained in November for claims to £2,056, only two small payments had been made as a result. McNaught, working without pay, informed the under secretary that "it seems to me that very few of those sued are concerning themselves very much."[500] Moreover, the legal action cost the council £121, which it was unable to pay. The November London interest payment was not met. Another appeal was made to Internal Affairs to fund the clerk and county administration, to have the overdraft arrangement renewed to get them to the end of the financial year, and to suspend interest charges on the overdraft for at least 12 months.[501] No help was forthcoming. Although rates received during this period were banked, thereby reducing the overdraft, the BNZ continued to stop all debits.

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[498] Assistant General Manager, BNZ to Minister Internal Affairs, 17 September 1932, IA 1 103/33 pt.1; Towers DB:29.
[499] County Clerk to Under-Secretary Internal Affairs, 17 September 1932, IA 1 103/33 pt.1; Towers DB:26.
[500] County Clerk to Under-Secretary Internal Affairs, 10 November 1932, IA 1 103/33 pt.1; Towers DB:15.
[501] County Clerk to Minister Internal Affairs, 31 January 1933, IA 1 103/33 pt.1; Towers DB:12-13.

Government officials in Wellington attributed the failure to collect rates to the laxity of the council, who had "not pursued the problem with the energy that was expected of it."[502] To take no action would mean default on the London market: debenture holders would be entitled to pursue their legal remedies. The BNZ and other unsecured creditors on the other hand, would have practically no remedy. And, as the Under Secretary pointed out, the BNZ had been "co-operating with the Government in attempting to solve the problem of this County." Alternatively, the government could "take the matter out of their hands," with the appointment of a commissioner to administer the county.

In a further memo commissioner control was placed unequivocally in the context of debt recovery, and particularly for the unsecured BNZ overdraft. Arguing for legislative provision to appoint a commissioner, Fraser reiterated:

> In the case of Matakaoa County Council a Receiver may be sufficient for the secured creditors as the question of continuing administration does not arise to the same extent [as Thames Borough, then under Commissioner control]; but in that case the Bank of New Zealand which has stood by the Council in its predicament is an unsecured creditor for over £10,000 and it would be left without an effective remedy. …
>
> The Government should have the power to prevent a small Local Authority like the Matakaoa County Council prejudicing the credit abroad of the whole of the Local Bodies of the Dominion and, possibly, of the Government.[503]

Treasury paid the November interest, with the proviso that the appointment of a commissioner proceed: "Unless a Commissioner is appointed there is no prospect of the Government recovering the advance of £1,615."[504] And while the council continued to flounder, Internal Affairs initiated steps for the appointment of a commissioner. The Public Trust Office was approached as a possibility, which in turn recommended Charles H. Bull, a chartered accountant of Gisborne.

[502] Fraser, Under-Secretary to Minister Internal Affairs, 4 October 1932, IA 1 103/33 pt.1; Towers DB:22-23.
[503] Under-Secretary Internal Affairs to Minister Internal Affairs, 17 October 1932, IA 1 103/33 pt.1; Towers DB:18-19.
[504] Acting Secretary Treasury to Acting Minister of Finance, 9 November 1932, in IA 1 W1729 103/33 pt.1 ArchivesNZ Wgtn; DB:143.

Legislation providing for the appointment of a commissioner for Matakaoa County was introduced to the House in February, as Section 10 of the Local Legislation Act 1932–33. The commissioner, appointed by the governor in council, was to hold office until the next local body election, in May 1935. During his term, existing councillors were to exercise no powers, nor perform any duties of council. The commissioner's remuneration was to be drawn from county funds. Section 10(12) validated the overdraft arrangement come to with the BNZ the previous July. The explanatory note accompanying the draft clause sets out the official position:

> This clause authorizes the appointment of a Commissioner to have the temporary administration of the County of Matakaoa, legalizes the excessive overdraft incurred by the County Council and empowers the Minister of Internal Affairs to fix the future overdraft borrowing powers. The Council has failed to meet its obligations and comparatively little has been collected in rates within recent years. The Council now has no funds whatever with which to carry on and, in view of the fact that it has exceeded its legal overdraft limit and the unsatisfactory position generally, the Bank will not grant further financial accommodation. The Council has virtually ceased to function and seems powerless to collect rates. Creditors are becoming restive and London interest to the extent of £1615 is due every six months. The time has arrived when it is essential that the administration be carried on by means of a Commissioner who will pursue a vigorous policy of rate collections with a view to meeting the outstanding and current liabilities.[505]

From March 1933, meetings of "principal parties" in Wellington commenced to oversee the appointment, and subsequent administration, of the Matakaoa County Commissioner.[506] This "creditors' committee" as it came to be called, comprised representatives from the Bank of New Zealand, Treasury, the Public Trust Office, and the State Advances Office. In September it was joined by a representative from the Health Department, on account of the unpaid levies owed to the Waiapu Hospital Board.

The creditors' committee was chaired by Malcolm Fraser, Under Secretary of Internal Affairs, with the Department of Internal Affairs having ultimate responsibility for the county's administration. Also present from the outset was Internal Affairs "officer in charge of local government" Arthur G Harper. Eventually rising to the position of Under Secretary, Harper remained personally interested in the county throughout his career and had a profound influence

[505] Ibid, explanatory note, draft clause appointment of Commissioner for County of Matakaoa; DB:144.
[506] Minutes of the creditors' committee are contained in IA1 103/33/3 Archives NZ Wgtn; DB:52-73.

on the continued commissioner control. By April the creditors' committee had narrowed their choice of commissioner to Bull, an offer he subsequently accepted. Bull had no local government experience. He was selected because of his proximity to the county, his business management skills and his attested integrity. Metcalfe, a former chairperson of the county, had optimistically applied for the job: "I understand the conditions both European & Maori," but his application did not make it to committee.[507]

After some negotiation, the creditors' committee also arrived at a scheme for rehabilitating the county under commissioner control. The BNZ agreed to fund the administration of the county for the next 12 months to the extent of £800, to be a first charge on all revenue received. McNaught as county clerk would be retained at a reduced salary. Treasury agreed to pay the upcoming May London interest payment. The other secured creditors, the Public Trust Office and the State Advances Office, agreed not to appoint a receiver for at least 12 months. Outstanding rates to March 1932 were to be directed towards reducing the bank overdraft. Rates for the year just ended would be spilt: half going towards reducing the bank overdraft and half to be divided between the other creditors. Rates for the current year would pay working expenses, including bank interest, the balance to be allocated by the creditors' committee in three months time.[508]

Just as the 'native rating problem' came to be seen as the cause of the county's financial collapse, other received stories surrounding the government's intervention in Matakaoa County warrant re-examination. To begin with, throughout 1932 and early 1933 government officials continued to peddle the artifice that they were pursuing commissioner control in the county's best interests, that is, to keep receivers at bay. In offering Bull the job, for example, it was explained that "unless some remedial action is soon taken creditors are likely to pursue whatever legal rights of recourse they possess."[509] The commissioner's appointment had been contemplated, "so that creditors may with more confidence delay taking any direct action and thus provide an opportunity for restoring the County to normal conditions."[510] In fact, the legal avenue through receivership was never seriously contemplated because the creditors had too much to lose. As the same Internal Affairs bureaucrats ruminated, receivers would only have had

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[507] Metcalfe to Coates, 5 March 1933, IA 1 103/33/1 ArchivesNZ Wgtn; DB:8.
[508] Ibid, 'Matakaoa County Council', report of creditors' committee, 4 April 1933; DB:11-14.
[509] Fraser, Under-Secretary Internal Affairs to C.H. Bull, 10 April 1933, IA 1 103/33/1 pt.1; Towers DB:208.
[510] Ibid.

recourse to the special rates used as security for the various loans, and the most vociferous creditor, the Bank of New Zealand, was unsecured. Likewise, Treasury was concerned to recoup the unsecured advances to London made on the county's behalf. To be sure, the creditors were restive, and commissioner control, not receivership, was the "direct action" they sought. The commissioner was answerable to the creditors' committee, not the ratepayers, and this arrangement was aided and abetted by government. Dr Wirepa's subsequent description of commissioner control as an imposed "legal penalty" is entirely apt: it proved to be an extremely effective way to ensure that creditors got paid.

A second, related, myth is the imposition of commissioner control as an act of government and creditor magnanimity. This was expressed in official reports, for example, the Internal Affairs Under-Secretary wrote in 1937 that:

> at a critical period in the County's collapse, the Bank of New Zealand, in collaboration with this Department stood by the County, and, without any security whatever and at considerable risk, from time to time granted further accommodation to keep administration going..."[511]

Yet the events as narrated above show little evidence of government benevolence. The council was left to flounder in the face of recurring interest charges on the overdraft; unable to access rates receipts deposited into the county account. Of course it is not in a bank's interest to endlessly extend a bank overdraft. It is significant however that the concessions negotiated with the Bank of New Zealand on the county's behalf – such as the three year freeze on interest – came about only after ratepayer control was suspended and were dependant on commissioner control.

6.3 Matakaoa County Commissioner 1933–36

6.3.1 Rates collection

The county council had been reassured that the purpose of the commissioner was not "to put in a manager to wield the big stick, but someone who would be more of a supervisor and who would

[511] Heenan, Under-Secretary Internal Affairs to Minister Internal Affairs, 16 November 1937, IA 1 103/33/1 pt.1; Towers DB:190-91.

work in conjunction with the Clerk."[512] Bull took up his appointment in April 1933 and immediately launched his "three month campaign." His introductory tour of the county to meet the ratepayers face to face was followed up with a letter to the 300 or so defaulters, requesting information as to their financial position. This conciliatory approach paid off: from a rates return from Pakeha of 31 percent for the year 1932–33, Bull was able to declare at the end of the next rating year an increase to 77.5 percent. This was, he reported, "purely the result of persuasion, no legal steps having been taken for recovery or rates since his assumption of the post of county commissioner."[513] The "marked and willing response and co-operation of settlers" was noted in an Internal Affairs review of the county in July 1934. It was also acknowledged that the improved rates collection coincided with an improvement in wool prices.[514] From 1934 on, the threat of legal action and the imposition of a 10 percent penalty on outstanding rates were further incentives invoked by the commissioner, which saw Pakeha rate receipts rise to 82 percent by 1936.[515]

The return from Maori ratepayers after his first year on the other hand was a disappointing 15 percent. Commissioner Bull's appointment coincided with the 1933 Native Rating Inquiry. At the Te Araroa sitting in May 1933, the newly appointed commissioner submitted that productive Maori land should be placed on the same basis as general land. He postulated that the rateable value of land occupied by Maori would only increase with the land development schemes, and that the collection of rates from Maori land was crucial to the county. Of immediate concern was the collection of the 99 percent of unpaid native rates for the 1932-33 financial year, and Bull signalled his intent to extract rates from defaulting dairy farmers, most of whom were Maori, via the Dairy Company through orders on butterfat returns.[516]

Bull had been made aware at the inquiry sitting at Te Araroa that the 100 or so farmers in the fledgling dairy industry saw little return once their mortgage payments were deducted. By October 1933 he was nonetheless reporting of an arrangement with the company to have 15

[512] J. A. Young, Minister Internal Affairs, Note for file, 5 April 1933, IA 1 103/33/1; DB:15-16.
[513] *Poverty Bay Herald*, 13 April 1934; Towers DB:119.
[514] Under-Secretary, Internal Affairs to Minister Internal Affairs, 5 July 1934, IA 1 103/33/1; DB:24-26.
[515] *Poverty Bay Herald*, 7 April 1936; Towers DB:114.
[516] Evidence of C.H. Bull, Native Rates Commission of Inquiry, 1933, MA 1 406 20/1/14 pt.1; Towers DB:1042-43.

percent of the net profit of Maori suppliers paid directly to him in reduction of rates.[517] Bull was also bent on "finding a solution to the Native Rating problem in the County," initiating "close collaboration" with the Native Land Court. Expenditure on title searches in the Native Land Court was authorised by the creditors' committee in Wellington and applications for charging orders for unpaid rates were regularly made from this time.

By July 1935 Bull had secured the court's agreement to appoint a receiver in every case where the rates owing exceeded £50, the Maori Land Board being the receiver.[518] Two years on, however, Bull was complaining that in spite of his persistence, "no rates have been received through the action while quite a large sum has been paid to the Native land Court in fees." The Maori Land Board had taken no steps to collect revenue from the blocks at issue, "although I have repeatedly drawn his[sic] attention to farming activities thereon."[519]

Nonetheless, by the 1935–36 rating year, the result of the commissioner's concerted policy was a return from Maori rated land of some 54 percent, lauded publicly as constituting "a record for the Dominion." Using the peculiar accounting logic that, "actually if interest and standing charges be regarded as a first charge on rate collections the Natives as a whole are not contributing towards the upkeep [of roads]," the commissioner approached the Native Department for a maintenance grant of £750, a request endorsed by Internal Affairs.[520] The commissioner did not receive a response.

6.3.2 Road maintenance

Of paramount concern to the ratepayers throughout the collapse of the county was the upkeep of their prized roads. Even during the years of depression, county expenditure on maintaining the 85 miles of county roads had averaged £3,221.[521] Present when Maori complaints to the 1933 Rating Commission of Inquiry about lack of access were aired, the new commissioner's interjection boded ill: "They will all be in the same position now. No money will be spent on

[517] 'Minutes of Meeting held in Room 16…', 25 October 1933, IA 1 103/33/3 ArchivesNZ Wgtn; DB:60.
[518] Ibid, 'Minutes of Meeting of Creditors Committee…', 10 July 1935; DB:69.
[519] 'Extract from 10th Report of Matakaoa County Commissioner', IA 1 103/33 pt.3; Towers DB:115.
[520] Extract from the 12th Report of the Matakaoa County Commissioner', nd, IA 1 103/33/7 pt.1, ArchivesNZ Wgtn; DB:93.
[521] Ibid, Engineer in chief & Under Secretary Public Works to Under Secretary Internal Affairs, 30 May 1934; DB:85-86.

roads within the next twelve months, except for unemployment [funds]."[522] There was in fact no provision for road maintenance in the rehabilitation scheme devised by the creditors in the Capital. The Main Highways Board temporarily filled the breach with regard to the 33 miles of main highway, taking over maintenance to prevent deterioration. The eight surfacemen under the supervision of the district engineer of the Public Works Department were paid by the Unemployment Board. These men were also supposed to maintain county roads under the supervision of the councillors, but without funds for tools and plant little was done.

In March 1934, prompted by criticisms from their local man on the ground, the Main Highways Board took issue with Treasury over the omission of the creditors' committee in failing to provide for county road and highways maintenance "which after all are the very essentials for any community." The Board's local representative had complained:

> Regarding finances it is obvious that the arrangement by which the Creditors Committee allow the County Commissioner £800 per annum for all expenses, will not permit of the Council contributing any appreciable sum for road upkeep. This sum was fixed no doubt, as a limit purely from an accounting viewpoint, and appears to have entirely disregarded any allowance for the preservation of the assets which have been created out of the money loaned by the creditors. The preservation of these assets is vital to the existence of the great majority of the Matakaoa settlers and is therefore a very important consideration for the creditors committee. It seems futile to expect the settlers and the county to makeup much of the financial leeway if the roads are allowed to go to ruin.[523]

The chairperson of the Main Highways Board agreed that it was, "indeed surprising that arrangements have been made for meeting almost every kind of expense except that which is most necessary to preserve assets, the creation of which appears to be largely responsible for the present state of the County's finance."[524] The same point was reiterated by the district engineer of the Public Works Department in a letter to the Matakaoa County Commissioner.[525] With regard to the main highway Bull suggested that an annual allowance of £250 be earmarked for road maintenance: the creditors' committee agreed to £150. From June 1934 the Main Highways Board accepted the token £150 annual payment towards the county's liability for main highways

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[522] C.H. Bull, Native Rates Commission 1933; Towers DB:1062.
[523] Quoted in Chairman, Main Highway Boards to Secretary Treasury, 7 March 1934, IA 1 103/33/7 pt.1; DB:81-82.
[524] Ibid.
[525] Thornton, District Engineer to Commissioner, MCC, 12 March 1934, IA 1 103/33/7 pt.1; DB:83-84.

maintenance, estimated at £726. Public Works was willing to take over temporary maintenance of the county roads for the estimated cost of £1,875. This sum was considered "not feasible" by the creditors' committee: Bull was instructed instead to continue "the existing arrangement" with local support, allowing only £100 to be spent on new tools.[526] Under increasing pressure from ratepayers, in July 1935 Bull secured the committee's agreement to expend £500 on the maintenance of the county roads. From 1936 county road maintenance was supervised by the district engineer of the Public Works Department, with the county providing half of his salary and travel allowance.[527] A further £1,200 was provided for urgent repairs as a result of summer floods.

The support from the Public Works Department with road maintenance was not the only concession granted to the commissioner-led county. Six months into the job it had become evident that even with improved rates receipts, the level of county debt was unbearable. In August 1933 Bull proposed a rehabilitation scheme based on the reduction of all loan interest to 4 percent; a compromise of native rates; and the capitalisation of overdue debt.[528] After protracted negotiation, in October the creditors' committee ratified a "temporary financial relief scheme." The main concession was a three-year freeze on interest on all arrears, including the bank overdraft as at 31 July 1933. The government would continue to pay the London interest, to be reimbursed by the county. Once again, rates revenue was allocated between the creditors, with the BNZ receiving consideration for rates arrears along the lines of the earlier agreement. Current rates were to go towards first administration, then the hospital levy, then, pro rata, London interest and other secured creditors, including the Waiapu County Council. Any balance was to be directed to reimbursing the government for London interest advanced by the Crown, the reduction of arrears to the hospital board and other sundry debts.[529]

The glaring omission, as pointed out by officials connected with road works at the time, was the lack of any provision of funds to protect the assets for which the debt had been incurred in the first place. Under state-sanctioned commissioner control, the ratepayers of Matakaoa were being forced to uphold their end of the bargain – to repay the debt – without any corresponding bailiff

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[526] 'Minutes of meeting held in Room 16…' 13 June 1934, IA 1 103/33/3; DB:65-66.
[527] Details in Road file IA 1 103/33/7 pt.1; DB:88-92.
[528] Under Secretary Internal Affairs to Minister Internal Affairs, 3 November 1933, IA 1 103/33/9 pt.1; Towers DB:302-303.
[529] Ibid; Towers DB:302-304.

duty to preserve the contractual assets. Given the importance of the roads to the business of farming, the failure to maintain them can also be seen as undermining the ability of the farming community to repay the debt, and tantamount to seizing the tools of production. In the long-term, the inadequate maintenance of the county infrastructure was arguably a significant cause of the district's subsequent economic stagnation. The unfairness of the rehabilitation scheme was also a primary cause of the challenge to commissioner control that gained ground from 1936.

Over 1934 the government also arranged to have the London loan paid off with a locally raised loan at a reduced interest rate.[530] The London Redemption Loan of £53,525 (an extra 25 percent of capital liability added on account of exchange) was sanctioned by Order in Council on 23 January 1935. It was taken with the Post Office and secured by a special rate of 7/8d in the £ over the whole county for 37½ years.[531] This was said to have saved the county £1,224 annually.

6.3.3 Extension of control

Commissioner control of the county was only ever contemplated as a temporary measure, or so it was said. From the outset Matakaoa ratepayers had been reassured that "the appointment of the commissioner would stabalize [sic] the position in the County and result in its early restoration to normal working conditions."[532] Bull's first year of county administration was publicly heralded as a "remarkable recovery" and his personally delivered report to the creditors' committee in July 1934 was rewarded with a £100 bonus. Rates collected for the year topped £8,000, which had enabled Bull to pay working expenses, interest due, a number of sundry debts, and almost half of the reimbursement for past London interest payments. The bank overdraft had also been substantially reduced.

In addition, the "satisfactory arrangements for road maintenance," his "vigorous policy of native rate collections" and the "greatly improved administration" were all lauded by the Under-Secretary, Fraser. Various factors were attributed to the improved financial position: the creditors' concessions and government support; the rise in wool prices; the "marked and willing response and co-operation of the settlers," and Bull's personal "remarkable zeal and ability." In

[530] See correspondence in file IA 1 103/33/5 ArchivesNZ Wgtn; DB:75-78.
[531] *NZ Gazette* no.31, p. 1193.
[532] 'Matakaoa County. Financial Difficulties. Commissioner Appointed', press statement, IA1 103/33/1; DB:17-18.

all, the commissioner's management of county affairs was deemed to have been "singularly successful."[533]

Nor did the creditors want to see it end. At the same meeting the expiry of commissioner control, set down in legislation as being the local body elections of May 1935, was discussed. The committee resolved to ask the government to extend the period of control to the elections of 1938 instead. In his memorandum to the Minister of Internal Affairs, Fraser advocated the extension of commissioner control "until such time as the County is back to normal conditions and able to pay its way in full. Such a prospect seems very probable if the present rate of progress is maintained, and no doubt would be achieved by 1938."[534] The Under Secretary recommended that the appropriate clause be prepared for the Local Legislation Bill. Kemp, for the defunct council, was informed of the decision as a formality in July.[535] He responded that the councillors supported the extension.[536] The extension was subsequently enacted as Section 2 of the Local Legislation Act 1934.

Commissioner Bull continued to send in quarterly reports, and quarterly "distributions" as per the rehabilitation scheme over the ensuing period, which were distributed to the interested creditors. He was rewarded with another pay rise by the creditor's committee – from county coffers – in December 1936. The previous July, with the hospital levy arrears all paid up, the Health Department was no longer represented at committee meetings.

6.4 Challenge

By 1936 Bull was meeting with the Matakaoa County councillors half-yearly. The first hint of ratepayer discontent with the state of affairs was signalled by the recommendation in his eighth report, that representatives from the creditors' committee visit the county. Harper duly visited briefly in March 1936. In April, as a reward for improved rating receipts for the year just ended, Bull publicly promised increased expenditure on the county roads.

This promise was imparted in a glowing editorial in the *Poverty Bay Herald* regarding the commissioner's administration for the year just ended. Pointing to the high percentage of rates

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[533] Ibid, Under Secretary Internal Affairs to Minister Internal Affairs, 5 July 1934; DB:24-26.
[534] Ibid; DB:25.
[535] Ibid, Minister of Internal Affairs to A.E. Kemp, Chairman, no date; DB:22.
[536] Kemp to Minister Internal Affairs, 24 July 1934, IA 1 103/33 pt.2; DB:46.

collected, it was contended that the "only possible explanation is that the commissioner, bringing business ability and acumen to bear, is able to produce results that cannot be achieved by local authorities which, all to often, are hedged in by red tape and easily susceptible to parochial influences and local prejudice."[537] Commissioner control, it was contended, had stabilised the county from virtual bankruptcy to a position where rates had been reduced by 25 per cent. "It cannot be contended that the result is due to neglect in the county itself, for conditions could not be worse than they were." Rather, "a general tightening of the administration has effected such reform as to materially improve the position of ratepayers as a whole."[538]

The editorial provoked a caustic response from Councillor R.G. Saxby, who argued that the improvement in the county was the result of a rise in prices for agricultural produce, and that up until April 1935, "not one penny was released for maintenance. … Any repair and maintenance work was carried out by the settlers themselves until surfacemen were put on, paid by the Unemployment Board." He continued:

> In the first place, it must be remembered that the commissioner was appointed by the county's creditors as receiver, a position which, being an accountant, he is well qualified to fill. The welfare of the county simply does not come into the picture. ….We cannot blame the commissioner for the reluctance of creditors to release funds for maintenance, but the effect upon our roads is disastrous. The "stitch in time" principle is only a memory and it would now cost thousands to restore the roads to the condition they were in under the council. It is already too late to save one road (the Pukeamaru) and the Oweka road will soon go, too, unless some protection work is done.[539]

Saxby's complaints are borne out by a detailed report on the state of the county roads by the assistant engineer in September 1937. Each road was dealt with in turn, the engineer concluding: "Generally throughout County neglect of adequate road maintenance is most apparent."[540] The initial policy of using unemployed labour with inadequate supervision was condemned; lengths allotted to surfacemen were said to be too long; the effects of inadequate surfacing and grading were evident on every road; nothing had been spent on new culverts and existing ones had not

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537 *Poverty Bay Herald*, 7 April 1936; Towers DB:114.
538 Ibid.
539 *Poverty Bay Herald*, 20 April 1936; Towers DB:113.
540 Assistant engineer to district engineer, Gisborne, 17 September 1937 in IA 1 103/33/7 pt.1; DB:94-100.

been maintained; and no measures had been taken to deal with stream erosion. It was estimated that urgent remedial work would cost £1,437.

Growing resentment of the arrangement mounted during 1937, with ratepayers looking ahead to the expiration of the commissioner's tenure the following May. Local MP Hulquist described the groundswell of opinion as "a definite and distinct hostility to any suggestion that the Commissioner's term be further extended."[541] An initial meeting of ratepayers was held at Te Araroa on 21 June 1937, presided over by the county chairperson Kemp. A motion to make representations to the government to restore council control was passed by 60 ratepayers to eight.[542]

Six weeks later the Minister W.E. Parry, together with Harper, made the journey to Te Araroa to discuss the issue with the ratepayers. The meeting was attended by a large number of ratepayers and many of the defunct councillors, as well as Commissioner Bull and the local Member Hultquist.[543] Kemp, nominally chairperson of the council, read out a prepared statement announcing the "unanimous wish of the County Council and also of a large majority of the ratepayers that the ratepayers resume control of their own affairs at the conclusion of the Commissioner's term of office." In the better economic times there was no longer a need for a commissioner, it was argued, and money saved on expensive administration could, under council administration, be spent on road maintenance. There was also present at the meeting a small number of ratepayers who did not support the move for restored council control, and their dissent was noted.

Local Maori doctor, Dr. Tutere Wirepa, representing the ratepayers, stated that commissioner control had been imposed on the county as a legal penalty:

> they had been placed, on account of their indebtedness to the Bank of New Zealand, under a regime which was equal to a dictatorship. …Why should the Minister or his Government keep the iron heel upon the ratepayers' necks for the Bank of New Zealand? [544]

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[541] Hultquist MP to Harper, 17 July 1937, quoted in 'Matakaoa County – control of, report of Meeting of Ratepayers and Residents…', 4 August 1937, IA 1 103/33 pt.4; Towers DB:141.

[542] *Poverty Bay Herald*, 21 June 1937; Towers DB:149.

[543] 'Matakaoa County – control of. Report of Meeting of Ratepayers and Residents…', 4 August 1937, IA 1 103/33 pt.4; Towers DB:126-148.

[544] Ibid, Dr. Wirepa; Towers DB:128-132.

He reminded the meeting it was never intended to be permanent and denounced “the continued existence of the Commissioner as a bailiff in their house which meant the surrender of their franchise.” In closing Wirepa addressed the Minister directly: “restore to us the right to govern ourselves as a County.”[545]

As well as the arguments advanced on constitutional grounds, councillors had other grievances against continued commissioner control. Councillor Kohere’s complaint related to the recent remission by the commissioner of some £6,000 of rates, owed by Pakeha clients of the BNZ. It was alleged that the remission was illegal, and done without the knowledge of the ratepayers affected. The allegation was not answered by Bull at the time. Metcalfe spoke of the decline in county infrastructure: “The County’s debts had decreased, but so had its assets.” He questioned the efficacy of a commissioner based 120 miles away, and also pointed to Bull’s large administration costs. Other councillors too, spoke heatedly about the condition of the roads.

In response, Parry began by admonishing the ratepayers for their ingratitude. As distasteful as a bailiff might be, he argued, recourse to such action was required “under a capitalist system.” In fact, the county had received “a good deal of assistance” and department officials (and he singled out Harper), “had worked very hard on their behalf,” particularly with respect to the loan conversion which saved the county £1,250 per annum. It would be doubtful, he stated, whether assistance extended by the Main Highways Board and through the Unemployment Fund, would continue under normal council administration and hinted that concessions from creditors would also come to an end.

The meeting was unable to get a definite statement from the Minister and his closing address, although well received, was somewhat ambiguous:

> There was no other desire on the part of the Government than to hand back the control of the County to the Council but it did not wish to do so until there was a fair chance of the Council being able to carry on swimmingly. (Applause.) He would state quite definitely that the Labour Government had no desire whatever to take away the democratic right to govern…[546]

[545] Ibid.
[546] Ibid, Minister Internal Affairs; Towers DB:146.

In fact, Internal Affairs officials supported continued commissioner control. The reasons why were set out in a lengthy memorandum to the Minister of Internal Affairs, endorsed by the Under Secretary, but actually prepared by Harper, dated 16 November 1937.[547]

To begin, as the Minister had indicated at the meeting, it was contended that the current level of financial assistance from both the Labour Department for wages, and from the Main Highways Board for highway development, could not be justified under normal county council administration. The principal reason though, outlined in large capitals, was the repayment of the Post Office loan.

> IT IS NECESSARY TO SEE THAT THE CONTROL OF THE COUNTY IS SUCH THAT THERE SHALL BE NO RELAXING IN EFFORTS TO OBTAIN THE FINANCES NECESSARY TO MEET THE COUNTY'S COMMITMENTS. WITH EVERY SENSE OF RESPONSIBILITY I SAY THAT THESE COMMITMENTS WILL NOT BE MET IF THE COUNTY RETURNS TO NORMAL CONTROL AT THE PRESENT TIME.[548]

In short, Internal Affairs officials did not accept that the 1933 breakdown in rates collection was solely due to economic conditions. The Wellington officials did not trust the council. The bank overdraft by this time had been reduced to £3,700, with the bank charging 3.5 percent interest now that the freeze period had ended. The reduced interest was conditional on commissioner control. Once again, "judged on its past efforts and the Department's present knowledge of its organisation," officials did not credit the council with the necessary "careful planning and rigid control" to pay the remaining debt.

In Heenan's view the Matakaoa County Council had "failed completely" with regard to the "Native Rating problem," whereas the commissioner "in the past two years he has really collected all the Native rates that it is humanly possible to collect." In fact, in his fourth year Bull had collected 56 percent. Official distrust was not just based on past performance, the government was also looking to the future:

> The possibility of the unfavourable reactions which would result from a change in control at the present time is too serious to risk. In this respect I draw attention to the fact that there are in the County 208 Native ratepayers

[547] Heenan, Under-Secretary Internal Affairs to Minister Internal Affairs, 16 November 1937, IA 1 103/33/1 pt.1; Towers DB:187-196.
[548] Ibid; Towers DB:189.

> out of a total of 297 ratepayers. The possibility of a new Council comprising mainly Natives is, therefore, highly probable, and it is obvious that such a Council would not feel disposed to pursue the same vigorous policy in regard to native rate collections as the Commissioner has done.[549]

Ultimately, it was argued, the county was one of the smallest and weakest in the Dominion and it was obvious in hindsight that its formation in 1920, and the degree of debt it incurred, should not have been allowed.

Future amalgamation with the counties of Opotiki and Waiapu was seen as inevitable, but in the meantime commissioner control was to continue. Complaints directed at excessive administrative costs and the inadequate road maintenance were dismissed. The argument that council control should resume because the county was now solvent was countered: "In view of the fact that the County is virtually living on concessions provided by Government Departments and the Bank of New Zealand, it is not yet solvent." On the rights of democracy, a disingenuous Harper argued:

> The Commissioner holds temporary appointment from the Governor General, renewal from time to time only if Parliament itself so authorises. As Parliament is composed of the representatives of the people, it will be seen that the principle of the Commissionership is definitely within the control of the peoples' representative, and therefore in tune with democracy.[550]

Nor, he continued, given the fact that the appointment was temporary – and after all, "it is only another temporary extension to be reviewed again at the appropriate time" – did concerns about democracy apply.

In a separate undated report, which was probably the basis for the Under-Secretary's memorandum, the reasons for continued control were divided up into "Points for Public Information" and "Points Not For Public Information."[551] Under the second heading (and not referred to in the Under-Secretary's memorandum for 'public information') was the statement that it was, "obvious that if control reverts to the County Council, the collection of Native rates will slump considerably and, in fact, the position will probably get back to what it was before."

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[549] Ibid; Towers DB:191.
[550] A.G. Harper to Hultquist MP, 3 December 1937, IA 1 W1729 103/33/pt.3. Not included in DB. This reasoning was also used in the November memorandum to the Minister.
[551] Ibid, 'Matakaoa County' nd; DB:148-151.

An unfavourable comparison was made between the efficient administration of the commissioner with regard to rates collections with that of the "previous efforts" of the council: "For this reason alone it is too early to contemplate reversion to normal control."[552]

The relationship between the commissioner and the council was growing tense. In the wake of the July forum, Bull had decided to debar the councillors from using the county chambers for meetings, or to view county records without his permission, and to charge them for the clerk's services. The councillors protested the move through their local MP. Should the Minister intend to extend commissioner control, the councillors urged, could the appointee "possess some at least of the more obvious qualifications for the position," including:

> some experience in the internal requirements of a County
> some knowledge of roading and maintenance
> a certain amount of tact
> some idea of the value of co-operation
> a sense of responsibility to the ratepayers who have to provide his very handsome remuneration and expenses.[553]

The councillors claimed the commissioner had left them "so completely out of touch with our own affairs" and argued that in the event of a reappointment, "it is feared that there will be some difficulty in finding any Rate Payers willing to accept the humiliating position of being bogus members of an imaginary Council." As a result, the commissioner was reminded by Heenan that the council was still in office as the statutory body and had the right to use the chamber and clerk without charge for meetings of county business. In his defence, Bull claimed that the request to prevent the council from meeting had emanated from "practically every responsible European ratepayer."[554]

Indeed it is apparent that by the third meeting of ratepayers held on 17 November 1937, the issue of commissioner control had resulted in a Maori/Pakeha divide. The predominantly Maori meeting had been prompted by a council letter, "practically suggesting to the Minister to prolong commissioner control." Speakers Kohere, Wirepa, and Stainton pressed for the immediate termination of Commissioner Bull's appointment in the light of rates remissions to the sum of

[552] Ibid; DB:150.
[553] Ibid, Kemp et al. to Hultquist MP, 21 October 1937; DB:152-153.
[554] Ibid, Bull to Under Secretary Internal Affairs, 5 November 1937; DB:154-155.

over £6,000 the commissioner had granted to well-off Pakeha, a motion that was carried unanimously. A second motion, signalling Maori ratepayers' protest against the commissioner's "drastic methods to compel impoverished natives to pay rates," also gained unanimous support.[555] In a letter to the Under Secretary in December Bull attributed the agitation to the "Native rate problem." Council, he maintained, considered "more results should have materialised" while Maori ratepayers resented the "continual lodging [in the Native Land Court] of applications for Charging Orders and Receiverships."[556] In January Bull also reported that Kohere appeared to have a, "small following of Natives but the Europeans with one or two exceptions are not associating themselves with him."[557]

The matter was considered by Cabinet, and introduced to the House in the last week of November. Section 11 of the Local Legislation Act 1937 extended commissioner control of Matakaoa until 1941. In his draft speech, a copy of which is contained on the Internal Affairs file, Hultquist referred to the imposed commissionership as a "penalty" which had been endured by ratepayers for five years. He spoke of their representations "to let the people of the district have the control of their County back again"; the "severe blow" the government's decision to continue commissioner control had caused; and added his own plea to the Minister of Internal Affairs to reconsider his decision "even at this late hour." Hultquist then alluded to the relationship between Public Works spending and the decision to retain commissioner control as a "quid pro quo":

> Furthermore, if the Minister, in spite of my plea on behalf of the settlers, is still adamant on continuing Commissioner control, then I can only plead with the Government to do everything possible by way of assistance to the County to accelerate the time when the government feels that County control can resume. If the Government feels that further public works have to be carried out in the County before this state of affairs can come about, and the Government knows the hardships that the settlers have had to endure during past years, then I can only plead that liberal assistance will be given to the County to bring about this state of affairs. *I know that liberal*

[555] *Poverty Bay Herald,* 17 November 1937; Towers DB:123.
[556] Matakaoa County Commissioner to Under Secretary Internal Affairs, 17 December 1937, IA 1 103/33 pt.2; Towers DB:98-99.
[557] Matakaoa County Commissioner to Under Secretary Internal Affairs, 28 January 1938, IA 1 103/33 pt.2; Towers DB:92.

> *provision has been made on the Public Works Estimates for works in the County. If this is a quid pro quo for refusing the settlers' request for control of their County, then I would ask the Government to carry out the works at the earliest opportunity so as to give the people of the County some slight measure of compensation for what they feel is the injustice of keeping their County from them. …*
>
> After all, Commissioner control may be called undemocratic. If this is the position then surely this Government, of all Governments, will supply that measure of recompense for taking away the democratic rights of the people in this unfortunate district.[558]

This draft speech differed substantially from that subsequently recorded in *Hansard*. In the House, an acquiescent Hultquist accepted the government's decision had been made, "after every aspect of the problem has been given the fullest possible consideration" and that the decision was "in the best interests of the county and the ratepayers."[559] No mention was made of the "penalty" of commissioner control, nor of its unconstitutional nature. Significantly, the "extra special consideration" by way of grants for public works was placed in the context of the heavy rainfall and the rapid deterioration of the land in the county: any suggestion that the increased government expenditure was tied to continued commissioner control had been expunged. Hultquist was pacified by the:

> definite assurance from the Minister that it does not necessarily follow that the Commissioner will remain in control for another three years. … if it can be shown, six or twelve months hence, that the position of the county has sufficiently improved, Council control may be then re-established.[560]

He went on to parrot the Internal Affairs rhetoric that would prevail for the following quarter century: "The Minister has given me the assurance that the Government has no desire to retain control of the county through the Commissioner any longer than is necessary."[561]

Ngata also spoke on the Matakaoa clause. He claimed to represent the Maori of Matakaoa, as Hultquist represented the Pakeha. In accepting the government's advice that the county was not yet in a financial position to resume council control and that it would move to do so as soon as

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[558] 'Draft of speech proposed to be delivered by Mr Hultquist when Local Legislation Bill (Matakaoa Clause) is before the House', nd, IA 1 W1729 103/33 pt.4; DB:163-66. My emphasis.
[559] Hultquist, *NZPD 1937*, vol 249, p.1149.
[560] Ibid.
[561] Ibid.

possible, Ngata did not challenge the Bill. Rather, he set out the background with regards to past rates compromises made with Matakaoa County, and explained that the dissatisfaction with the commissioner's office was attributable to Bull's assiduity at debt collection, his distance from the county, and his actions in writing off £6,000 of Pakeha back rates.[562]

Kohere, Wirepa, and Kemp were each informed of the outcome by telegram, to which the chairman responded: "Personally I may say I am very glad the matter of control of Matakaoa County is settled & I for one am prepared to bow to your superior wisdom."[563] Kohere was furious. In a telegram to Prime Minister Savage he called the decision to extend commissioner control "high handed and unpopular," and threatened to advise Maori to not pay rates. In a more conciliatory letter, Kohere again appealed against the decision:

> From the statements made in the House I gather that the only reason why the Government is against council control is the fear lest Maoris should control the county. There is no fear of that, and if there is it would be quite constitutional.[564]

Savage's response was simply to reassure Kohere that the government had been actuated by only one motive, "to serve the best interests of the settlers as a whole in this district." The decision to continue commissioner control for a further term, said Savage, was made "after deep consideration, and with the sole desire to stabilise further the administrative and financial position of the County."[565] The prime minister's letter was drafted by Heenan, under instructions to "indicate that although commissioner control has been extended the Gov. may at any time if deemed to be necessary or advisable re-establish C. Council." Kohere was duly advised:

> I would, at this stage, like to stress the point which has already been explained by my colleague, that the extension of Commissioner control for three years has been decided upon on the distinct understanding that it is open to the Government at any time to review the position if circumstances so warrant. Thus, if the position of the County improves beyond expectations and the Government thinks that it is wise to let the settlers have control back before 1941, then this Government will certainly see that action to that end is taken. Furthermore, if any other arrangements seem necessary

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[562] Ibid, Ngata, p.1150-1151.
[563] Kemp to Minister Internal Affairs, 2 December 1937, IA 1 W1729 103/33/ pt.4 ArchivesNZ Wgtn; DB:167.
[564] R.T. Kohere to Prime Minister, 1 December 1937, IA 1 103/33/ pt.2; Towers DB:107.
[565] Prime Minister Savage to R.T. Kohere, 10 December 1937, IA 1 103/33 pt.2; Towers DB:102-103.

> or desirable, that would materially improve the lot of the settlers and promote the best interests of the County as a whole, the Government will not hesitate to take action.[566]

This "understanding" was also conveyed by Heenan to Bull in informing the commissioner of the extension:

> … the extension of the period of Commissioner control for three years was ... decided upon on the distinct understanding that the whole question could, if necessary or desirable, be reviewed before May, 1941. …
>
> As a matter of fact, in the course of quite a protracted correspondence which has taken place with representative settlers of the County, it has been made quite clear that the government does not desire to keep the normal method of control of the County from them any longer than is reasonably necessary; but, on the other hand, … it is neither feasible nor desirable to go back to normal control before the work of rehabilitation has been completed.[567]

The prime minister's assurance to Kohere with regard to future government review of the position can be seen as a veiled threat:

> I can only express the hope that the remainder of the period of Commissioner control will bring about such a degree of stability that the settlers will be able to have their County back again: and that to achieve this object I confidently look for the fullest measure of co-operation between the settlers and the Commission in the future difficult task of administering this County.[568]

A return to ratepayer control would be dependent on good behaviour and cooperation. Kohere's threat to stop rates payments would work against future council control.

Councillor Kohere was undeterred. Towards the end of December another ratepayers' meeting took place at Te Araroa, although key councillors such as Kemp and Saxby decided against attending. Disappointment was once again expressed at the government's decision and a meeting

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566 Ibid.

567 Heenan, Under Secretary Internal Affairs to Matakaoa County Commissioner, 15 December 1937, IA 1 W1729 103/33 pt.4; DB:174-76.

568 Prime Minister Savage to R.T. Kohere, 10 December 1937; Towers DB:102-103.

set down for January “for the purpose of nominating a new commissioner for the county.”[569] In January Kohere told Parry:

> All advantages that might accrue from commissioner control would not help us to endure the stigma of bankruptcy, disfranchisement and the rule of an intolerable dictator. The commissioner has no interest in the county apart from his salary and it would be only good business on his part to prolong his job.[570]

The commissioner visited Matakaoa County in the last week of January 1938 “to restore harmony.” He found the council on the point of collapse, with Councillor Wood tendering his resignation and other councillors seeking a fresh body to represent the ratepayers: “they feel that after being in office for nine years, they have not the confidence of the ratepayers.”[571]

The commissioner’s visit coincided with a further ratepayers’ meeting calling for the government to reconsider the extension. The predominantly Maori meeting felt that continued commissioner control had been “cut and dried,” and that no attention had been paid to the ratepayers’ pleas for democracy.[572] Bull’s visit also coincided with a letter to the Minister of Internal Affairs signed by 35 Pakeha ratepayers and William Walker, the sole Maori signatory, in support of continued commissioner control.[573] The covering letter explained that it had “been impossible in the time to approach all European ratepayers but I am quite sure the expressions set out in the letter are the feelings of the majority of European ratepayers so far as the commissioner is concerned.”[574]

The letter of support for Bull from Pakeha ratepayers stated that the commissioner was doing a good job, and that they considered “it in the best interests of the Matakaoa County and of this Country as a whole, that the present Commissioner be left in charge of the affairs of this County.” They continued:

> We also fully appreciate the fact that the Commissioner, without the wholehearted cooperation of the Government, could never have obtained the

[569] See enclosure with Matakaoa County Commissioner to Under Secretary Internal Affairs, 22 December 1937, IA 1 W1729 103/33 pt.4; DB:178.
[570] R.T. Kohere to W.A. Parry, 10 January 1938, IA 1 103/33 pt.2; Towers DB:95.
[571] Matakaoa County Commissioner to Under Secretary Internal Affairs, 28 January 1938, IA 1 103/33 pt.2; Towers DB:92.
[572] In IA 1 103/33 pt.2; Towers DB:87.
[573] A.C. Wood et al to Minister Internal Affairs, 28 January 1938, IA 1 103/33 pt.2; Towers DB:89-90.
[574] N.P. Branson to Parry, 28 January 1938, IA 1 W1729 103/33/ pt.4, ArchivesNZ Wgtn. Not included in DB.

> necessary funds for very urgent maintenance work & for more permanent works in the form of bridges & metalling on our secondary roads…[575]

Although it was never spelled out, this appears to be a reference to the "quid pro quo" discussed by Hultquist in his draft speech to the House: that is, an increased estimate for the maintenance of county roads from the Public Works Vote as recompense for the suspension of democratic rule. Put bluntly, Pakeha ratepayers were bought by promises of government financial assistance, which were tied to continued commissioner control.

S.B. Rudland, a Pakeha ratepayer who also wrote an individual endorsement of commissioner control, stated that the return of council control would mean higher rates, which he didn't support.[576] Both letters suggest that Pakeha ratepayers were persuaded by the government argument that the existing concessions were dependent on commissioner control, which would cease once normal council control resumed. From May 1938 the county did receive an increased expenditure on road maintenance. Five years on it is clear that state support was still dependant on commissioner control:

> [The commissioner] is acting in close collaboration with the Department and because of this factor, it has been possible to give to the County a substantial degree of Government assistance in order to keep the roads and other facilities in the County up to a high standard.[577]

Pakeha endorsement for continued commissioner control was an important validation for the government's decision. Mr. G. Goldsmith, on behalf of the disaffected ratepayers, was told by the Prime Minister in February that there was little point in pursuing the matter further. Those responsible for the dissenting resolutions should "co-operate with the controlling authorities to a greater degree, and thereby show some gratitude to the Government Departments for what they have done for the County and the settlers during the past few years."[578] By March 1938 the Under Secretary expressed confidence that the upset over continued commissioner control had "largely died down now" and that as a result of "certain action recently taken it is likely the

[575] A.C. Wood et al to Minister Internal Affairs, 28 January 1938, IA 1 103/33 pt.2; Towers DB:89-90.
[576] S.B. Rudland to Minister Internal Affairs, 3 January 1938, IA 1 W1729 103/33/ pt.4; DB:179-80.
[577] Heenan, Under Secretary Internal Affairs to Minister Internal Affairs, 3 May 1943, IA 1 W1729 103/33/pt.4; DB:193.
[578] Prime Minister to G. Goldsmith, 14 February 1938, IA 1 103/33 pt.2; Towers DB:86.

affairs of the County will run much more smoothly in future."[579] Councillors who had tendered their resignation six weeks before – Wood, Kemp and Saxby – were now apparently happy to continue in office.[580] Bull was reticent about the measures he had taken to appease council. He did speak of his intention to step up the half-yearly meetings with council to quarterly, and to include liaison with ratepayers through personal visits to the different ridings.

What was never repeated out loud was the government rationale for continued control as expressed in Harper's November memorandum. That is, that the resumption of ratepayer control would undoubtedly result in a Maori majority on council. It is reasonable to conclude that Bull used this threat to influence Pakeha ratepayers to support continued commissioner control. Another reasonable conclusion is that this was also why the suggestion of a fresh elected council, even under commissioner control, was quickly quashed from Wellington, and why the existing councillors were encouraged to continue.[581]

Kohere's allegations regarding the writing off of £6,000 of Pakeha rates were never satisfactorily explained. In a press release in December 1937 Bull countered that the remissions were in fact "valueless rates" which fell into four categories:

> (a) Arrears which had not been effectively protected for collection.
> (b) Arrears levied against settlers who had failed and steps had not been taken in time to make the landlord or mortgagee liable.
> (c) Native rate arrears which had been classed as European and should have been included in the native rate compromises previously effected.
> (d) Special rates levied and not demanded.[582]

In addition the commissioner maintained that several hundreds of pounds of rates had been remitted because of poverty. In passing on Bull's public explanation to the Minister, Under Secretary Heenan added: "further support for the Commissioner's action could be illustrated if it

[579] Under Secretary Internal Affairs to Under Secretary Native Department, 8 March 1938, IA 1 103/33 pt.2; Towers DB:84-85.
[580] Matakaoa County Commissioner to Under Secretary Internal Affairs, 4 March 1938, IA 1 W1729 103/33/pt.4; DB:187.
[581] Heenan considered an election of a fresh body neither "necessary or desirable" and directed the commissioner to talk Councillor Wood into withdrawing his resignation. Under Secretary Heenan to Matakaoa County Commissioner, 15 February 1938, IA 1 W1729 103/33 pt.4; DB:185.
[582] *Poverty Bay Herald*, 10 December 1937; Towers DB:101.

were possible to elaborate on paragraph (a) in his public statement. Unfortunately, for the reasons which have been verbally explained to you, this phase of the matter still has certain confidential aspects."[583] There is nothing else on file about the matter.

In May 1939, 18 months after the ruckus, Harper was again sent to the county to investigate, among other things, "certain rumours that a return to County Council control was being sought."[584] This is the last reference in the Internal Affairs files to opposition to commissioner control. On this occasion, council acquiescence was once again bought with further provision for road maintenance:

> The result now is that arrangements have been made to assist the County this year to the extent of £3,000, made up as follows:-
>
> (1) £1,100 from the Employment Promotion Fund towards the wages of surfacemen engaged on the County roads.
> (2) £1,900 from the Consolidated Fund Vote of the Public Works Department towards maintenance of the County roads.[585]

One year on, in May 1940, Harper again visited the county with the impending expiry of the commissioner's term in mind. For reasons set out below, Internal Affairs sought to have the term renewed for a further three years. Harper found "unanimous and emphatic" council support for the continuation of commissioner control, although Councillor Kohere was absent.

> Each member spoke on the subject, and all those who had in earlier years been opposed to Commissioner control, admitted, quite frankly, that they had been wrong and that they were now wholeheartedly in support of a continuation of that form of control. They had no desire whatever to revert to Council control, and in this respect most of them took the trouble to remark that the County and the facilities generally are in better condition today than they have ever been.[586]

Harper accepted their reassurance that their view "represented the feeling of people generally in the County," although this was qualified by their advice as to the "almost unanimous desire

583 Heenan, Under Secretary Internal Affairs to Minister Internal Affairs, 15 December 1937, IA 1 103/33 pt.2; Towers DB:100.
584 Heenan, Under Secretary Internal Affairs to Minister Internal Affairs, 12 July 1939, IA 1 W1729 103/33 pt.4; DB:188.
585 Ibid.
586 Ibid, Harper, memorandum for Under Secretary Internal Affairs, 23 May 1940; DB:190.

throughout" for the status quo. In conveying Harper's report to the Minister of Internal Affairs, Heenan reiterated the councillors' realisation that "they would not be nearly as well off under Council control as they are under Commissioner control."[587]

6.5 Commissioner Rule 1939–1963

From 1939 on, things settled into a pattern that did not change until the mid-1960s. Bull took ill in 1944 and was temporarily replaced by Gisborne barrister and solicitor Dawson Chrisp. The appointment was made permanent following Bull's death. Commissioner control continued for another quarter century, albeit in three-yearly terms to maintain the fiction of this "temporary arrangement." These extensions were rolled over with increasingly little thought or consideration for local wishes or local democracy. The debt was consolidated and slowly repaid. A high percentage of rates continued to be collected, but from a diminishing ratepayer base.

County administration continued to be propped up by Public Works Department and Main Highways Board concessions and, from 1942, by direct government grant. Existing roads were maintained, more or less, but little new development was undertaken; those without access by 1930 remained without for a further two decades. The Hicks Bay wharf, too, was neglected. Pakeha left. A burgeoning Maori population also moved away to find work. Matakaoa County Councillors got older, moved away, passed on. And while the commissioner and Internal Affairs worried over balancing the books each year, the county slid into a sleepy decline. The following account traces these issues in turn.

6.5.1 Commissioner continuance

As set out above, the 1937 extension of commissioner control was purportedly made "on the distinct understanding that if general conditions improve so as to warrant a return to County Council control, then such will be brought about before 1941."[588] This assurance was conveyed to disgruntled ratepayers by Prime Minister Savage himself. In 1937 the Matakaoa commissioner's term had been set to expire with the local body elections in May 1941. With the issue of future control again in mind, in May 1940 Harper toured the county in company with

[587] Ibid, Under Secretary Internal Affairs to Minister Internal Affairs, 23 May 1940; DB:189.
[588] Under Secretary Internal Affairs to Under Secretary Native Affairs, 8 March 1938, IA 1 103/33 pt.2; Towers DB:84.

Bull. As noted above, the officer reported that the council "were unanimously of opinion that the present method of Commissioner control should be continued." Harper had found the county roads of a high standard, and the settlers "all well satisfied with what is being done." The bank overdraft, still at £2,700, had been converted to an ordinary loan, and rates receipts had exceeded the estimates, leaving the county with a surplus.[589] The county in fact appeared to have reached the prerequisite "degree of stability" at which the prime minister and other government officers had earlier promised ratepayer control would resume. It was not to be.

On this occasion Harper presented the "highly satisfactory" position of the county, together with the "evidence of maximum co-operation and harmony between the Commissioner and the settlers" as an endorsement of continued commissioner control.[590] It was wartime and a further three year extension was legislated with little fuss, as Section 2 of the Local Legislation Act 1940. Then in May 1943 as the expiry loomed, Under-Secretary Heenan argued that the fact that the ratepayers in the County were "reconciled to Commissioner control these days and the whole arrangement is working very smoothly" was the very reason commissioner control should not be disturbed.[591] Kemp, preserved as council chair, was informed of the decision and McNaught wrote back on his behalf "quite sure that the majority of his councillors are desirous of commissioner control for the next three years."[592] In October both Harper and Heenan visited the county. Section 3 of the Local Legislation Act 1943 extended the commissioner's term to May 1947.

Dawson Chrisp, a barrister of Gisborne, was appointed temporarily in Bull's stead in July 1944. In January 1945 he met with councillors in Te Araroa, where it "appeared very clear that they were unanimous in their desire for the administration to be continued under a Commissioner…. It is, I think, safe to assume that the Commissioner, whoever is permanently appointed, will have the backing and support of the Council as a body."[593] This was supported by a letter to Harper from Kemp asking that Chrisp be appointed commissioner for a further three years.

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[589] Harper to Under Secretary Internal Affairs, 29 May 1940, IA 1 W1729 103/33/8; Towers DB:280.
[590] Ibid; Towers DB:282-3.
[591] Heenan, Under Secretary Internal Affairs to Minister Internal Affairs, 3 May 1943, IA 1 W1729 103/33/pt.4; DB:193.
[592] McNaught, 20 July 1943, IA 1 W1729 103/33/pt.4; not included in DB.
[593] Extract from Report of Matakaoa County Commissioner, 30 September 1944, IA 1 103/33/1 pt.2; DB:40.

Six months before the 1947 expiry fell due, Harper visited the county to talk about a further extension. He reported of "a general and genuine desire on the part of the settlers to continue the system of Commissioner control. This view is also concurred in by the County Council."[594] It was evident, even to Harper, that county affairs could no longer be described as "highly satisfactory." The Pakeha population had almost halved from the heydays of the 1920s under county council control, their exodus accelerating since 1943, meaning reduced rates receipts for the county.

Like the proverbial marriage however, Matakaoa County was stuck with the commissioner in good times and in bad: Harper now considered that the sobering annual report for the year ended March 1946 "indicates that financial affairs of the county will require to be very closely scrutinised for sometime to come, and for this reason alone it is my firm opinion that commissioner control will have to continue for some years yet."[595] Kemp, for the council, was advised of the government's decision to renew the commissioner's term for three more years. In reply, the Minister was assured of the council's unanimous support for the decision, together with the advice that the commissioner and council "work well together in perfect harmony."[596] Section 2 of the Local Legislation Act 1946 extended the commissioner's term to November 1950.

When the issue again came up for consideration in November 1950, Harper was now Under-Secretary. His assistant Meech argued once again for an extension. He had met with the council at Te Araroa the previous May to discuss the seventh extension to commissioner rule, with the same tired mantra: "I told the Council that it was not desired to continue Commissioner control any longer than was necessary in the interests of the County itself."[597] The council's unanimous support for another extension was said to be twofold: firstly, "it would be unwise to lose the benefit of administration by a single Commissioner just at the time when the County finances had for the first time reached the point of stabilisation."[598]

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[594] Harper, Assistant Under Secretary Internal Affairs to Minister Internal Affairs, 30 July 1946, in IA 1 W1729 103/33/pt.4, DB:195.
[595] Ibid.
[596] Ibid, A.E. Kemp to Minister Internal Affairs, 2 October 1946; DB:198.
[597] Meech, Acting Assistant Secretary Internal Affairs to Minister Internal Affairs, 8 November 1950. IA 1 W1729 103/33 pt.5; Towers DB:182-184.
[598] Ibid; Towers DB:183.

It was stated that the last financial year was the first year since its collapse that the county had been able to function without government assistance, and then rather contradictorily, Meech pointed to the recent government grant of £1,500 for maintenance. The by now familiar refrain that a further period was required to "consolidate" the position was again advanced. The second reason for supporting continued commissioner rule was the council's fear "that the election of a Council composed mostly of Maori without any experience in local government work could easily result in the dissipation of all the gains that have been made over the years."[599]

By this time there were in fact only five of the councillors from 1932 left, the elderly Kohere among them. Meech had discussed the issue with these morehu and had found "a ready acceptance of the fact that the County will ultimately pass to Maori control": 540 of the 627 ratepayers were Maori, and many of the Maori farming units were now independent of Maori Affairs control. Yet it was not considered "desirable" to fill the vacancies by election. What Meech proposed was the ministerial appointment of "reputable Maoris," on the recommendation of council, to fill the vacancies "as part of an educative programme" with a view towards future council control.

> This procedure would enable the Council to select some of the best Maoris in the community to serve on the Council and thus form the nucleus of a group of the Maori population with a knowledge of the administration of the County.[600]

Once again, the recommendation to extend commissioner control to the local body elections of 1953, together with a provision authorising the Minister of Internal Affairs to appoint persons to fill extraordinary vacancies on the recommendation of the Council, became part of the Local Legislation Act 1950, enacted in December. In the explanatory note accompanying the clause it was stated that the power to appoint councillors was on the understanding that these appointees should be members of the Maori community: "Maoris now comprise the great majority of the population of the County, and it is essential that their representatives receive experience of County administration in anticipation of the time when the County reverts to normal control."[601]

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[599] Ibid.
[600] Ibid; Towers DB:184.
[601] 'Explanatory note', IA 1 W1729 103/33 pt.5; DB:215.

Chrisp promised to discuss the matter with councillors in the new year, adding: "The district is lacking in outstanding Maori leaders but it should be possible to suggest the nomination of one or two suitable men."[602] In April 1951 the county clerk forwarded the council's recommendations: Ngati Walker for Wharekahika, and; Moana Ngata and Noa Akuhata for Awatere. Notwithstanding the rationale behind the legislation, Peter Wood, a Pakeha, was recommended for Whangaparaoa.[603] These councillors were gazetted in May 1951.[604]

In November 1953, with the commissioner's term already officially expired, Meech belatedly recommended a further three year renewal: "in order to ensure that there will be no worsening in the fairly satisfactory position which has now been reached … it is in the best interests of the County that Commissioner control be continued for a further three years."[605] Again, the same worn rhetoric was repeated to convey the news to the council, via Kemp:

> Although the financial position of the County continues to show improvement, and it is not desired to continue Commissioner control for any longer period than is absolutely necessary… Given these additional three years plus a continued improvement in the County finances, I feel fairly confident that at the end of the period the position will have been reached where it may be possible to revert to normal Council control. This however is a matter which will have to be considered in greater detail nearer that time.[606]

As further justification, Meech pointed to "the fact that neither the Council nor the ratepayers have made any approach to the Government for reversion to Council control."[607] One suspects that they would have given up such fruitless requests by this time. Once again, the extension was endorsed by the county chairperson, and once again the issue of race sat quietly in the background:

> I think you & Mr. Harper both realise that if we had an election tomorrow it would be possible to put in a totally Maori Council. I am not saying anything against the Maoris but I do not think the time is opportune.[608]

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[602] Commissioner to Acting Assistant Secretary Internal Affairs, 18 December 1950, IA 1 W1729 103/33 pt.5; DB:214.
[603] Ibid, County Clerk to Acting Under Secretary Internal Affairs, 11 April 1951; DB:217.
[604] *New Zealand Gazette*, 10/5/1951 no. 38, p.648
[605] Secretary Internal Affairs to Minister Internal Affairs, 10 November 1953, IA 1 W1729 103/33/pt.5; DB:219.
[606] Ibid, Secretary Internal Affairs to A.E. Kemp, 13 November 1953; DB:220.
[607] Ibid.
[608] Ibid, A.E. Kemp to Meech, 30 November 1953; DB:221-22.

Three months later Commissioner Chrisp, now on first name terms with Harper, informed the Under-Secretary that Councillor Saxby's retirement would soon result in a vacancy on council. The commissioner cautioned against appointing another Maori:

> We now have four Maori members who are taking a more or less active interest, but at the present juncture I feel that the appointment of another European would be preferable and would better ensure that a stable conservative council will be available to carry on. The County is, as you know, rapidly becoming more and more a Maori County, but unfortunately a large proportion of the younger and more enthusiastic Maoris, because of the lack of employment, have been leaving the County. A leavening of European Councillors will at all times be desirable and as sitting councillors would have, notwithstanding the voting power which the Maoris have, a better prospect of being returned when the County returns to normal, one is inclined to favour maintaining at least in the meantime, a majority of European Councillors.[609]

Harper concurred with these views, but the position was not immediately filled. One year later Chrisp reported that council numbers were once again depleted, and recommended that Henry Dewes be appointed for Horoera and Frank Kemp, the chairman's son, for Whangaparaoa. These men were duly gazetted councillors in March 1955.[610] In the same month A. E. Kemp retired as chair. Councillor S. B. Rudland was appointed to the position in his stead.

On 24 February 1956, under the headlines "23 Years After: Matakaoa County Faces Return to Council Control," and "Chilly Prospects for Matakaoa," the *Gisborne Herald* announced that commissioner control might end when the current term expired in November.[611] The article evidently emanated from Chrisp, for at a council meeting at Te Araroa two weeks later he informed the councillors that the decision to terminate was final.[612] Reporting the meeting to Wellington, he claimed that the options of resuming council control or amalgamating with Waiapu County had been discussed, and that after he had left the meeting, the councillors had passed a resolution against the termination of commissioner control.

Wellington was taken aback by the news, and Chrisp was immediately told there was no suggestion of changing the status quo. Given this reaction, it is tempting to view Chrisp's

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[609] Ibid, Chrisp to A.G. Harper, Internal Affairs, 16 February 1954; DB:224.
[610] *New Zealand Gazette*, 31 March 1955, no.25, p.593.
[611] *Gisborne Herald*, 24 February 1956; Towers DB:175-176.
[612] Commissioner to Secretary Internal Affairs, 19 March 1956, IA 1 W1729 103/33 pt.5; DB:228.

behaviour as a ploy to bolster support, particularly in light of recent criticism he had attracted with regard to the Hicks Bay Wharf (discussed in more detail below). The newspaper articles made the prospect of resumed control sound downright gloomy: "It would not be surprising if many Matakaoa people viewed the immediate future with deep concern," the reasons for which were emboldened for effect:

> **Plant maintained by the county prior to the commissionership is no longer available. Any new council will be obliged to start practically from the scratch mark.**
> **Throughout the next 16 years, however, there will be no reduction in loan-service charges which now consume a substantial portion of the annual revenues of the county**.[613]

The net result for the commissioner was a resounding endorsement, both from the Matakaoa County councillors and from Internal Affairs officials: in October he received a whopping pay increase, from £300 to £600 per annum, and an increased travelling allowance to boot, on the personal recommendation of the Secretary for Internal Affairs, A. G. Harper.[614]

Another result was that the 1956 renewal was at least "reviewed" before the term expired. On this occasion Meech reasoned that the position had now been reached, "where with careful management and budgeting, the County should be able to live within its income" (the irony of this statement given the commissioner's recent salary increase was lost on the bureaucrat!). Once again however, it was important "to ensure that the financial stability which has been reached should not in any way be jeopardised." On this occasion too, it was considered questionable whether the county would ever be able to live "more than a hand to mouth existence," and until decisions were made about its ultimate future (by way of a Local Government Commission review), commissioner control should continue for a further three years.[615]

In August 1956 four more council seats stood vacant. Following Chrisp's recommendation, in October 1956 William Poutu and John Wood were appointed for Wharekahika; John Hindmarsh for Whangaparaoa; and John Brownlie for Awatere.[616] Despite the fact that there were now only 15 Pakeha farmers left in the entire county, the Pakeha majority was thus retained. Nor were the

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[613] *Gisborne Herald*, 24 February 1956; Towers DB:175.
[614] Harper, Secretary Internal Affairs to Minister Internal Affairs, 30 October 1956, IA 1 103/33/1 pt.2; DB:42-43.
[615] Meech, Assistant Secretary to Minister Internal Affairs, 3 October 1956, IA 1 W1729 103/33/pt.5; DB:230.
[616] *New Zealand Gazette*, 11 October 1956, no. 55, p.1394; DB:231.

changing dynamics within the ridings – such as rateable value or number of ratepayers – in relation to representation ever reviewed. By February 1957 the nine councillors for the county ridings were:

> Whangaparaoa: J. Hindmarsh, F. Kemp, P. Wood;
> Wharekahika: W. Poutu, J. T. Wood;
> Awatere: J.A. Brownlie, S.B. Rudland, Noa Akuhata;
> Horoera: H.J. Dewes.[617]

In July 1957 by direction of Chrisp at a council meeting, Richard Haerewa was appointed to replace Akuhata in the Awatere Riding.

In March 1958, long-serving county clerk McNaught passed away. At the close of the same year the Internal Affairs officer who had supervised the entire commissioner regime also retired. Before leaving office, Arthur Harper made a final recommendation for yet another renewal of commissioner control. Harper had recently visited the county. He claimed to have spoken with both Pakeha and Maori settlers, all of whom supported continued commissioner control. The county council had asked that the next extension be for 10 years, in order to "give the County stability for a long time to come":

> They felt that after a quarter of a century of effective work having been put into the rehabilitation of the County, it would be totally inadvisable for this work to cease now. The members of the County Council seriously feel that if there is any change in administration now, the same high standards cannot be maintained and a lot of the good that has been done over all these years will be undone. They have the utmost confidence in the present County Commissioner, and they realise that, supported as he is, both by this Department and by other governmental agencies, the County is much better off than it would be under its own control.[618]

An important motivation was the fear that the end of commissioner control would see the county split between the counties of Waiapu and Opotiki, with Matakaoa becoming the "neglected end of those two Counties." To the recommendation that commissioner control continue for a further

[617] 'Matakaoa County', nd, IA 1 W1729 103/33 pt.3; DB:241-43.
[618] Secretary Internal Affairs to Minister Internal Affairs, 6 November 1958, IA1 W1729 103/33/ pt.5; DB:236-7.

seven years, Harper added the proviso that "no steps be taken to consider the linking up of the County with adjoining local districts during this period."[619]

Harper seems to have been genuinely proud of his role with regard to Matakaoa County. In his ohaki to his friend the commissioner, the retiring Secretary of Internal Affairs reflected:

> I am, of course, delighted to feel that one of my last official acts is to convey to you the good news that Commissioner control is to be further extended for this satisfactory period. There is no need for me to tell you how deeply interested I am in the welfare and future of this County which has meant so much to me over the past 25 years, and it is a source of great satisfaction to relinquish office in the knowledge that the good work that has been done over the years in rehabilitating the County is going to be continued in the further development of it.[620]

In February 1961, the last of the councillors to remember county administration any other way, resigned. C. F. Rudland was appointed by Chrisp to take his father's place for the Awatere riding. Rudland also superseded his father's role as chairperson of the council, the commissioner overriding the council's own nomination of Wood for this role.[621] One indication of the inertia within officialdom is the fact that on each subsequent extension of commissioner control – in December 1954, December 1957 and March 1961 – the exact same letter was reproduced for the Minister of Internal Affairs, with only the dates changing.[622]

6.5.2 Amalgamation

Despite Harper's parting recommendation to stave off amalgamation, this proposal was in fact gaining momentum. In 1958 and again in 1963 the matter was raised by the Local Government Commission. On the first occasion, occurring shortly after the seven year extension, the commission was told curtly by Internal Affairs that no steps should be taken to consider the dissolution of the County or the alteration of the county boundaries.[623] By the time of the second request however, a formal application for amalgamation had been made by the Waiapu County

[619] Ibid; DB:240.
[620] Harper to D. Chrisp, 18 November 1958, IA 1 W1729 103/33 pt.5; DB:245-46.
[621] Ibid, Commissioner to Secretary Internal Affairs, 14 February; 15 February 1961; DB:247.
[622] Secretary Internal Affairs to Minister Internal Affairs, 13 December 1954; 16 December 1957; 10 March 1961, IA 1 103/33/9 pt.5; Towers DB:334-336.
[623] Acting Secretary Internal Affairs to Secretary LGC, 9 March 1959, IA 1 197/818 pt.1; Towers DB:353AK.

to the Local Government Commission. The application was reportedly made as a result of pressure from the Local Government Commission and the Main Highways Board.[624]

It is evident that the Audit Department was also behind the proposal.[625] In March 1963 Chrisp reported that Matakaoa residents were becoming "more receptive, if not reconciled, to the idea of amalgamation, rather than a return to local county administration."[626] The commissioner in fact supported amalgamation and to this end he had organised a meeting with representatives of both adjoining counties at Te Araroa. On behalf of Matakaoa County, he agreed to the investigation into proposals for amalgamation under Section 16 of the Local Government Commission Act 1961.

The Local Government Commission's statistical report was complete by August 1963.[627] In September 1963 Commissioner Chrisp accompanied Meech, now Secretary for Internal Affairs, to Te Araroa. Matakaoa County Council was told that regardless of the amalgamation proposals, Internal Affairs would not continue commissioner control beyond the current term. That, "in fact the County had really reached a stage of stability some time ago where it was desirable that the County should be handed back to a fully elective Council." Once again, Meech seemed oblivious to the irony of his platitude that the Department: "had to have regard to the democratic right of the people to elect their own representatives, and of those representatives to directly control the affairs of the county." In the next breath, he continued: "It did seem therefore, that the time was ripe for serious consideration to be given to the question of amalgamation with Waiapu."[628]

The amalgamation was gazetted and took effect from 1 April 1965.[629] The former Matakaoa County comprised four of eleven ridings in the new Waiapu County, with one representative each. Part of the Whangaparaoa Riding was included in Opotiki County. Until the next county election, the four representatives of the former Matakaoa ridings on the amalgamated Waiapu County Council were to be chosen by the commissioner. Within the Waiapu County, the ridings of Awanui, Piritarau and Tokomaru retained two members. There were no appeals to the scheme

[624] *Gisborne Herald*, 23 February 1963; Towers DB:353AJ.
[625] Secretary, LGC to Assistant Controller Auditor General, 1 April 1963, IA 1 197/818 pt.1; Towers DB:353AD.
[626] Commissioner to Secretary LGC, 19 March 1963, IA 1 197/818 pt.1; Towers DB:353AF-AH.
[627] 'Matakaoa County – Waiapu County, Brief Statistical Report', Local Government Commission, IA 1 197/818 pt.1; Towers DB:353U-AC.
[628] Meech, Secretary Internal Affairs, Note for file, 17 September 1963, IA 1 W1729 103/33 pt.5; Towers DB:162-63.
[629] Order in Council, 29 March 1965, IA 1 W1729 104/84; Towers DB:341-343.

and no requests for a poll. The administrative headquarters were based at Te Puia Springs and a depot was retained at Te Araroa. The Matakaoa County office at Te Araroa was closed.

In congratulating Chrisp at the end of his 21-year reign, the Minister paid tribute to the commissioner's patience and experience which had helped "bring about the financial stability to the district" and to his efforts to bring about the amalgamation.[630] Interestingly, Chrisp's parting comments were directed at race relations, illuminating a hitherto unmentioned aspect on the amalgamation:

> One thing in particular gives me great satisfaction and that is that on leaving the County one leaves it as a united county. The relationship between the Maori and European has never been better and there appears to be a real desire amongst them all to work together for their own betterment. May this continue for it has not always been so.[631]

6.5.3 County administration

From the outset, the role of the commissioner was considered by the creditors' committee to be a part-time job, and Gisborne a close enough location from which to administer. Balancing the books was to be combined with periodic visits to the county to check on progress and meet with council. Throughout the 32 years of commissioner control, the pattern of administration did not alter greatly. Generally visits were made every five to six weeks, for two to three days each time. Bearing travel time in mind, this would have given the commissioner time to talk with the county clerk and perhaps meet with council, but not to tour the ridings and meet with ratepayers.

The fact that councillors' requests for more regular meetings was noted in correspondence – both in 1938 as a measure to curb an uprising, and in 1944 following Bull's death – suggests that commissioner liaison with the council lagged on occasion. From 1937 onwards the county was also visited by Harper and Meech on behalf of Internal Affairs. These "tours" were actuated by the recurring three-yearly extensions of commissioner control, and directed at gauging the mood of the council and the state of the roads: it is most unlikely that ratepayers without access were ever visited by the officials from Wellington.

[630] Minister Internal Affairs to DE Chrisp, 3 May 1965, IA 1 W1729 103/33 pt.5; DB:258.
[631] Ibid, Commissioner to Minister Internal Affairs, 17 May 1965; DB:259.

The county office was retained in Te Araroa. McNaught served as clerk until his death in 1957, the stalwart of rates collections. He was replaced by a local Maori clerk, Mr. Green.

From 1939 the Public Works Department undertook practically all of the county road works, providing both plant and supervision. In the early years of commissioner rule, the powers of the county council were described by Heenan as "extremely limited," while the members described themselves more colourfully as "bogus members of an imaginary Council." Under a more harmonious relationship with Chrisp from 1944, the council remained an important advisory regarding the priority of public works.

Under Bull's administration quarterly reports were sent, times six, to Internal Affairs for the perusal of the creditors' committee.[632] By the 1950s Chrisp was reporting half-yearly. Like Bull, the reports detailed the number of visits made, administration, county works, rate collections, the Hicks Bay harbour, statement of receipts and payments, and estimates for the coming year. From 1959 onwards the commissioner also began to consider future planning under headings such as "County Development" and "Future of the County."

6.5.4 Rates and debt

From 1939 until Bull's death in 1944, the percentage of rates collections continued at the same levels, more or less, but the "gradual withdrawal of European settlers" which accelerated over this period, saw an overall decrease in county revenue. A constant source of annoyance to Bull was his inability to achieve more than a 55 percent average from Maori occupied land, the extent of which increased with the Pakeha exodus. By 1949 rates received from Maori land exceeded that occupied by Pakeha. At this time, under Chrisp's administration, the percentage of rates received from Pakeha was 93 percent and that from Maori 72 percent.[633] The following year rates from Maori land climbed to 87 percent. Throughout the 1950s and into the 1960s, the return from Pakeha rates ranged from 85–98 percent and that from Maori between 63–94 percent, with an average return from Maori land over these 14 years of 80 percent.[634]

[632] Commissioner reports are contained in IA 1 103/33/9 pts.1-5.
[633] Annual report for year ended March 1949, IA W1729 103/33/ pt.4; not included in DB.
[634] Rates returns, IA 1 W1729 103/33/8; Towers DB:225-247.

In addition to the London Redemption Loan of 1935 noted above, the county's loans with the Public Trust Office and the State Advances Office were converted in 1936. Conversion Loan No. 1 of £1,935 was to mature in 1969 and Conversion Loan No. 2 of £2,950 was to mature in 1966. Both were set at 4.25 percent. In yet another example of collusion with the Bank of New Zealand, in 1939 Internal Affairs officers arranged to have the county's remaining bank overdraft converted into a loan.

It will be remembered that under the terms of the creditors' relief scheme of 1933, all rates arrears to March 1932 were directed to reducing the principal of the BNZ overdraft, and half of the arrears for the 1932–33 year were similarly dispersed. Under the agreement, from April 1933 onwards once the secured creditors had been paid, any balance was to be distributed to unsecured and sundry debts, such as the bank overdraft. By 1939 the overdraft had been reduced to £2,700, but as Harper explained in a file note, with the deterioration of the financial position of the county, there seemed little prospect of making further reductions. The solution, endorsed by Harper, was to convert the overdraft to a loan.[635] Section 3 of the Local Legislation Act 1939 authorised the raising of the 30-year "Overdraft Funding Loan 1939" at 3.5 percent, without a ratepayers' poll. The loan was gazetted in November 1939. The legislative provision meant that the bank's debt was now secured, and that regular repayment would ensue. Those on whom the burden of repayment would fall were once again denied any say in the decision. To add insult to injury, over the following two decades the BNZ continued to act as an interested creditor, receiving the commissioner's half-yearly county reports for review, while the rationale for the loan was once again heaped on the hapless Maori ratepayers.[636]

The county's largest debt, the London Redemption Loan, was to mature in 1972; the smaller conversion loans in 1966 and 1969 respectively, and the overdraft loan in 1970. Each of these converted loans was secured by a special county-wide rate, meaning ratepayers were faced with four special rate demands in addition to their general rates.[637] Some indication of the extent of debt servicing from the rates receipts is provided in the table below, cobbled together from

[635] Harper, note for file, 15 June 1939, IA 1 103/33/10 pt.1; not included in DB.
[636] Ibid. Harper justified the legislation as necessary because "the county finances are not yet on a firm footing, due largely to the unsatisfactory position of Native rates" (in IA 1 103/33/10 pt.1) while the BNZ continued to be forwarded commissioner reports till at least 1952.
[637] Statement of Public Debt as at 31 March 1947, 'Matakaoa Correspondence' file, GDC Te Puia Service Centre; DB:875.

available county balance statements. While far from complete, the table does indicate that over time, the burden of debt did diminish to one-fifth of the rates receipts. Even this reduced proportion of debt servicing from rates was comparatively high: in 1961 Waiapu County's annual charge on its liabilities amounted to just two precent of its rates revenue.[638]

Table 7: Rates, debt, and county maintenance expenditure in Matakaoa						
Year	**Receipts**		**Payments**			
	Rates receipts (£) (including arrears)	**Special govt grants (£)**	**Debt repayment (£)**	**% of rates**	**County maintenance (£) (including new works)**	**Shortfall in receipts (£)**
March 1934[639]	8,227		8,421	102%	-	
April 1935[640]	5,371		3,384	63%	-	164
March 1940[641]	5,500		4,040	73%	3,860	3,000
March 1941[642]	6,836	-	4,069	60%	3,223	861
March 1942	6,665	-	4,076	61%	2,720	1,436
March 1947	9056	1,500	4023	44%	3,476	
March 1948	7910	2296	4025	51%	3,440	
March 1953	12,009	1,000	3,678	31%	7,491	1,780
March 1958[643]	8,278		1,755	21%	5973	

[638] 'Matakaoa County – Waiapu County: Brief Statistical Report', Local Government Commission, IA 1 197/818 pt.1; Towers DB:353V-Z.
[639] *Poverty Bay Herald*, 29 June 1934; DB:48.
[640] C.H. Bull, 'Summary of Financial Results….' IA 1 103/33/9 pt.2; Towers DB:325.
[641] Estimate, in IA 1 103/33/7 pt.1; DB:113.
[642] Statement for year ended 31 March 1941, IA 1 103/33/7 pt.1; DB:117.
[643] Statement of receipts and payments for year ended 31 March 1942. IA 1 103/33/7 pt.1; DB:118; Statement of receipts and payments for year ended 31 March 1947, IA 1 W1729 103/33/pt.4; DB:161; for year ended 31 March 1948, IA 1 W1729 103/33/pt.4; DB:159; for year ended 31 March 1953. IA 1 W1729 103/33/pt.5; DB:262; Balance sheet for year ended 31 March 1958, 'Matakaoa County re Finance', ringbinder file, GDC Te Puia Service Centre; DB:946-47.

After administration, the county's liabilities were treated as a first charge on rates receipts. From 1939 the shortfalls in county revenue, once road maintenance was taken into consideration, were topped up by grants from the Works vote. From 1942 direct annual grants for maintenance were made. This arrangement resulted in a certain official mindset. Rather than viewing access as the exchange for the tax on property, Internal Affairs bureaucrats tended to frame road maintenance as a concession from government, something ratepayers should be grateful for, with the poor financial position of the county ever the excuse to refuse ratepayer demands. This is discussed below in more detail. Given the priority placed on debt repayment it is noteworthy that on no occasion was consideration given by government to the moral obligation to preserve the assets for which the debt had been incurred in the first place. This is particularly relevant to the upkeep of the Hicks Bay wharf, which is also discussed below.

6.5.5 County assets: Roads

The neglect of the county's roads in the first four years of commissioner control has already been set out. Under the rehabilitation scheme devised by the county's creditors, maintenance was to be funded from the £800 set aside for county administration. This woeful provision and the resulting parlous state of the roads was largely behind the ratepayers' move to oust the commissioner in 1937. It is contended that promises to increase the maintenance budget helped quell Pakeha antagonism towards commissioner control.

The Main Highways Board continued to accept a token annual payment of £150 as the county's contribution towards to the upkeep of State Highway 35. Existing county roads were maintained after 1939, but as Harper put it, "on a very restricted scale. The whole basis of the arrangements now is to keep the roads and present facilities merely up to a satisfactory standard to allow the settlers to use them to get their produce in and out."[644] The commissioner worked in close collaboration with the Public Works Department who continued to maintain the roads. In 1939 it

[644] Heenan, Under Secretary Internal Affairs to engineer-in-chief, Under Secretary Public Works, 14 August 1942, IA 1 103/33/7 pt.1; DB:119.

was estimated by the district engineer that £4,530 would achieve the "absolute minimum requirements" of county road maintenance and a grant of £1,900 was made to help bridge the shortfall between the county's receipts and expenditure. The quid pro quo for this assistance was the understanding that Bull would not apply for any grants for the formation of new works.[645]

In August 1942 Heenan arranged for another grant of £3,000 through Public Works and these top-ups continued on an almost yearly basis: £3,000 for 1943–44; £1,500 for the years 1945–50; £1,000 for the years 1950–51 and 1952–53; £1,700 for 1953–54. Curiously, Chrisp's correspondence in 1954 with the Commissioner of Works indicates a preference to apply for a "metalling grant" rather than a "special grant," even though both sums were used for the maintenance of county roads. This financial assistance continued for the duration of commissioner rule.

One reading of the county's road files is that of a careful and conscientious commissioner, beset by periodic flooding and worsening erosion, applying the limited funds to the most necessary works in consultation with the county councillors. Chrisp himself frequently admitted that the roads were not maintained adequately and from 1958 he often attributed the decline in farm productivity to poor access. The received version of the commissioner's stewardship of the county infrastructure is best articulated by Harper in 1958:

> When the Commissioner was first appointed, the roads were in a very bad state, bridges were neglected, many of the rivers and streams did not have bridges at all, and things were generally in a backward state. Now the roads throughout the County are good, bridges have all been brought up to standard, and new bridges have been provided wherever necessary on the rivers and streams that were without them. There is really nothing very major in the way of public works that has to be faced in the foreseeable future….[646]

Consciously or otherwise, Internal Affairs myth-making reached its zenith with respect to the county roads. Harper's closing sentence is particularly ironic given the fact that this statement was made shortly after the Hicks Bay wharf improvements were shelved through want of money, an issue which is dealt with below.

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[645] Ibid, Harper, memorandum for Under Secretary, 26 May 1939; DB:104-112.

[646] Harper, Secretary Internal Affairs to Minister Internal Affairs, 6 November 1958. IA 1 W1729 103/33 pt.5; DB:237-38.

It is simply not true that the poor state of the roads pre-dated commissioner control. Yet by 1938 the received version of events was that the county had been given "a very liberal measure of financial assistance," without which:

> the roads in the County (which incidentally had previously got into a deplorable state of disrepair) would simply have been left to ruin. The very limited resources available to the Commissioner from the county funds practically precluded anything other than a nominal sum being spent of the County roads.[647]

The laudable practice of prioritising works with council loses much of its lustre when it is remembered that the same eight Pakeha councillors of a nine-member council were kept in office for over 20 years, and a Pakeha majority construed throughout. Given the scant resources directed at the county roads, it is plausible that the councillors would have had first dibs. It is also evident that many complaints from ratepayers were simply ignored, or brushed aside with the excuse that the county had no money for maintenance.

The "repeated" request of seven ex-servicemen to have Slaughterhouse Road metalled in order to access their homes was only actioned in 1954, after the men had the secretary of the Gisborne Returned Services Association petition on their behalf.[648] Road files held at the Te Puia Service Centre contain a litany of complaints about the state of the roads in Matakaoa throughout the 1950s. Often these were instigated by the schools in the district, who argued that the poor roads impacted negatively on their pupils' attendance in wet weather.[649]

Consistent with the early years of commissioner control, government officials continued to see rates primarily as a means of debt repayment, rather than bestowing a corresponding duty to provide county infrastructure. Even in the face of consistently high rate collections officials persisted in attributing the minimum expenditure on roads on the poor financial position – without ever acknowledging the impact of debt repayment on the county's finance. This narrow focus on debt repayment blinded these men to the larger development issues at stake. When access to areas of Maori farmland was finally provided by Maori Affairs in the 1950s, Harper

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[647] Heenan to Engineer in chief, Under Secretary Public Works, 31 March 1939, IA 1 103/33/7 pt.1; DB:102-3.

[648] Secretary Gisborne RSA to Commissioner Matakaoa County, 29 September 1954, 'Matakaoa Roads' file, GDC Te Puia Service Centre; DB:900.

[649] Ibid, see for example Headmaster, Maori District High School Te Araroa to County Council, 1 March 1954; Secretary, Whakaangiangi Maori School to Commissioner, 2 May 1956; DB:889; 902-04.

viewed the increased county maintenance bill as a threat to the county balance sheet, rather than embracing the improvement to farmers' lives and farm productivity.[650]

Those who had not achieved access by 1932 under council control remained without for the next two decades. This included predominantly Maori farmers at Marangairoa, Wharekahika, Matakaoa and Horoera. Roads to these areas were eventually formed in the 1950s by the Department of Maori Affairs as part of its land development strategy, aimed at the farming units under its control. A prerequisite for Maori Affairs funding of road development was the written guarantee from the appropriate local authority to take responsibility for future maintenance. The report now turns to consider two roads developed by Maori Affairs at this time, Marangairoa (4 miles) and Wharekahika (5½ miles) and also the maintenance of the Horoera Access Road in the light of the county's provision of service to its constituent Maori ratepayers.

6.5.6 Marangairoa Road

Initial steps to lay off a road to farms at Marangairoa were said to have been taken by Matakaoa County Council in 1930, before its collapse. In 1935 the Native Department noted that occupiers of the farm units on Marangairoa 1B had agreed to the taking of land for the proposed road, and also to supply materials for fencing and culverting the length of their boundaries. At this time, 115 people were said to reside in the locality, only two of whom were Pakeha.[651] In 1937 the roadline was laid off by the Native Land Court and declared to be a public road. Further progress was stymied "due to the financial position of the Matakaoa County Council…"[652]

In July 1948, fed up with the lack of access, P Aspinall, manager of one of the farm estates, complained directly to the Prime Minister:

> I appeal to you think of us struggling here in these back blocks we have been farming here for the last thirty four (34) years and have paid our rates regularly our rates averaged £78 per year. My neighbours rates are about the same as mine. Now is the time to put in a road for us when the weather is fine and the ground is dry. I again appeal to you to help us out we are living out here under all the hardships you can think of, we have to pack every

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[650] Harper, Under Secretary Internal Affairs to Under Secretary Maori Affairs, 29 July 1949, IA 1 W1729 103/33/8; Towers DB:245.
[651] 'Population of Townships and Localities in Each County', *New Zealand Census, 1936*.
[652] Memorandum for Under Secretary Maori Affairs, nd in 3/2/5, TPK Gisborne; DB:1776.

> thing in and out and we cannot get any doctors or nurses out to us in Winter when there is any sickness etc. There have been several persons died out here without getting good medical care. We have decided that in the coming currant rates we would withhold it till we get a road put in.[653]

Aspinall's request was supported by his two neighbours. Although all three farms were Maori land, only one of them was still a unit under the control of Maori Affairs. The proposed four mile road would also give access to Marangairoa Station, controlled by the Maori Trustee, and to a number of units that were part of a Maori Affairs development scheme. In all, the road would give access to 12 sections, or some 5,500 acres, enhancing production by enabling the transport of manure and stock. In human terms, 9 families were affected: 30 adults and 25 children.[654] Maori Affairs deemed the road to be essential for further development and closer settlement and was prepared to contribute to the cost, estimated at £9,270, from the department's road vote. Given that two of the farms benefiting from the road were independent of Maori Affairs, it was considered that part of the cost should also be borne by the Public Works fund.[655]

In March 1949 the district engineer responded that part of the proposed road lay over unstable ground and would need rerouting. In any case, the work could not go ahead until the next summer because all the available plant was fully engaged. With regards to funding, the road was classified as "internal," meaning a £-for-£ subsidy could be made available, but not until the road estimates were prepared "as there are other urgent works on the list for Matakaoa County."[656] In December Aspinall was informed by the Minister of Works that the road would be put through in the summer. A suitable route had been located and the new road line laid off by the Maori Land Court. The resident engineer had been advised by Commissioner Chrisp that the county would take over the maintenance of the road when completed.[657]

The hold-up now became liability for cost. The revised estimate was £11,913, half of which was to be paid by the Ministry of Works and half of which was chargeable against the land (with the discretion of the Minister of Finance and Treasury). With regard to the units under their control, Maori Affairs sought to apportion out the cost of the remaining balance: units in a good financial

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[653] Ibid, P. Aspinall to Maori Affairs, 5 December 1948; DB:1780.
[654] Ibid, file note from Te Araroa, 10 February 1950; DB:1796.
[655] Ibid, memorandum for Acting Commissioner of Works, Wgtn, 13 January 1949; DB:1781.
[656] Ibid, Resident engineer to Permanent Head, Ministry of Works, 22 March 1949; DB:1784.
[657] Ibid, Resident engineer to Registrar Maori Affairs Gisborne, 9 December 1949; DB:1790.

position were expected to make a token payment of £50–£100. The department was not prepared to contribute the share of the two independent Maori farmers on the road, seeing this as the responsibility of the local authority or Public Works to arrange.

When Aspinall inquired about progress in February 1950, he was told by the registrar that the Department of Maori Affairs would assist the units under its administration towards the cost of the road. Aspinall and the other private farmer on the other hand, would need to arrange their contributions with the Ministry of Works before the road could proceed.[658] The two farmers subsequently agreed to pay £100 each towards the road "and no more. For we have paid in rates for the last 36 years up to the value of over £5,000."[659]

At the same time in Wellington, the Under-Secretary for Maori Affairs advised the Commissioner of Works that because the road would be of greater interest to the two settlers outside Maori Affairs control, he could not recommend a charge against the department's vote. On 28 June the Commissioner of Works responded that this change of heart meant that the road would now be treated as "normal County roading," which would not be possible to undertake "for some years" due to limited Roads Vote funds.

Yet another spanner in the works was Commissioner Chrisp's reluctance to take over future maintenance, which was a prerequisite for Maori Affairs support. In January 1950, the registrar sought written confirmation from the Commissioner that the County would take over the future maintenance of the road. The request was reiterated at the end of April, to which the Commissioner responded:

> It would seem that the annual cost of maintaining this road would not be less than £1,000, particularly for the first few years after the road is constructed. You will realise that there will be no compensating benefit to the County in rates and you know that the income of the County has been, for many years, insufficient even to meet the minimum outgoings only.
>
> Whilst it is fully appreciated that this road is most desirable and even a necessary work to enable the greatest return to be obtained from the lands served by it, it is nevertheless necessary for provision to be made to meet this additional annual cost. Up until the present it has not been possible to solve this problem. The most difficult years which the County will have to

[658] Ibid, Holst, Registrar Maori Affairs Gisborne to P. Aspinall, 14 February 1950; DB:1798.
[659] Ibid, Aspinall to Maori Affairs, Gisborne, 26 April 1950; DB:1799.

> face in the future are the next five years, at the end of which time some relief will be obtained by the repayment of one of the County Loans. Whilst the County is prepared to give and is giving, the most sympathetic consideration to the proposal, I do not think it can undertake this added liability in toto, and I would be grateful if your Department would consider whether it would be prepared, say for a period of five years, to contribute a substantial portion of the annual maintenance cost.[660]

Chrisp had raised the issue in his annual report, and later travelled to Wellington to discuss it with Harper. The file note of this discussion does not refer to any contribution towards maintenance: rather, Maori Affairs would be asked to "make a further attempt to increase the percentage of Maori rates collected," which for that year stood at 77 percent.[661] Local Maori Affairs officers were already assisting the commissioner with rates collections and Chrisp was doubtful whether more could be achieved.

The above letter was sent in May and seems to have given the commissioner qualms. In July, Harper concurred with the commissioner that "it would hardly be possible to justify the County not accepting responsibility for these new roads once they are constructed…" The under-secretary advised Chrisp to agree to take over the maintenance, "and we will later have to look at the effect on the financial position of the County as a whole."[662] Harper's letter to the Under-Secretary of Maori Affairs on the same day gives some insight into the way these officials viewed the development:

> As you know, the Matakaoa County has for some years been under the general control of this Department, and is administered by a Commissioner. The financial position of the County has not been good for many years, and it has been necessary for the Government to subsidise the County each year in order to balance its accounts. For the last five years an annual grant of £1500 has been made by the Government for this purpose.
>
> In the last year or so it has been possible to see a considerable improvement in the financial affairs of the County, and it is anticipated that a reduction could in the future be made in the amount of Government assistance provided. It does not appear, however, that this expectation will be realised, because I am advised by the Commissioner that the Maori Affairs

[660] Ibid, Chrisp, Matakaoa County Commissioner to Registrar Maori Affairs Gisborne, 25 May 1950; DB:1803.
[661] Ibid, Meech, file note, 15 September 1949, IA 1 W1729 103/33 pt.4; DB:210. See also Chrisp to Under-Secretary Internal Affairs, 24 January 1950; DB:880.
[662] Harper, Under Secretary Internal Affairs to Chrisp, 29 July 1949, IA 1 W1729 103/33/8; Towers DB:247.

> Department proposes to construct further roading in the County in order to open up additional land for farming purposes.[663]

In the meantime however, the registrar in Gisborne had taken Chrisp's May response as a "no." Maori Affairs had no funds tagged for road maintenance. The matter was referred to the Under-Secretary for Maori Affairs, who in turn sought advice from the Commissioner of Works, pointing out that, "the occupiers are ratepayers and, therefore, contribute to the roading of the district. The position is such that without access it is not possible to further develop the land. Without roading the land must deteriorate."[664] This letter would have crossed in the mail with the Commissioner of Works' letter noted above, regarding the redesignation of the road as a county road. In view of the fact that the road could not proceed anyway, the Commissioner of Works felt that the county's request did not warrant consideration.

Aspinall was told in July 1950 that the road could not proceed, because of the heavy commitment of State funds for roading in the district; because Maori Affairs' contribution towards the road would be small; and because the commissioner had refused to accept liability for maintenance: "this road will have to be considered as a normal County one and considered along with other roads when determining finance and priority of construction."[665] A further request from Aspinall for culverts to enable a private contractor to form the road in the summer was also turned down.

The following May, Maori Affairs was advised by the resident engineer of his intention to proceed with part of the road "as far as funds permit," and to continue the road the following year, "if funds are available." After further negotiation, in August 1951 it was agreed that Works would pay £7500 for the formation, taken over two years, and subsidise three quarters of the metalling cost of £4500.[666] The Matakaoa County Commissioner was now prepared to maintain the road. Maori Affairs was left to find the remaining £1125 for metalling, minus any contributions from the affected occupiers. The road was constructed over 1962-63.

6.5.7 Wharekahika Road

[663] Harper, Under Secretary Internal Affairs to Secretary Maori Affairs, 29 July 1949, IA 1 W1729 103/33/8; Towers DB:245-246.
[664] Under Secretary Maori Affairs to Commissioner of Works, 30 June 1950, 3/2/5 TPK Gisborne; DB:1805.
[665] Ibid, Registrar Maori Affairs Gisborne to P. Aspinall, 25 July 1950; DB:1808.
[666] Ibid, see file correspondence; DB:1811-16.

Two road lines were laid off by the Native Land Court in the 1930s to facilitate Maori farm development in the Wharekahika district. The first of these, a six-mile road providing coastal access from the main highway near Lottin Point north to Potikirua, was declared to be a road line by the court in April 1933.[667] The 1936 census reveals the locality was home to 127 residents. Information about this road is limited. It seems to have been finally undertaken in 1950, after concerted petitioning from Pakeha occupiers.

Poor access to Henry McClutchie's farm on the Wharekahika river was singled out before the 1933 Commission of Inquiry into Native Rating as an example of the poor service meted out to Maori ratepayers. McClutchie ran a productive sheep farm, his woolshed was utilised by neighbouring farmers, and he regularly paid his rates. Yet despite the fact that the farm lay only 1.5 miles from the Hicks Bay wharf the county council had provided no access. "The only road I have today is the river bed, used by my old, old ancestors":

> I have written, written, and written to the Council for a road to my place, and all they said was that they would send a surveyor up. It took them two years to get a surveyor on to my road; and then Mr Kemp promised to send a few men to put in a cutting here and there. The Council took so long to act that I thought it best to take advantage of the offer of the Native Minister, otherwise I would never have got any road from the Matakaoa County Council; and I had paid as much as £1500 up to 1930, when I refused to pay any more because I had no roads.[668]

In that mile and a half, the river had to be forded seven times. In times of heavy rain, wool markets were missed. McClutchie's plight was compared by Councillor Kohere to that of "Europeans thirty miles away [who] can drive their motor-cars to their doors." Like many Maori farmers in the area, McClutchie had recently diversified into dairy farming, with the Native Department promising him a road, although according to Kohere, "it has not got there yet. …He takes his milk carts across fords, and the lorry meets him at Hicks Bay."[669]

Not surprisingly, things did not improve for Wharekahika farmers under commissioner control. McClutchie's mile of road was formed by 1937 by the Native Department but the five farmsteads further upriver missed out. For the following 15 years the riverbed itself was the road,

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[667] Waiapu MLC Minute Book 102/355 in Wharekahika road file, 3/2/3, TPK Gisborne; DB:1704.
[668] McClutchie evidence, Native Rates Commission 1933, MA 1 407 20/1/14 pt.3; Towers DB:1084-5.
[669] Ibid, evidence of R.T. Kohere; Towers DB:1075.

albeit one "so soft that it bogs the empty dray."[670] Development had been hampered by the lack of access: farm supplies and superphosphate had to be packed in by horse; pasture was worn out and overtaken by manuka. Children on the farms were unable to attend school: one child had died in the river attempting to do so.

> I am quite satisfied that the settlers up this river live in a forgotten world & are only remembered by the authorities when the rates are due – I am sure no Official has been up this riverbed for 20 years, excepting the district Nurse....these Units will probably leave this area & I would not blame them either, the way they have been treated with the rotten access.[671]

One farmer had put in a private road costing £200–£300, giving the family access to State Highway 35, where the children were then picked up by bus to attend Potaka school.

In June 1948, Trafford, the Maori Affairs supervisor based at Hicks Bay, identified Wharekahika as a good use of road grants to open up the area for Maori land development. The issue was referred to the Under-Secretary of Maori Affairs by the local registrar, with the explanation "The Matakaoa County Council which controls the Wharekahika area is badly off financially and we cannot expect any assistance from them in the way of roading construction."[672]

In May 1949 the district engineer was also approached about the possibility of having the road constructed. It was estimated that the 5½ miles of road would cost £11,986, considered economically justified by Maori Affairs staff. The registrar was told that due to a shortage of plant, it was doubtful whether the work could proceed. The district engineer also identified a further obstacle:

> The rates at present collected in the County are insufficient to maintain existing roads and naturally neither the District Engineer nor the Commissioner will be enthusiastic about further lengths until they are assured that the maintenance costs will be provided.[673]

Once again, it can be seen that the onus for the limited infrastructure was placed on the ratepayers. In any case, as the registrar noted, not to proceed with the proposed road at

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[670] Trafford, Hicks Bay Supervisor to Registrar, Maori Affairs Gisborne, 26 October 1948 in 3/2/3, TPK Gisborne; DB:1707.
[671] Ibid.
[672] Ibid, Thompson, Registrar Gisborne to Under Secretary Maori Affairs, 1 November 1948; DB:1708.
[673] Ibid, memorandum for Under Secretary Maori Affairs, 20 June 1949; DB:1711.

Wharekahika would only worsen the county's economy: "as I see the position in the case of this and other necessary roads in the County, unless access is provided the farm lands will deteriorate and the owners will not reside permanently on their farms."[674] Trafford too, took umbrage at the implication that ratepayers were to blame for the situation:

> … probably these lands concerned have paid rates since 1914 & what have they had for it. If I had been a settler & treated like these are I would not pay rates – the cost of carting, by dray, packing & the trouble of getting children to school etc. has been a burden to these settlers for nearly 40 years.[675]

As outlined above, in August 1949 Commissioner Chrisp advised that the County would assume liability for the maintenance of the Wharekahika, Marangairoa and Whangaparaoa roads. By this time however, funding formulas had changed. Under the new arrangement, land served by the new formation had to bear 50 percent of the cost, subject to Treasury and Ministerial discretion.

Asked as to whether the units served could contribute towards the capital cost of construction and whether they had been paying their rates, Trafford responded: "You will understand these people have never had a road & yet have been paying their rates & living in these inaccessible places for years, paying probably as much for their carting to get to the main road, as many other pay for 80 miles. …It is hardly fair to ask them to pay towards the road."[676] The matter was left at that.

In 1952 Maori Affairs revisited the issue. The cost was now estimated at £12,593. The Ministry of Works would pay for the formation (£9,980) and subsidise three quarters of the metalling costs. Maori Affairs would pay one half of the unsubsidised cost of surfacing, on the proviso that the county would take responsibility for future maintenance. The five affected landowners were asked to pay the other half of the cost, to which they agreed. Commissioner Chrisp's response to the Maori Affair's request is worth quoting:

> The Council desires to assist ratepayers, particularly with access problems, and would be prepared to assume liability for maintenance of this road after the expiration of two winters after metalling, provided of course, rate payments are maintained.[677]

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[674] Ibid.
[675] Ibid, Trafford, Hicks Bay supervisor to Registrar Maori Affairs Gisborne, 16 July 1949; DB:1714.
[676] Ibid, Trafford to Registrar Gisborne, 15 September 1949; DB:1717.
[677] Ibid, Commissioner, Matakaoa County to District Officer Maori Affairs, 17 February 1953; DB:1726.

The road was constructed after 1953.

6.5.8 Horoera Access Road

The inadequate access in the Horoera Riding was another example raised by Councillor Kohere before the Commission of Inquiry into Rates in 1933. At that time, the road consisted of 6 miles of dray road, the sum total of access within the Horoera Riding, and 10 of the 12 farmers in the riding were without access. Like other coastal settlements, Horoera was a traditional community and in 1936, the fourth largest population concentration in Matakaoa County.

The East Cape road was not extended under commissioner rule and maintenance was also inadequate. Councillor Kohere's farm was located at East Cape and he lobbied hard to have the East Cape connected southwards to Rangitukia, something that was not achieved in his lifetime (see Chapter 5). In March 1949, Chrisp reported that the East Cape road had been cleared three times that year, but was once again closed, the commissioner claiming that it was "well beyond the resources of the County to maintain this road in a useable condition at all times."[678]

In 1951 the Maori Affairs supervisor at Te Araroa described the road as "hopeless for wheeled traffic of any sort during the winter and the wet months of the year – sometimes in early autumn and sometimes during most of the spring depending on the season."[679] In April 1954 ratepayers and residents of Horoera complained that the road was so bad they feared for the safety of their children on the school bus. Problems with the road had been ongoing: Interestingly, their complaints were directed at the resident engineer, not the County Commissioner:

> These points have been drawn to your attention on several occasions and as yet no action has been taken. This area has been neglected by the Government since the signing of the Treaty of Waitangi and we feel that it is high time that some work was done out here…[680]

The district engineer pointed out that the Ministry of Works was merely maintaining the road on the county's behalf, and that work was circumscribed by the amount made available by the county.

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[678] Matakaoa County Commissioner, Report for year ended March 1949, IA1 103/33/9 pt.4; not included in DB.
[679] Mackay to Registrar Maori Affairs Gisborne, 20 August 1951, 3/2/6 TPK Gisborne; DB:1765.
[680] P. Chalmers et al to Resident engineer Te Araroa, 8 April 1954, 'Matakaoa Roads' file, GDC Te Puia Service Centre; DB:891.

The community was told to address their complaints in the first instance to the county council through their riding member, who might then propose to the commissioner to apply for a government grant when the annual road estimates were prepared. In June an approach was made directly to the commissioner:

> We realize that it appears to you that we are always complaining about the road in the area but we feel that we do this with good justification. It is not too much to ask that we should be able to drive along our main access road without having to fit chains to our vehicles and travel in fear of becoming so bogged down that a tractor is needed to pull us out.[681]

The co-author of this request was H. J. Dewes, who was appointed councillor for Horoera Riding in March 1955. Six months after his appointment, as a result of a council meeting, the commissioner asked the overseer at Te Araroa for a quote for placing six culverts on the Horoera road.[682]

In August 1956 Chrisp informed the county clerk that the balance of that year's allocation from the National Roads Board Fund would be spent on the bridges on the East Cape Road, including bridging the Awatere river at Te Araroa. Chrisp announced the opening of the Awatere bridge in his annual report of 1962, celebrating the "all weather access to all the area lying to the east of Te Araroa."[683]

The three case studies related above reveal the forces at work against Maori under commissioner control. Marangairoa and Horoera were substantial Maori communities that did not get access under council control during the 1920s (Lottin Point and Whangaparaoa were similarly bypassed). Under the creditors' stringent "rehabilitation" scheme these communities were to remain isolated until Maori Affairs assistance in 1950. With Maori Affairs funding directed at farm units under its control, the Marangairoa Road example reveals how independent Maori ratepayers could fall through the gaps under commissioner rule. Rather than treating access as the legitimate return for regular rates payments, many Maori families farmed for decades in conditions redolent of the previous century. It is difficult to quantify the effect that lack of access had on the farming community. Anecdotal evidence from the local Maori Affairs officers, of

[681] Ibid, Chalmers, Dewes to Commissioner, 23 June 1954; DB:898-99.
[682] Ibid, Commissioner to Overseer Ministry of Works Te Araroa, 13 September 1955; DB:901.
[683] Commissioner Matakaoa County to Secretary Internal Affairs, 9 July 1962, IA 1 103/33/9 pt.5; DB:135-138.

deteriorating pasture and declining productivity, not to mention onerous conditions and isolation, suggest that delayed access was a factor behind the decreasing population.

6.5.9 Hicks Bay Wharf

Like the county roads, the Hicks Bay wharf was a county asset that was left to run down under commissioner control. The amount of livestock and wool exported from the port fell steadily through the 1930s, although the wharf was still making a profit on working expenses in 1939. That year Harper reported the need for urgent maintenance on the wharf, estimated at £2,800, as well as a proposal to have it lengthened to accommodate larger vessels. Harper supported the maintenance work – "having been erected, it is desirable to secure all the revenue possible from it" – and acknowledged its importance to the district.

However, despite having witnessed firsthand the difficulties of berthing, the local affairs officer was unable to recommend the lengthening proposal because of "the present state of the County finances."[684] The necessary funds were not provided in the estimates for the following year and the issue appears to have lapsed. Shipping was interrupted during the war and in 1946 Chrisp suggested abandoning the wharf altogether. Annually running at a loss, by 1948 the harbour board account was in debit by £750 and special legislation was passed authorising the commissioner to transfer funds from the county account.[685]

The advent of topdressing sparked renewed interest in the wharf from Matakaoa's farmers, it being considerably cheaper to ship fertiliser in than to haul it by road. From the 1950s Chrisp was facing "more or less intense agitation" to have the wharf facilities improved. The shipping company serving the port for many years was Richardson & Co Ltd, operating from Napier. In January 1954 locals met with company representatives at Te Araroa to discuss expanding the shipping service. The company however described the wharf facilities as primitive, and downright unsafe for shipping. Improvements would need to be made to ensure a safe berthing for the company's vessels.[686]

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[684] Harper, memorandum for the Under Secretary, 26 May 1939, IA1 103/33/7 pt.1; DB:105.
[685] IA 1 W1729 103/33/pt.4; not included in DB.
[686] Information contained in 'Report of the Committee of Inquiry … to examine and report on the Desirability or Otherwise of Extending and Improving the Hicks Bay Wharf', 13 December 1956, 'Matakaoa re Hicks Bay Harbour' file, GDC Te Puia Service Centre; DB:925-39.

The wharf improvement proposal of 1954, which included extending the wharf by 70 feet, was estimated to cost some £13,000. It was endorsed by the resident engineer in Gisborne, who recommended that the project be subsidised on the same basis as access roading. The Secretary for Marine also supported the project: if Works were to subsidise the improvements from the Road Vote, the Marine Department would pay the balance.

The proposal fell down following Treasury discussions with the National Roads Board who were unwilling to pay for the works on the grounds that the volume of goods being transported did not warrant the proposed expenditure on the wharf. The ambivalence of the Matakaoa County Commissioner towards the proposal on this occasion is scarcely reflective of an interest to promote the well-being of the county, particularly given the fact that Chrisp was not being asked to fund the works in any way. The commissioner was well aware of the importance to local farmers of the port (in fact he called it "an absolute necessity") to enable the application of manure at a reasonable cost. Yet he saw this as a matter of national interest for the government, not the county, to evaluate. Rather than lobby on behalf of his constituent ratepayers as one might expect from a local authority, Chrisp reiterated Treasury's view, stating that "it would be extremely difficult for anyone to attempt to justify such a relatively large expenditure as £14,000 on the present trade of the port," and submitted the last three years' accounts in support. He also added his personal view that "the administration of the County would be better off it there were no harbour."[687] Not surprisingly perhaps, nothing came of the proposal.

Two-and-a-half years later, in July 1956, Richardson & Co. issued the Matakaoa County Council with an ultimatum: unless steps were taken to improve the safety of the facilities, shipping services would be discontinued in February 1957. The county's inertia in dealing with the issue was placed at the door of the commissioner: "We have pondered over the matter a great deal and have thought it may possibly be due to Commissioner control causing stagnation of initiative towards the District's welfare."[688]

In the ensuing correspondence between the commissioner and the company, the cause of the drop-off in wharf activity assumed "chicken-and-egg" tendencies. The commissioner attributed the diminishing wharf revenue to the fact that it was apparently uneconomic for ships to provide

[687] Ibid, Matakaoa County Commissioner to Secretary Marine, 4 August 1954; DB:914.
[688] Ibid, Richardson & Co. Ltd. to Secretary, Matakaoa County Council, 5 July 1956; DB:915.

a regular and frequent service, and the preference for shopkeepers to use road transport, given the infrequent service by sea. Richardson & Co. replied that shipping was economically viable, and that their service had been both regular and of material benefit to the county, but that it could not continue given the state of the wharf. Still arguing that the amount of trade scarcely warranted the expenditure, Chrisp nonetheless conceded that the importance of fertiliser to the district meant that "every effort must be made to keep the port open." He promised to raise the matter in Wellington on his next visit.

The commissioner's appraisal of the issue to the Secretary of Internal Affairs on this occasion can be seen as support for the wharf improvements, with the caveat that it was "quite outside the financial resources of the County" to do so. Chrisp pointed to the importance of the wharf to farming productivity: "it can be said with confidence that unless the use of manure increases in this County not only will the present deterioration of County land steadily progress but also there is no prospect of much if any of the lands which have deteriorated being restored to a state of reasonable production." Bringing manure in by road was prohibitively expensive. The commissioner had also done an about-face regarding the future of wharf: "there is already a fairly serviceable port at Hicks Bay which should not lightly be abandoned and the expenditure required to make it serviceable while heavy by some standards is relatively a negligible sum if weighed in the balance of production and national economy."[689]

The importance of the wharf to farm productivity resulted in a committee of inquiry set up by the Minister of Agriculture, to examine the desirability of improving the Hicks Bay wharf, along the lines of the 1954 proposal. The committee comprised two representatives from both the Department of Agriculture and the Department of Maori Affairs; and four local farmers, two Maori and two European. Three of the farmers were Matakaoa County councillors. The committee sat for three consecutive days in November, at Gisborne, Te Araroa and at Waihau Bay.[690]

The committee heard from the Matakaoa County Commissioner, now in full support of the improvements and calling the cost "mere bagatelle" compared with that spent on roads and

[689] Ibid, Commissioner to Secretary Internal Affairs, 20 July 1956; DB:921-23.
[690] Ibid, 'Report of the Committee of Inquiry … to examine and report on the Desirability or Otherwise of Extending and Improving the Hicks Bay Wharf'; DB:925-39.

bridges in the district. In its report, the committee reviewed the development and state of farming in the district, and the county's future prospects. It concluded that the wharf was a very important facility which, if abandoned, would be a serious set-back to the district already struggling to make headway. With improved facilities, the tonnage of superphosphate handled was predicted to double, with the increased frequency of ships visits attracting increased wool and general cargo patronage as well. The committee unanimously recommended that the proposed wharf extension and improvements be carried out. They suggested that the estimated cost of £15,000 be split four ways between the counties of Matakaoa, Waiapu and Opotiki; the National Roads Board (given the saving on road wear and tear); Public Works (the wharf being a means of access to the district); and Marine (given the earlier agreement to finance the project). Reflecting the wide scope of their inquiry and concern for the district, the committee also recommended that the Department of Agriculture place a field instructor near Ruatoria to establish demonstration farms as to best practice; that the Departments of Agriculture and Maori Affairs combine to launch an education programme to improve farming methods; and that a soil conservation officer be stationed in the district for the next few years.

The job of negotiating the shared payment was given to Harper, Secretary of Internal Affairs. Both the National Roads Board and the Ministry of Works declined to meet their share of the cost. Treasury was not in favour of the expenditure. The county councils too, baulked at the proposal. Nor did the ratepayers of Matakaoa County Council wish to foot the bill. In November 1958, one year after the committee's report, Harper recommended to his Minister that, in the absence of any agreement to fund the improvements and the fact that Richardson & Co. had continued trading in the meantime, "I do not think it is worth while pursuing the question of extensions to the wharf."[691]

The proposed improvements did not proceed and the same chicken and egg situation ensued. In August 1961 Chrisp reported a marked decrease in wool exports: "On the one hand the shipping companies are not prepared and no doubt cannot afford to maintain a regular service and the farmers decline to place reliance upon the uncertain service which is provided."[692] The following year he opined that the extent of freight shipped hardly justified expenditure on improvements,

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[691] Secretary Internal Affairs to Minister Internal Affairs, 6 November 1958, IA 1 W1729 103/33 pt.5; Towers DB:169.
[692] Chrisp to Secretary Internal Affairs, 7 August 1961, IA 1 103/33/9 pt.5; DB:132.

but that the wharf could be left open as is, "further development can be dictated by future events."[693] And that was the end of that.

The story of the Hicks Bay wharf encapsulates some of the most enduring themes of the whole sorry tale of commissioner control of Matakaoa County. The wharf can be said to be the raison d'etre for the creation of the county in the first place and the associated debt became the millstone around the ratepayers' necks for the next 40 years. As the creditor of the harbour loan from 1934, the New Zealand government legislatively created a mechanism through which to extract repayment: the Matakaoa County Commissioner. As the above narrative demonstrates, at no point did the government consider its corresponding duty as creditor to ensure that the assets for which the debt had been incurred were protected. As the above story also indicates, in his role as the government's bailiff, Chrisp had little concern for the wider economic well-being of the county ratepayers. Although displaying a belated interest in county development, he remained oblivious to his role in the district's decline.

6.6 Economic Decline

One of the most telling indicators of economic stagnation under commissioner rule was white flight, which saw the 1960 Pakeha population at just over half of that of the heydays of the 1920s. Unable or unwilling to carry the burden of debt repayment, with little to see for it in exchange, Pakeha farmers voted with their feet and simply left. This "gradual withdrawal" of Pakeha from the district was first noted in commissioner reports in 194,2 and accelerated over the following decade. By the time of the inquiry into the Hicks Bay Wharf there were said to be only 15 Pakeha farmers left in the entire county. The wharf inquiry also revealed the steady decline in farm productivity and the deterioration of farm land. In a county based predominantly on farming, the effect was a downward spiral.

1956 proved to be a year of review for the county. In addition to the Hicks Bay Wharf committee's report, an appraisal was also conducted in the same year by the Local Government Commission.[694] At this time the county's assets amounted to £22,607, the semi-derelict wharf and sheds accounting for half of this. Council houses at Te Araroa were occupied by the county

[693] Ibid, Commissioner, Matakaoa County to Secretary Internal Affairs, 9 July 1962; DB:137.
[694] Local Government Commission report 1956, IA 1 197/818 pt.1; Towers DB:353AO-AZ.

clerk and the poundkeeper; four roadmens' cottages were located at Waikura, Kopuapounamu, Oweka and Kokomuku; and the harbour board had a house at Hicks Bay. The county had only 1 mile of sealed road, 113 miles of metalled road, 16 miles of unmetalled road and 12 miles of unformed legal roads. The fact that road works were undertaken by the Ministry of Works meant that plant owned by the county was negligible.

There were no recreational facilities, no community hall. There was no county water supply, no sewerage or household drainage scheme. No household refuse collection, and no street lighting. In fact, there was no electricity reticulation:

> on a glance at a map showing the Power Board Districts it appears that Matakaoa County is totally excluded though the boundaries of the Bay of Plenty and Poverty Bay Power Boards Districts touch the County on its southern boundary. I inquired at the State Hydro Dept the reason for the exclusion of this area from any of the two Power Boards' areas and was politely informed that they were never included in the first.[695]

There was no fire protection and, while building permits were issued, no building inspector. The council had not assumed responsibility for noxious weeds and nor, despite the district's endemic erosion problems, was there any provision or strategy for soil conservation.

In the same year Chrisp was approached by the Ministry of Works regarding the preparation of a district planning scheme. The commissioner argued for an exemption:

> I frankly find it difficult to visualise any kind of plan which would be realistic and of advantage in this locality. As you know, the development in the County has for many years been practically at a standstill and it is difficult in the foreseeable future to anticipate any material changes taking place.[696]

The county had no industry, and the "prospects of development are very remote." He was nonetheless told by Works to begin collecting information. A council meeting to consider the matter was held in February 1957. A scheme was eventually prepared by the Ministry of Works in 1963, the county once again pleading lack of funds. The planning assistant had identified a number of factors affecting development, one of which was the difficult access, particularly into

[695] Ibid; Towers DB:353AV.
[696] W40 149/291; not included in DB.

back country areas.[697] In 1964 the draft scheme was abandoned because of the impending amalgamation.

The interest in county planning and development seems to have sparked a corresponding enthusiasm from the commissioner. From 1958 Chrisp began to espouse the potential of the area for horticulture and from this time too his half-yearly reports contained a section headed "County Development" or "Future of the County." This interest coincides with the formation of the East Coast Development Research Association (ECDRA), a group concerned with the economic development of the region. In his 1959 report Chrisp countered allegations that the falling productivity was due to Maori land ownership, citing instead the poor access, high transport costs and the reluctance of investors to provide finance to farmers. "All of these factors have had a real and vital influence on development. It has been almost inevitable under these circumstances that stagnation and lack of progress should occur."[698]

The commissioner also identified the devastating effect of land erosion and river control as a matter of national interest. In his annual report of 1960 he again wrote:

> The area has not shared in the general development which has taken place in the rest of New Zealand. A deterioration of lands and a fall in productivity in parts of the county has occurred. The lands have come to be viewed with disfavour by financial institutions and investors. The lack of good all weather access, and absence of modern amenities, inadequate medical services and schooling problems too, have also been contributing factors.[699]

Both the commissioner and the Internal Affairs officers to whom his reports were directed seemed oblivious to the role commissioner control and the enforced debt repayment had played in the county's decline. On the contrary, the aged Harper, in conveying the commissioner's market gardening aspirations to the Minister, argued that the success of the venture rested on continued commissioner control:

> … as market gardening could go a long way towards strengthening the financial position of Matakaoa county, and as all the major constructional works in the County have now been completed, the principal job of the County Commissioner during the next few years could be to explore and develop the possibility of using the County for this purpose. A County

[697] Ibid.
[698] Commissioner, Matakaoa County to Secretary Internal Affairs, 20 July 1959, IA 1 103/33/9 pt.5; DB:122.
[699] Ibid, Commissioner, Matakaoa County to Secretary Internal Affairs, 5 September 1960; DB:129.

> Commissioner could do this much better than a County Council, and I feel that this would be a worth while and important task for the Commissioner to pursue. I mention this point as a strong reason in favour of the continuation of Commissioner control.[700]

Chrisp spent his last years in the job researching and promoting the viability of market gardening. In January 1962 he organized a meeting in Te Araroa between local landowners, the Ministry of Agriculture, the manager of the freight firm and representatives of marketing firms. Maori Affairs were also interested in the venture. By August 1963 there was mention of a demonstration farm 10 miles from Hicks Bay, but little else appears to have come of his plans.

One last appraisal of the extent of county decline can be made from the Local Government Commission's 1961 amalgamation report comparing statistics between the counties of Matakaoa and Waiapu.[701] These are presented in the table below:

Table 8: Matakaoa and Waiapu Counties Data 1961

As at 1961	Matakaoa	Waiapu
Total liabilities (£)	30,593	16,624
Total Annual Charge (£)	3,147	1,122
Total assets (£)	23,589	136,789
Total rates (£ – unimproved value)	14,350	52,431
no. assessments	716	2835
Rateable value (£ – unimproved value)	251,694	1,134,965
Rates collected (£)	10,580	49,073
No. of holdings	163	378
Total area (acres)	151,194	439,276
Plant, tools, stock	635	49,562
Total formed road (miles)	151	309
Govt. assistance (NRB + MOW)	17,575	60,790
Administration costs (as % of general rates)	25.92%	27.49%

Even taking into account Matakaoa County's smaller area, the differences between the counties in key areas such as assets and plant are staggering. As late as 1961, Matakaoa County's debt was almost twice that of Waiapu County, and its annual repayment still constituted 29 percent of rates received, compared with Waiapu County's, at 2 percent.

700 Ibid, Harper, Secretary Internal Affairs to Minister Internal Affairs, 6 November 1958; DB:238.
701 'Matakaoa County – Waiapu County, Brief Statistical Report', Local Government Commission, IA 1 197/818 pt.1; Towers DB:353V-AC.

6.7 Conclusions

The experiment of local government in Matakaoa failed. Pakeha optimism – or greed – resulted in the new county taking on more debt than it could cope with. In the depression of the early 1930s, the government sided with the creditors, deliberately devising a measure – commissioner control – to ensure that the debt was repaid. Why was government 'assistance' dependent on the cessation of ratepayer control? Why did the government continue to drip-feed the moribund county?

In December 1937, Prime Minister Savage assured Kohere that in deciding to continue commissioner control, the government had the best interests of the county in mind:

> it is always a difficult matter to decide the exact point at which normal control should resume. …There is a big responsibility attaching to the Government in deciding the point, because a premature reversion to normal control might easily have a very detrimental effect upon the district as a whole and the future prosperity of the settlers. This is exactly what the Government wishes to avoid.[702]

In fact, government-enacted commissioner control ground Matakaoa County to a standstill. As an incorporated body, ratepayers were forced to pay back debt at the expense of their current and future prosperity. As this narrative has shown, the burden fell increasingly on Maori ratepayers, who had had little say in incurring the debt in the first place. Nor were the assets for which the debt was incurred protected by the government as creditor, leading to further economic marginalisation. In stark and ugly contrast to the philosophical trappings of local government - expressed so eloquently in the preamble to the Municipal Ordinance of 1842 - the sorry story of Matakaoa County exposes the granite of exploitative capitalism on which the system was founded. Matakaoa was in fact a colony within a colony, and the New Zealand government was instrumental in bleeding it dry.

A second issue relates to Article 3 Treaty rights, the guarantee to Maori of all rights and privileges of British subjects. Elsewhere in this report the ways and means of keeping Maori from fully participating in local government have been explored. Essentially, wherever Pakeha settlement took root, Pakeha ratepayers managed the regime to acquire and maintain control. A

[702] Prime Minister to R.T. Kohere, 10 December 1937, IA 1 103/33 pt.2; Towers DB:102.

nefarious aspect of commissioner control in Matakaoa is the outright refusal by government officials to entrust local government to Maori ratepayers, because they were Maori. This is the reason why control was not handed back in 1937, and it remained a material factor behind the recurring three-year extensions of commissioner control and the suspension of council elections. The result for the Maori hapu of Matakaoa has arguably been ongoing neglect and economic deprivation.

7. Town and Country Planning

7.1 County Planning Beginnings

Town and country planning became an important function of county government from the 1960s on. The Town and Country Planning Act 1953 extended the planning regime of town planning to county districts, but it wasn't until the early 1960s that the Ministry of Works began insisting that counties undertake district planning schemes. The 1953 Act was replaced by the Town and Country Planning Act 1977. With regard to rural settlement, the Act required planning to prevent sporadic subdivision and urban development in rural areas as a matter of national interest (with a view to preventing the spread of urbanisation across productive farm land). Subdivision and house building in the country was thus confined to those engaged in rural activities, with everyone else to live in the townships. In Wai 1270, 1291 and 1318, claimants allege that the Act prevented Maori from building on their land, effectively forcing tangata whenua to migrate to urban areas. The following chapter considers the role of local government – in this case, the Waiapu County Council – with regard to the development of district planning to meet the needs of its community.

Like most counties, East Coast counties did not initially see the need for planning and begrudged the expense. The Matakaoa County Commissioner in 1954 felt the prospects of development were so remote that it was "frankly... difficult to visualise any kind of [district] plan."[703] A similar sentiment was expressed retrospectively by Waiapu County Council chairperson, Charles Rau:

> Why should they spend money on planning the development of the area when there was none? In fact, how could a planning scheme be put together in a district that has 50 per cent of its lands under Maori land tenure most of

[703] W40 149/291, Archives NZ Wgtn; not included in DB.

> which was reverting to manuka and weeds and its population was leaving in droves for the brighter lights."[704]

In 1958 Uawa County Council's suggestion that the Ministry do its scheme for them was declined.

District planning schemes were pre-dated by county jurisdiction over subdivision, under the Land Subdivision in Counties Act 1946. Uawa County Council for example, had a bylaw prohibiting subdivision smaller than a quarter-acre section. In 1958 this was used as one of the grounds for declining a much-needed Maori Affairs housing project on the south bank of the Mangapeka stream. Nor did the council, "favour the establishment of a small Maori village where, owing to the limited number of Maori owners in the immediate area, the village cannot grow to a size where community services and amenities would be economical."[705] On the one hand, Section 3 of the 1946 Act exempted subdivision effected by orders of the Maori Land Court for the purpose of providing Maori housing. On the other hand, Section 173(5) of the subsequent Maori Affairs Act 1953 provided that in exercising its jurisdiction in respect of the partitioning of Maori freehold land, the court was to have regard to the requirements of any operative district scheme for the area.

Early town and country planning was administered by the Ministry of Works. County statistics were provided to local bodies with details such as population demographics, land use, traffic volume, and soil types. The councils were required to come up with five-year, ten-year, and long-term planning projections for the district. They were also required to consider land use, and regulate this through the application of zones – rural, industrial, residential, and commercial – with a mix of permitted, conditional, and prohibited usage for each. Early district schemes for counties on the East Coast were formulaic ministry affairs, and followed more or less along the lines of existing land usage. The schemes were publicly notified and also circulated to every government department for input.

At the Ministry's insistence, many district plans adopted a subdivisional standard to prevent increased population density in rural zones; allowing only one dwelling per title, or insisting on a minimum section size of five acres, and a four-chain road frontage. Some counties adopted a 10-

[704] Rau, p. 73.
[705] AAPA 8108 W3374 30/13/7/21, ArchivesNZ Wgtn; DB:394.

acre minimum. The policy followed advice from the National Roads Board to avoid "ribbon development" along highways, for safety and to maintain traffic flow. It was also generally held that the establishment of "any further sporadic pockets of urban development on highways" created problems in supplying services and amenities such as schools, electricity, telephones, postal and other deliveries, and, in the long term, piped water supply, sewerage, footpaths, and rubbish collection.[706] These services could be provided more cheaply in concentrated urban areas. Besides the drive to economise on service provision, another rationale behind restricting residential development to existing towns was the desire to keep fertile soils in agricultural production. Only farmers, or those in connection with rural industries, were generally permitted to erect more than one dwelling house in most county schemes.

As is obvious from this brief summary of the planning regime, it had the potential to completely cut across patterns of Maori land ownership and land use, not only with respect to the fragmented, uneconomic sections that emerged from the Native Land Court regime but also in relation to papakainga housing – Maori housing based on small land-holdings, clustered around the core institutions of marae and church.

7.2 Waiapu County District Planning

The participation of Maori in "the profitable use of their land" had seen the break-up of traditional coastal kainga to take up consolidated farming titles along the length of the main highway and county roads. As set out previously, this rearrangement of settlement patterns was largely to take advantage of the road, in the face of ongoing county council neglect to provide or maintain access to where Maori had long lived. This process began in the 1920s, and Ngata was still commenting on new areas of settlement in his précis of the situation in 1949.

The reports from Maori Welfare Officers from 1950–1955 identified housing, together with under-employment, as crucial issues facing Maori in the district, and this was followed up by Maori Affairs housing schemes. In the 20 years from 1956–1976 the Maori population of Waiapu County fell from 6,367 to 3,145, as individuals and families left the district in search of work, housing, and opportunity.

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[706] Ibid, F.M. Hanson, Commissioner of Works to County clerk, WCC, 14 November 1960; DB:367-8.

The blanket rural zoning of much of the land outside built-up settlements posed problems for Maori, which were flagged very early on by the Maori Affairs district officer concerning the county council's first attempt at a district scheme in 1960.

Given the reality and needs of Maori settlement, the district officer suggested that partitions of a quarter-acre be permitted in areas zoned rural, provided that the total density did not exceed one section to five acres, and that quarter-acre sections be allowed at, say, quarter-mile intervals between houses. The matter was referred to the all-powerful Commissioner of Works. He was against such a proposal, arguing that the policy would give rise to exactly the kind of sporadic development of isolated houses planning sought to avoid.[707]

In ruling out such development, the Commissioner claimed that he was not suggesting that Maori needs should not be provided for at all. Rather:

> It will be evident therefore that the provisions of a district scheme can have a very considerable influence on the location of Maori housing and this is a matter to which your Council will need to give very careful consideration in preparing its own district scheme. It would seem that the most satisfactory solution of this problem would be to provide for small urban settlements in suitable localities, which could be more readily provided with desirable services and amenities than would be possible with isolated houses. In siting such settlement it would of course be necessary to have regard to the likely place of employment of the residents and the wishes of the Maori people in this respect. This solution however, would seem to have social and economic advantages for both your Council and the Maori people.[708]

The Commissioner considered the issue had national implications and promised to take it up with the Maori Affairs Department. Little was done to address Maori needs. Moreover, his proposed solution did nothing to acknowledge the papakainga concept, or patterns of customary Maori land use and land ownership – the Commissioner seemed to envisage the relocation of Maori to Pakeha-style 'villages', sited to suit Pakeha planning requirements.

In the event, Waiapu County Council did not proceed with a scheme for another seven years. In considering the council's role in subsequent planning policy, it should be borne in mind that the planning regime, and the principles behind it, were imposed by government. In 1978 for

[707] Ibid.
[708] Ibid.

example, Waiapu County Council's planning consultants advised against an urban development at Te Araroa, as it did not conform with planning principles. "[N]o matter how justified in terms of the local circumstances as an expedient," the planners warned, a development proposal not conforming to these principles would be challenged by the Minister, and taken to the Planning Tribunal if necessary: "There is no way sporadic subdivision and housing could be justified in terms of the Town and Country Planning Act."[709]

7.12.1 Waiapu County District Scheme 1974

District scheme planning was begun again in Waiapu in 1967, and the county's first district scheme, prepared by Wellington-based planning consultants Porter & Martin, was approved in 1974[710] (consultants were usually brought in by smaller counties to prepare schemes, leading to a 'cookie cutter' approach to the schemes, something the Ministry of Works planning regime already promoted). Working off 1961 population figures, the scheme identified 11 urban areas – Te Puia Springs (284); Ruatoria (863); Tokomaru Bay (660); Waima (137); Te Araroa (365); Hicks Bay (210); Waipiro Bay (222); Tikitiki (426); Waitakaro (295); Rangitukia (391); and Anaura Bay (151). Areas inside most of these urban settlements were zoned for residential use and growth. The two exceptions were Waima and Waitakaro. No residential zoning was provided in Waima: in five years the population had dropped from 137 to 59. Many of the 64 dwellings were said to be derelict and vacant, and it was considered that future residential development should be restricted to Tokomaru Bay. Similarly, no residential zoning was provided for the rural locality of Waitakaro, four miles south of Ruatoria. Again, in five years the population had declined from 295 to 219. Despite the existence of 39 existing dwellings, the settlement was considered to be too close to Ruatoria to justify the development of a rural town.

As one would expect, most of the county was zoned rural, intended primarily for farming use. Other uses could be permitted, provided it did not cause the extension, or "uneconomic use" of public services, and as long as subdivisions less than 10 acres were not made along existing highways. From the centre of each of the 11 townships, for a radius of five miles, areas were marked out on the district planning map within which residential uses in rural zones were prohibited. In other words, the scheme forbad the building of houses (other than accessory farm

[709] Porter & Martin to County clerk, WCC, 14 August 1978, 37/1/8 GDC Te Puia Service Centre; DB:964-65.
[710] Waiapu County Approved District Scheme 1974, ABOB W4261/247, ArchivesNZ Wgtn: DB:374-391.

housing) within five miles of the existing towns. A look at the map reveals that this included virtually the whole coastal frontage, with the exception of East Cape. On the basis of 1961 population data, 30 percent of the county residents were living outside the 11 urban centres at the time. Homes could be built outside the five-mile radius, if they met subdivision requirements (a 10-acre site). Of significance to Maori was the stipulation that: "No further sites or dwellings will be permitted outside the areas of the circles shown, where there is already an aggregation of houses in the vicinity." The outcome of the scheme then, was that future settlement within the five-mile radius would be forced to consolidate in existing towns (except Waima and Waitakaro). Existing settlement outside the five mile radius would not be able to grow.

The main principle underlying rural subdivision was the economic use of the land. Permission would only be given for allotments considered to be an independent economic unit. In no case was a subdivision for farming purposes less than five acres permitted, and subdivisions below 20 acres would also be refused if it was likely to draw on public services, or interfere with the free flow of traffic.

7.2.2 Waiapu County District Scheme 1974–1980

Controversy over the rural housing restrictions was referred to by the county's planning consultants in subsequent correspondence. At the council's initiative, a series of seminars was held, "to understand the Maori people's point of view regarding land, and their feelings about proposed plans for the areas."[711] According to the planning consultants, Porter and Martin, an assurance had been given by the council that, "these matters would be reconsidered and at the appropriate time, new proposals would be presented to and discussed with the people."[712]

In 1978 an objection to the proposed zoning in Ruatoria was couched in terms of Section 4 of the Town and Country Act 1977, which provided for, "the direction and control of the development of a region, district or area in such a way as will most effectively promote and safeguard the health, safety, convenience and the economic, cultural, social and general welfare of the people, and the amenities, of every part of the region, district or area." Although the 1978 submission was directed at a specific instance of zoning, A. T. Mahuika made the plea for council to,

[711] 'Objections by Mr. J.B. Johnston of Ruatoria to the Proposed Plan for the Town', 37/1/8; DB:952-57.
[712] Ibid, Porter & Martin to County clerk, WCC, 6 June 1979; DB:970.

"provide every opportunity for present day residents, who in the main are Maori, to retain or use their lands for the fulfilment of the Chairman's (and the peoples) desire namely, to retain our people and to draw those of the area to return."[713]

A review of the district scheme was initiated in 1978. Some accommodation of Maori aspirations is manifest in the proposal to create a "Papakainga Zone," a planning category that was devised to, "provide for the particular needs of the Maori people who have strong traditional attachments to their ancestral lands in localities where it is appropriate and convenient for such areas to be developed and used for small communities." A 'papakainga zone' was first provided for at Hiruharama. As it happens, this marae was located in the Waitakaro area of settlement noted in the 1974 scheme, but not provided for in terms of future settlement. Under "Proposed [District Plan] Change No. 9," housing could proceed on the production of a development plan, setting out building, roading, and services, which would need to comply with council standards. In the draft review prepared in 1979, all the known community marae in the county were identified and provision was made for these marae zones to be extended to become papakainga zones. This would allow for associated housing, "when any local group satisfies the council of the need and demand for a minimum group of houses near any existing marae."

"Proposed Change No. 13" applied to the township of Waima. The previous decision not to zone the area residential was partly revoked in the face of demand for houses in the existing town. The change brought a number of objections, one seeking the residential zoning to be extended even further. Proposed Change No. 8 rezoned three sections at Waipiro Bay from rural to residential, to allow two proposed houses to be built. Proposed Change No. 15 contemplated rezoning land at Te Araroa from rural to residential to provide for anticipated subdivision and housing in the face of a housing shortage in the area.

Attention was also paid to the demand from those wishing to live near their place of work. Porter reported that:

> During my last visit I heard of two cases of local people who were rural workers wanting to build in the Rural zone close to their work. This is not, as you know, permitted in the district scheme at present. The question of rural workers in remote rural areas who work locally, being permitted to

[713] Ibid, 'Objections by Mr. J.B. Johnston….'; DB:952-57.

> build on their own land, is one of the matters that I have listed for discussion for possible inclusion in the proposed Review. …
> I consider it normal and reasonable practice to permit farmers or workers in remote rural areas to build homes on their own land if they wish to do so, since they are best located near their work.[714]

The resulting Proposed Change No. 10 therefore permitted farm workers in isolated rural areas working within their district to erect houses on land in which they had shares. However, in keeping with the rationale behind the 1974 scheme – that "such houses would be better located in townships where there is one within a reasonable distance" – the provision was to apply only beyond five kilometres of any such township. The change brought the objection of both the Minister of Works and Development, who wanted it scrapped altogether, and one F. W. Taiapa, who objected to the five kilometre restriction and requested that exceptions be allowed.

None of these measures, however, met the needs of those wishing to build and live on their traditional land, who were not engaged in farming, or whose sections did not meet the minimum area requirement. In May 1979, a solicitor acting for a client wanting to build a home on her one-acre section at Potaka asked the council to, "clarify one way or another" whether the council would give permission to build. The title had been issued as a result of the consolidation process in 1957. The council's response was negative: "It would appear that any proposed sheep or other type of animal farming on this section in conjunction could not in any way be classed as 'economic'…" Nor would the circumstances fit the impending change to the scheme allowing full-time permanent workers to build a home on land close-by. As a result of the council's response, the owner decided to sell the property.[715] Faced with not being able to live on it, but still being required to pay rates on its full value, there was few alternatives to such a sale (particularly if a town section would need to be purchased in order to qualify for a Maori Affairs or State Advances loan for a house in a location where that was permitted by the planning regime).

In February 1979, a land owner wishing to return to the district to live, inquired about building a home on a family block of over eight acres at Waikawa, Waipiro Bay. According to the Maori Affairs District Officer relaying the inquiry to the County, the owners were concerned at the lack

[714] Ibid, Porter & Martin to County clerk, WCC, 17 May 1978; DB:962-63.
[715] Correspondence re K. Patuwai, in 37/1/9, GDC Te Puia Service Centre; DB:966-68.

of house sites in the Waipiro township, and were prepared to vest their land in the Maori Trustee to provide sections for themselves and other Maori housing applicants. The council was asked to rezone the area and allow residential subdivision. On this occasion, in addition to the district scheme provisions, poor access was also given as a reason for not considering the request. Should the owner intend to farm or crop the area, "there would probably be no objection to the issue of a building permit for a farm dwelling."[716] Months later another request was made by another family member wishing to live on the land at Waikawa and grow citrus commercially. Once again the council replied that it could not support any residential development in this area because of the poor access, although "there would probably be no objection" to issuing a permit for the building of a farm dwelling on the land.[717]

The new code of ordinances developed by June 1979 for the draft review went a little further in the council's bid to "incorporate the special circumstances of the county, and the desires of the people, without, it is hoped, running counter to recognised planning principle and practices." Under the review it was proposed to allow dwelling houses to be built on 'substandard' allotments for persons farming their own land on a part-time basis. This would allow for seasonal part-time workers and retired people to live on their land in the country, but the minimum area was still to be limited to two hectares (five acres).[718] The issue was discussed at a number of public meetings in August, where the general feedback was that the two-hectare limit was too high.

Somewhat belatedly, council planners decided to investigate the extent of small rural allotments in the county, in order to assess the potential impact of acceding to community sentiments. By February 1980, the survey was complete. It vindicated public (predominantly Maori) pressure: 2,802 lots in the county were less than 25 hectares, the minimum considered to be an economically viable unit. Of these, 2,015 were in the rural zone and the majority were multiply-owned. Further, of these 2,015 rural allotments, 1,237 were less than 2 hectares: half of them again being residential sized sections of 1 acre or less. The largest number of small allotments was in the Waiapu Valley within the Piritarau Riding. Of note was the fact that most of the small

[716] Ibid, County clerk to District officer Maori Affairs, 18 July 1979; DB:976.
[717] Ibid, County clerk, WCC to T. McDonald, 24 July 1979; DB:986.
[718] Ibid, Porter & Martin to County clerk, WCC, 6 June 1979; DB:970-74.

sections throughout the county were situated along the highway,[719] where Maori had relocated to ensure they were not shut off from development.

The county's planners continued to view the pattern of existing tenure as a threat to long-held planning principles and practice. The rights of land owners to build and live on their land, it was argued, carried with it a concurrent duty to use the land productively, and while it might be socially desirable to encourage individual effort and the return of people to the land, fragmentation might work against large scale horticultural land developments requiring large regular-shaped blocks. In addition, with future forestry harvesting in mind, "sound planning" dictated that land fronting the state highway in future heavy traffic routes would not be eligible for the provision. In the interest of consolidating existing townships, any relaxing of the provision was not to apply to allotments in the close vicinity of these areas.

Being unable to grapple with multiple ownership, the County simply stipulated that only one house could be built on any one title; no other owner would be permitted to build, or partition the land further. The closing comments regarding the minimum size of allotments to be adopted reveal that planning practice outweighed community concerns and Maori preference: although nearly half of all lots in the survey were less than two acres (0.8ha), the consultants recommended that a minimum area of one hectare "would not have serious consequences." Any lesser figure, it was argued, would not give sufficient land for a significant contribution to productivity.

In the end, the reworded ordinance proposed that dwelling houses on substandard allotments for persons working their own land be permitted, provided that:

- the land was being actively and efficiently farmed;
- produce from the land would form a significant part of the family support income;
- the area was not less than 1 hectare;
- the site did not front an arterial route;
- the area was not within two kilometres of a residential zone in Te Araroa, Tokomaru Bay or Ruatoria, or one kilometre of any other township which has land zoned for residential use;

[719] Ibid, 'Waiapu County Council: Report on Small Rural Subdivisions'; DB:995-1001.

- the site was suitable for a dwelling house with regard to drainage, access and stability; and
- the site was not an integral part of an existing economic farming unit.[720]

This became the basis of the District Scheme Review. Throughout 1980–81 there are five written inquiries on record regarding subdivision and house building in rural zones, all of which were discouraged as being contrary to the operative scheme, either because of the small size, or the five-kilometre rule, or because of lack of access.[721] These enquiries were made by solicitors acting for their clients: it is likely there would have been at least as many over-the-counter inquiries, and as many again who, cognisant of council policy, did not bother to apply. On the other hand, there is some evidence that where land owners (or, rather, their lawyers) persisted, a sympathetic council could be induced to use "specific departure" provisions to meet their aspirations on a case-by-case basis. The practice was frowned on by the council's planning consultants (and by the still-omnipotent Ministry of Works): "the situation should not be permitted to continue interminably, as it compromises the Council's attempt to plan in an orderly fashion." Nor was it of much use for those who did not get past first base.

7.3 The District Scheme Review 1981

The District Scheme Review, provisionally approved in August 1981, acknowledged that most of the demand for partition and building came not from the townships, but from the rural zones, and that the District Scheme fell well short of community expectations with regard to building and living on ancestral lands. The County argued, however, that it had gone as far as possible "without openly defying its legal obligations." Nonetheless, it promised to pursue the issue further:

> The council also considers that, while this conflict between the interests of the people of the county and legislation continues, dissatisfaction and frustration is likely to remain. The Council will, therefore, consider, at the appropriate time, initiating discussions with a view to resolving the conflict at a national level.[722]

[720] Ibid.
[721] County clerk, WCC to Fountain, Manning & Harborne, 9 March 1981; to Chrisp & Chrisp, 20 March 1981; to Wilson, Barber & Co, 1 October 1981; to Wattie Mackey, 24 November 1981; to Davys Burton Henderson & Moore, 10 October 1980, 37/1/10, GDC Te Puia Service Centre; DB:1006-1010.
[722] Quoted in Gabites Porter & Partners to County clerk, WCC, 30 November 1982, 37/1/11, GDC Te Puia Service Centre; DB:1047-50.

As noted above, both the predominant and conditional uses for rural land related to the activity of farming. The minimum area to build a house was four hectares, if the land was used productively and lay outside a five-kilometre radius of Ruatoria and Te Araroa. Household units could be attached to the farmhouse for parents or married children of farmers. Rural workers and commercial fishermen could build on a one-hectare minimum, as long as the land did not lie on the State Highway and the five-kilometre rule was met.[723]

By 1982 a change in attitudes was evident. Nationwide, there was a growing call for an end to the restrictive planning regime, which was said to both exacerbate rural depopulation and inhibit diversification and intensification of agricultural production. Rural areas, it was argued, were made up of more than those directly receiving their income from the land, and subdivision and the building of homes should be based on the use for which the land was required, rather than the size or whether the occupant was engaged on the land full-time. The national debate was not informed by Maori realities, but it nonetheless reminded local councils of their position to promote change rather than frustrate it, and argued that the Town and Country Planning Act 1977 allowed for greater flexibility in planning than many district schemes currently exhibited.

In February 1982, with the district scheme review almost finalised, the Waiapu County Council received feedback from the New Zealand Planning Council. Planning advisors had recently visited the coast and had met with both the council and county inhabitants. Impressed with the sentiments expressed by councillors both in person and on paper, the chief planning advisor nonetheless pointed out the discrepancies between such statements and the prescriptive nature of the restrictions contained in the scheme details.

> Surely it is not essential to develop ordinances to the extent of the regulatory detail illustrated in the scheme. The Council understands the nature of the people, communities and development opportunities and conflicts in the community. Their understanding and sensitivity to the particular needs of the communities are not reflected in this document.[724]

For the first time it seems, from planning circles at least, the council was encouraged to consider the needs of the community above traditional planning practices in establishing the important

[723] Ibid, WCC District Scheme Review Rural Housing and Settlement; DB:1037-39.
[724] P. Fischer, Chief Planning Adviser to Chairman, WCC, 19 February 1982, 37/1/10, GDC Te Puia Service Centre; DB:1031-32.

criteria on which the scheme should be based. It was council's role to set policy, it was gently reminded, and the planner's role to translate that policy into words. As a parting recommendation, the chief planning adviser suggested the council employ a local planner, "more familiar with the aspirations and concerns of its people."

In May 1982, the council received yet another inquiry from Maori land owners wishing to partition land in order to raise finance to renovate their home. Because of the section size and road frontage, however, doing so would be contrary to the district scheme. However admirable the scheme might sound on first reading, the council was told, appearing as it did to deal with the problems of Maori housing and multiple ownership, "in many cases the arbitrary limits nullify the intent of the statement by not recognising the physical reality of many house sites."[725] The letter prompted council into action. At its next meeting a resolution was passed to initiate a variation to the district scheme which would relax the provisions to freely allow residential subdivisions in rural areas of the county. The family in question was advised how to proceed with planning consent in the meantime.[726]

By July 1982, in an effort to meet council concerns, the county's planning consultants proposed that a number of previously conditional uses should be made predominant, and others placed in a new class of "discretionary." The minimum size allotment for houses unrelated to rural activity was reduced to one acre, but individual ownership was still a prerequisite. In essence, the "needs and aspirations" of the people of the district were still regarded as secondary to the need to protect land for food production, to consolidate existing townships in order to foster their economic and social viability, and to protect present and future traffic routes from 'unnecessary' access. In the face of undiminished demand to build homes on rural sections, the planning consultants continued to believe that permitting such a practice would lead to uncoordinated land fragmentation and scattered settlement against the public interest, council planning objectives, and matters of national importance identified in the Act. [727]

In August an inquiry was made from land owners wishing to partition family land on Whareponga Road. The family was not involved in farming, and the section sought was a

[725] Grant & Cooke to County clerk, WCC, 14 May 1982, 37/1/11, GDC Te Puia Service Centre; DB:1034-35.
[726] Ibid, County clerk, WCC to Grant & Cooke, 28 June 1982; DB:1036.
[727] Ibid, Waiapu County District Scheme Review: Rural Housing and Settlement; DB:1037-39.

quarter-acre. The inquiry was supported by Maori Affairs on the grounds that the applicant was an asset to the community.[728] Council promptly resolved to support the application. At its November meeting the council considered the proposed variation prepared by the planners. It resolved to reduce the minimum area for rural residential sections from 2000m^2 to 800m^2, and to delete the proviso that prevented development adjacent to the State Highway.

Both decisions were strongly contested by the county's planners, for all of the reasons outlined above, and others too, such as the impact of the policy on rural land values. With future forestry development in mind, most of the objections related to the impact of fragmentation on future, as opposed to actual, circumstances. The council was asked to put the variation on hold pending further debate. With regard to the Whareponga Road subdivision, it was argued that granting consent would undermine the integrity of the district scheme.

> The extended family is a concept that is worthy of encouraging and providing for; however, the facts of the matter are that this proposal is little more than a subdivision for a Residential Use in the rural zone. If this were permitted throughout the county it would indeed be contrary to the public interest in terms of fragmentation of land, increase in land values and rates and would lead to an uncohesive housing pattern.[729]

The precedent, if permitted, would be "tantamount to permitting quarter-acre subdivisions wherever an owner wished to subdivide out a house site." Consenting to such a course would breach Section 74 of the Act: the planning consultants Gabites, Porter & Partners felt unable to legally recommend in favour of the application.[730]

Nonetheless, the Waiapu County District Proposed Review No. 1 was finalised in 1984. Variation No. 15 extended the provisions enabling those engaged in rural activities to build in the rural zone, so as to include individuals "providing a service to the community." "Maori cultural values" were included in the explanation of the variation. From 1984, this reference was successfully invoked to enable individuals – a number of them solo mothers – engaged in part-time and voluntary work, to build homes on land close by existing family within the terms of the

[728] Ibid, Assistant district officer, Maori Affairs to County clerk, WCC, 26 August 1982; DB:1041-2.
[729] Ibid, Gabites Porter and Partners to WCC, 2 December 1982; DB:1051.
[730] Ibid.

district scheme.[731] On the other hand, some applications for building permission were still turned down for want of access.[732]

7.4 Waiapu County District Scheme Proposed Review No. 2 1989

The second review of the district scheme, passed in June 1989, is a remarkable departure from previous policy. In contrast to 15 years of planning directives designed to consolidate the rural population in the existing townships, the continuing rural-to-township migration within the county was now identified as an issue of concern, resulting in the loss of workers, services and facilities in these rural areas. Similarly, previous schemes had framed multiple ownership and fragmented land titles as an impediment to development. The 1989 Review however, dismissed these as an administrative feature, rather than a barrier to land use. With regard to rural settlement, a fundamental ground-shift had occurred.

In 1981 the county planners had described Maori aspirations to live on their land as "the perennial problem of land owners wishing to build themselves, or have their family build in their own land, irrespective of zoning and other constraints"[733] The stated objective of the 1989 Review was the direct opposite: to encourage settlement and development of traditional Maori land. The future of Ngati Porou, it was argued, depended on it. To this end, the predominant uses for the rural zone included the provision for up to five rural dwellings on any one title for persons employed in a rural industry, rural service, or community service activity, as long as certain basic performance standards were met. Provision was made for the establishment of additional dwellings as a conditional use.

The Review acknowledged that Maori needs and aspirations had been poorly represented in the county's district scheme, and the fact that these needs differed from the general population. In order to, "encourage the full expression of Ngati Porou tanga in the planning process for the benefit of the total community," the following policies were set out:

1. That the Council give recognition to the principles of the Treaty of Waitangi in the administration of the District Scheme.

[731] Examples in 37/1/15, GDC Te Puia Service Centre; DB:1065-84.
[732] Ibid, for example County manager WCC to District Manager Maori Affairs, 21 December 1988; DB:1084.
[733] Gabites Porter & Partners to County clerk, WCC, 20 October 1981, 37/1/10; DB:1024-25.

2. That the Council encourage the retention of Maori land in Maori ownership.
3. That the Council maintain planning provisions that have regard to traditional Maori values associated with the use of Maori land.
4. That the Council seek to assist the Maori people to use and enjoy their traditional land.
5. That the Council seek ways to minimise the administrative difficulties which have restricted the use, development and enjoyment of Maori land.

Other proactive measures to provide for Maori needs were the inclusion of existing marae and urupa as a predominant use in rural zones, with the provision for new marae to be established as a conditional use. One related policy was that to develop a full range of facilities consistent with their function as important meeting places and social and cultural centres. Another issue highlighted in the scheme was the ongoing loss of ancestral land through reserve contributions at the point of subdivision, under the Local Government Act 1974. The Review included the policy that where Maori ancestral land was involved in requirements for reserves, council would consider all options available, including the creation of Maori reservations.

In many ways the Waiapu County District Scheme Proposed Review No. 2 is extraordinary. The references to the Treaty of Waitangi and, indeed, the objectives to include Maori needs and aspirations in district planning, predate local body statutory obligations under the Resource Management Act 1991 by two years.

As at 1989, 77 percent of the county population was Maori. For the first time since the advent of county government in 1876, Maori also enjoyed a majority on the county council: six of the nine councillors returned at the 1986 election being Maori. If the 1989 district scheme was the result of a Maori-led council, it serves perhaps as an exemplar of 'what might have been' if representation in local government had not been kept as the preserve of the wealthy, white, land-owning class. It should be remembered too, that the district scheme was created in an atmosphere of uncertainty wrought by the government's sale of New Zealand Forestry, which was to have been the East Coast's economic salvation. Councillors were deeply concerned that the privatisation of the State forestry, heralding an end to the East Coast Project, would result in further emigration from the county. The "especially relaxed and tolerant type of planning" that had evolved in Waiapu County was one of the reasons the county council opposed the amalgamation of the district in 1989.

7.5 Planning Under the Gisborne District Council and the RMA

In meetings with East Coast claimants convened in the course of this research project, it was claimed that building restrictions and council regulations have become a great deal more restrictive in the last decade under the Resource Management Act 1991. George Evans made the point that the combination of the district council and Maori Land Court regulations made it almost impossible to utilise multiply-owned land for housing.

The RMA requires local government to manage the use, development, and protection of natural and physical resources in a way which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. The emphasis is on sustainable management, the protection of the life-supporting capacity of air, water, soil and eco-systems, and on avoiding, remedying, or mitigating any adverse effects of activities on the environment. The Act also requires local government to recognise and provide for matters of national importance (Section 6). Section 7 of the Act requires the council to have particular regard to "the maintenance and enhancement of amenity values." These are defined as, "those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes." Section 8 requires local government to take into account the principles of the Treaty of Waitangi.

As a unitary authority, Gisborne District Council is required to fulfil the planning functions of both a regional council and a territorial authority. The fact that planning has increased in complexity is evident by the Gisborne District Council's operative Combined Regional Land & District Plan: two volumes of staggering proportions compared with the documents of its county predecessors. In additional to the Combined Plan, the council has also developed a Regional Coastal Environment Plan (1997) and a Regional Policy Statement (2002). The plans created by council set out objectives, policies and rules to manage activities that may affect the environment. Resource consent is required for activities council does not allow as of right. All such plans must not be inconsistent with any national statement or environmental standards, or the New Zealand Coastal Policy Statement. It is said that the fundamental premise of the RMA is that a person may use land as they wish unless the adverse effects of that activity are such that a plan or resource consent decision prevents them from doing so. The following section attempts

to unravel provision in council planning for the issues identified above, namely the ability of East Coast Maori to utilise and live on their traditional lands.

The Gisborne District Council claims to be alive to the concerns of its Maori constituency; its policy documents faithfully record its statutory obligations in terms of principles of the Treaty of Waitangi, such as kaitiakitanga and rangatiratanga, and to recognise and provide, among other things, for the relationship of Maori with their traditional lands. During public debate over the council's Regional Coastal Environment Plan in early 1993, it was reminded by some Maori that rangatiratanga was the exercise of hapu, and that consultation with tangata whenua should commence at the whanau/hapu level. Another strong message conveyed at this time was that Maori did not want the ability of their families to occupy and use their traditional lands restricted. As well as calling for the provision to allow papakainga development, Maori also drew attention to the need and desires of private landowners to build homes on their land. The potential conflict between these aspirations and new statutory planning imperatives regarding the "amenity value" of the coastal environment was signalled at an early stage, and the message from Maori was clear: "Tangata whenua do not wish to be restricted and possibly economically disadvantaged on the basis of keeping the coast looking natural."[734]

The resulting Draft Regional Coastal Environmental Plan for the Gisborne Region, finally produced in 1997, closely followed the discussion paper four years before. Contrary to Maori representations, tangata whenua of the Gisborne district were defined primarily as iwi groupings, although subsequent paragraphs declared that hapu were the "base unit of decision making in Maoridom." With regard to settlement on the coast, the "guiding policy" set out in the plan dealt only with marae and papakainga, noting the importance of these as a means for iwi, "to protect and enhance their relationship with their coastal land and marine areas," and similarly, to facilitate their responsibilities as kaitiaki. The resulting policy read:

> The Council will encourage the provision of marae, papakainga housing and other Maori cultural activities on appropriate sites in coastal locations, provided adverse effects on the environment are avoided, remedied or mitigated.[735]

[734] GDC, 'Regional Coastal Environmental Plan Discussion Papers', 1993, p.157; DB:1131.
[735] GDC, 'Draft Regional Coastal Environmental Plan', 2.5.4H; not included in DB.

The policy statement mirrors the outcome developed in the national New Zealand Coastal Policy Statement.

Maori aspirations to use and occupy their traditional lands was posited as an issue requiring further consultation with tangata whenua, in order to formulate an "appropriate planning strategy."[736] Again, Maori aspirations were to be met only in so far as they did not conflict with resource management principles, articulated in the objective: "To achieve occupancy and use of traditional lands that is in accordance with hapu aspirations, provided such use is consistent with the purpose and principles of the Resource Management Act 1991."[737]

7.5.1 Regional Policy Statement

The Regional Policy Statement, operative since 2002, sets out broad policies for the management of the district's resources. In terms of land management, restrictions over rural subdivision are regarded as necessary only in so far as protecting fertile soils in the vicinity of Gisborne, and to a lesser extent, Tolaga Bay. Of relevance to this discussion is the designation of the coastal environment as a significant characteristic of the East Coast. The preservation of the natural character of the coastal environment from inappropriate subdivision use and development is identified as a policy objective. One of the methods outlined to achieve this is the development of policies and methods in regional and district plans that would require resource consent to be obtained before such significant areas can be modified. Subdivision, use or development would be allowed in the coastal environment, particularly in areas already degraded, which preserves natural character and avoids, remedies or mitigates adverse effects (6.2.2).

7.5.2 Combined Regional Land & District Plan

The Combined Regional Land & District Plan became operative in January 2006, with the stated aim of achieving a more integrated approach to management of the region's natural and physical resources. A system of "overlays" has been developed on the themes of Cultural Heritage, Natural Heritage, Natural Hazards, and Land. Each theme has been mapped, or "over-laid" district wide, and corresponding policies and rules have been developed to regulate activities within each overlay. These overlays apply over all areas regardless of other zoning or activity

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[736] Ibid, p.77.
[737] Ibid, 2.5.3D.

criteria. Permitted activities do not require resource consent. Controlled and discretionary activities do. Prohibited activities are expressly not allowed by the plan and nor will resource consent by granted for such an activity.

The main policies affecting the ability to live on one's land are those concerning Natural Heritage, Land, and Subdivision, although other policy areas may also have an impact. As indicated by earlier planning documents, the preservation of the natural character of the coastal environment is an explicit objective in the plan, with the council undertaking to encourage activities to locate in areas where the amenity values have already been compromised. Sprawling or sporadic subdivision is to be avoided, other than the provision of papakainga housing or marae development "in appropriate places."

Provision is made in the district plan for the development of papakainga and marae settlements. The concept of papakainga as a cluster of homes on Maori land, "in a way which seeks to enhance whanau or hapu social intercourse," is extended in the scheme to include, "any buildings, facilities or structures which enable Maori to live sustainably on their land and could be anything from one house to a piece of land to a small settlement…" Such a definition would seem to incorporate individual family housing, but the examples cited – kaumatua housing, kohanga reo, cottage industries, recreational facilities, places of worship and urupa – emphasise the collective nature of the intended developments. The provision is limited to land defined as Maori land under Te Ture Whenua Maori 1993.

The stated aim of the provision is to enable settlement on traditional Maori land, provided there are no significant adverse effects on the environment (16.4). The intention that Maori be given freedom to determine the details of such settlements is also noted, "limited only by the wider community's need to ensure that basic health, safety and environmental standards are met." Notwithstanding this sentiment, a number of rules are directed at mitigating the impact of such papakainga on the surrounding environment, such as building design; traffic control; papakainga activities; potential nuisance from fumes, smell, dust, glare and light; fencing; landscaping; outdoor storage; and hours of operation (16.6). In addition, where conflict arises, the rules for overlays (Cultural Heritage, Natural Heritage, Natural Hazards and Land) have precedence over the papakainga and marae provisions.

With regard to land use, most of the district outside of the Gisborne vicinity is zoned Rural General. The plan proposes to be "as flexible as possible" with regard to activities within this zone, including enabling the subdivision, use and development of land – provided that adverse environmental effects can be avoided, remedied or mitigated. The plan highlights the important amenity and natural and cultural heritage values of rural areas that can be adversely affected by subdivision, use and development. Permitted activities include dwelling units, as long as they comply with general rules regarding noise, parking, lighting and glare, building height, yard distances, radio frequency radiation and sight lines.

Rules regarding subdivision are set out in Chapter 12 of the plan. The rationale behind council policy is that subdivision gives rise to land use expectations which can have adverse environmental effects. Any pattern of subdivision should encourage a pattern of land use and supporting infrastructure which is consistent with promoting efficiency, a safe and healthy environment, a high level of amenity and, once again, avoiding, remedying or mitigating adverse effects in the environment (12.3). In considering resource consent applications, in addition to the relevant policies associated with the district overlays, Council shall also consider the impact on the existing network utility infrastructure, stormwater, waterways, drainage, sewage disposal, water provision, energy and telecommunications, roading and access and building platforms. The minimum allotment for the Rural General zone is 1000m2. Any subdivision which complies with the council's rules is a controlled activity. Subdivisions that do not comply with some aspects of the general rules may fall into the category of restricted discretionary activities. Subdivision in the Coastal Environment Overlay is a discretionary activity.

Unlike the Waiapu County Council stance of 1989, which pledged to explore ways to minimise the impact of subdivision on Maori land ownership, the Gisborne District Council regards subdivision as an opportunity to acquire esplanade reserves and strips, both to enable the conservation and management of natural features and to provide public access along waterways and the coast (12.1).

The increased complexity and prescriptive nature of the regulatory regime surrounding district planning and resource management has largely been driven by the Resource Management Act 1991. Gisborne District Council's Environment and Planning Manager, Hans van Kregten, maintains that planning staff assist applicants and communities with the implementation of the

plan, and that there have been very few instances where practical approaches to planning issues on the coast have not been found.[738]

7.6 Conclusions

East Coast Maori have alleged that early planning strictures prevented them from building homes on their land, leading or contributing to the pressure to move outside their traditional rohe to live. Although the above review has primarily dealt with developments within the Waiapu County, the same complaint applies to the length of the Gisborne District.[739] The evidence bears out these complaints, although it is difficult to measure the extent of the impact in any concrete way. Housing has been an issue on the coast since the post-war population boom, and outward migration was also the result of other factors, such as the search for employment. Nonetheless by 1989 the impact of subdivision and rural zoning policy was identified by the Waiapu County Council itself as a factor in the outward migration of the Maori community.

What is interesting, and of relevance to the current situation, is the change of policy witnessed in the Waiapu County in the 1980s. After years of pressure from its Maori communities, and with the encouragement of the New Zealand Planning Council, from 1983 Waiapu County councillors were increasingly able to look outside their narrow adherence to traditional planning practices, to create instead a planning regime that reflected the needs and aspirations of the community. Is it a coincidence that the extraordinary district scheme review occurred under the first Maori-majority council?

This narrative highlights the fact that planning principles and imperatives are not etched in stone: they do change over time. The prohibition of rural subdivision on the grounds of the need to protect land of special value for food production for example, has given way to the pressure of life-stylers, who take up space but produce little from the land. Such principles are also subjective: similar edicts regarding the consolidation of townships on the grounds of rationalising services prevailed in Waiapu County for over a decade. By 1989, however, the

[738] H. van Kregten, Environment & Planning Manager, GDC to S Hampton, CFRT, 6 November 2008.
[739] See for example Hukia Nepia's comments in I Gillies, *Cook: the County and its People*, Gisborne, Gisborne Herald, 1989), p.195.

same policy was identified as a factor which had contributed to the demise of rural economic and social life in the county. Lastly, it should be remembered that planning imperatives are also culturally prescribed. Although modern planning is at pains to document Maori values and traditions associated with their land, there is no corresponding acknowledgement that concepts such as "amenity values" may be culturally inspired, (arguably on the part of Pakeha) and implemented. The weight that local government places on such principles then, should be subject to a healthy dose of scrutiny. Whose interests and values do such principles reflect?

There is a degree of resonance between the policy statements of the 1980s to provide for the particular needs and aspirations of the people of the district, only in so far as other planning principles were met, with current GDC provisions which aim to enable settlement on traditional Maori land, provided there are no significant adverse effects on the environment. In both cases, the regard for tangata whenua interests are dependent on meeting on what are perceived to be wider "public" interests. While the gains made by Maori in the Waiapu County with respect to their ability to live on their land appear to have carried over under GDC administration, the effect of the 1989 amalgamation has been to reduce Maori once again to the status of just another interest group, as opposed to the wider 'public', even though Maori still make up over 90 percent of the population north of Gisborne. The electoral arrangements within the Gisborne District Council mean that, just as in Waiapu County before the democratisation of the county vote, the ability of East Coast Maori to direct council policy is limited.

It is clear from this account that planning issues are inextricably linked to those of representation and consultation. It is council, at the end of the day, who decides the relative weight to be given in any case where say, the principle of rangatiratanga may conflict with the maintenance of "rural amenity value" or the "natural character" of the coastal environment. Again the Waiapu County experience is a telling example of how the planning paradigm can turn around once Maori are in the driving seat. Would a Maori majority on the Gisborne District Council result in a planning regime that gave more weight to te tino rangatiratanga? The Act is, after all, subject to interpretation.

Part Two:

Contemporary Developments in Local Government

The following section deals with local government developments since the Local Government Reform of 1989 and the Resource Management Law Reform undertaken at the same time. It is demarcated in this way as an acknowledgement that such developments arguably fall outside the limits of an historical review. Notwithstanding this qualification, the section is integral to the report, in that it demonstrates that the issues identified within the historical review – those of representation and participation, and the failure to recognise te tino rangatiratanga – are still very much present today.

Having set out briefly the legislative developments since 1989, the report turns to consider two modern grievances. The first of these concerns the continuing lack of Maori representation on the Gisborne District Council, in view of the fact that Maori make up 90% of the population of the East Coast north of Gisborne, and 48% of the district overall. The fate of the Tangata Whenua Committee, an initiative to improve the Maori voice on Council, was suggested as a case study at a claimant hui in August 2007.

The second case study is the subject of claim. It concerns the initiative to establish a hatchery at Potaka Marae in 2004, and the fate of the hatchery as a result of pressure to comply with local government regulations. It raises fundamental constitutional issues regarding the status of customary and Treaty rights within the rule of law.

8. Local Government Reform

8.1 Local Government Reform

The "turbulent and intensive" reform of local government in the late 1980s can be seen as the second wave of structural readjustment in New Zealand since 1984. Restructuring and deregulation of labour markets, education, health, corporate activity and foreign investment was followed, after the Labour Government's re-election in 1987, with the announcement in December of a complete and comprehensive review of all aspects of local government. The reforms would produce a regional tier of government for natural resource management and environmental planning; a reduced number of territorial local bodies; corporatised local government trading activities; and new instruments of accountability.

The rationalisation of local government structure by the Local Government Commission was completed by June 1989. The 22 existing regional councils were reduced to 14, undertaking statutory functions such as regional planning and civil defence, maritime planning and functions formerly exercised by catchment boards, pest destruction boards, noxious plants authorities and harbour boards. The 204 territorial authorities were reduced to just 73, responsible for the more traditional functions of local government such as roading, water supply, sewage disposal, community development etc. Provision was made for 159 community boards.

With regard to legislative reform, the Local Government Amendment Act (No. 2) 1989 inserted new parts into the Local Government Act 1974. For the first time, the legislation included a statement on the purposes of local government, summarised by Bush as the assertion that "New Zealand is made up of different communities with differing needs and that local government provides a means whereby those affected can actively determine the nature and meeting of those

needs."[740] Section 37(k) also stressed the efficient and effective exercise of local government functions, duties and powers; and the effective participation of local people in local government. Local authorities were now required to conduct their affairs in a transparent and open manner. They were required by law to establish clear objectives and resolve conflicting objectives in a clear and proper manner, separate their regulatory and non–regulatory activities, and keep local communities adequately informed of their activities. Emphasis was placed on setting objectives and measuring performance, with each local authority being required to prepare annual plans, and then report each year on the achievement of goals set out in such plans. Conversely, the Act also contained provisions for the corporatisation of local authority trading activities, setting in train the removal from local public ownership and control of essential public services such as electricity supply, waste disposal and public transport, or, where these activities stayed within local ownership, removing control of such functions to wholly-owned companies with appointed boards, with an emphasis on the efficient maximising of profit rather than ensuring an essential public service.

Another aspect of the reform undertaken at the same time was the comprehensive review of the entire raft of planning, environmental and resource statutes. Known as the Resource Management Law Reform (RMLR), substantial central government control and management of resources was transferred to the rationalised local government units. The 1989 Bill prepared by Labour incorporated 54 extant statutes and was eventually enacted by the National Government as the Resource Management Act 1991. The main purpose of the Act is said to be the promotion of the sustainable management of natural and physical resources. The Act, described by Bush as "an awkward compromise of New Right and conservationist tenets" concentrates on the avoidance or mitigation of the adverse environmental effects of activities, rather than on controlling the activities themselves.[741]

The relationship of Maori with their ancestral lands, water, sites, wahi tapu and other taonga are one of the matters of "national importance" to which local bodies must recognise and provide for in the use, development and protection of natural resources (Section 6). Local bodies must also have regard to the principle of "kaitiakitanga" regarding such resources (Section 7); and to take

[740] Bush, pp.125-6.
[741] Bush, p.98.

into account the principles of the Treaty of Waitangi (Section 8). Under Section 33, a local authority can delegate their functions and powers under the Act to an iwi authority. With regard to regional planning, in the preparation or alteration of regional policy statements, the local authority must have regard to any relevant planning document recognised by an iwi authority affected by the statement (Section 61(2)). Regional policy statements shall state matters of resource significance to iwi authorities (Section 61(1)(b)) and should be prepared in consultation with tangata whenua affected by the policy or plan, through iwi authorities and tribal runanga (Section 3 (1)(d)).

8.2 Local Government Reform and Maori.

There were grounds for optimism that Maori stood to gain from the wide-ranging reform of the late 1980s. An early report inviting public submissions on government policy by the Officials Co-ordinating Committee on Local Government (OCCLG), charged with coordinating policy development over the spectrum of reform, emphasised that the reforms were:

> taking place in the context of increased awareness of, and emphasis on, the place of the Treaty of Waitangi in government. It is important that this review addresses the application of the principles of the Treaty to the local government system. Local government, as a major partner in government, has an obligation to recognise and adhere to the principles of the Treaty.[742]

Maori were included in the extensive consultation process the length of the country and for the first time it seemed there might be a real and significant consideration of Maori cultural and spiritual values in resource management practice. This was matched with an increasing call for representative Maori/iwi governance structures for local government to work with on resource management issues.[743]

A third aspect of the reform occurring at this time was the devolution policy of Maori Affairs and the creation of iwi runanga to form a sub-national tier of government for Maori. As Love recounts, "Maori saw the possibility of a major change in the way resources were managed, and for the first time there might once again be a chance for Maori to manage 'their resources'."[744]

[742] Officials Co-ordinating Committee on Local Government, *Reform of Local and Regional Government: Discussion Documents*, Internal Affairs, Wellington, 1988, pp.2-3, quoted in J. Hayward (ed.), *Local Government and the Treaty of Waitangi*, Auckland, Oxford University Press, 2003, p.6.
[743] M. Love, 'Resource Management, Local Government, and the Treaty of Waitangi', in Hayward, p.21.
[744] Ibid, p.30.

The Iwi Runanga Act 1990 set out the essential characteristics of an iwi authority, referred to in the proposed resource management legislation, but while devolution of many centralised functions of Maori Affairs continued, the Iwi Runanga Act itself was repealed in 1991 following National's election to office.

From July 1988, animated by a resource management hui at Taumutu, Maori increasingly called for the issue of resource ownership, as guaranteed by Te Tiriti, to be addressed before that of management. These demands prompted the reassurance in December 1988 from Geoffrey Palmer, Minister for the Environment, that "[t]he new law will be both practical and just. The principles of the Treaty of Waitangi form an important component for the decisions made in this review. The new Resource Management Planning Act will provide for more involvement of iwi authorities in resource management and for the protection of Maori cultural and spiritual values associated with the environment."[745]

The first wave of legislative reform, targeted at the restructuring of local government entities and completed by June 1989, was devoid of any Treaty reference and nor did it provide for Maori consultation or increased representation in the new local government units. This "indefensible silence on treaty matters" was roundly condemned by the New Zealand Maori Council and Maoridom at large. A number of recommendations were subsequently made by the Maori Local Government Reform Consultative Group (MCG), an advisory body to the OCCLG, including:

1. that all powers, functions and responsibilities of local government be interpreted and carried out in a manner consistent with the Treaty;
2. that the authority of local Maori communities should be reflected in a 50/50 membership on regional and territorial authorities;
3. that Maori constituencies and standing committees should be created to vet local authorities' policy and activities;
4. that a Maori Local Government should be established with the same powers as the Local Government Commission; and

[745] Quoted in Love, p.32.

5. that a Treaty of Waitangi Audit Office be established with similar powers to the Commissioner for the Environment to audit all matters pertaining to the Treaty of Waitangi.[746]

The findings were rejected by the OCCLG, which instead admitted of a limited obligation to "consult such persons and organisations, including Maori tribal authorities and other Maori authorities as it thinks fit."[747]

In response to Maori criticism a draft Bill and discussion paper was prepared recognising the Treaty of Waitangi and providing appropriate consultative means to ensure Maori input into local government decision-making. The Establishment of Maori Advisory Committees in Local Government, (or Local Government Amendment (No. 8) Bill), provided for mandatory Maori Advisory Committees which would facilitate consultation and discussion between tangata whenua and local authorities. A tangata whenua committee with recommendatory powers was to be established for each regional and territorial authority to consult on matters concerning Maori. Public submissions regarding the Bill were mixed, with "a great deal of uncertainty about how the Treaty of Waitangi can or should be applied to local government."[748]

The legislation was not enacted before Labour was voted out of office in 1990 and was not pursued by National. As Hayward points out, with the lapsing of the legislation, Maori considerations were effectively excluded from the process. "Despite the often-repeated warning that 'the Crown cannot divest itself of its Treaty obligations', the reform of local government had done precisely that."[749]

As Hayward sets out, the ambiguities of the Resource Management Act 1991 have created more problems than it has solved. Controversy over Section 8 – just what is required to "take into account" the principles of the Treaty, and just what those principles are – has raged ever since. Over time, this debate has focussed on the principle of consultation, and its applicability and limitations in terms of Section 8.[750] Once again, these uncertainties can be seen as a failure by the Crown to address the constitutional role of Maori in resource management on a national

[746] Hayward, pp.7-8.
[747] Hayward, p.8.
[748] Bridgeport Group 1990, p.60; quoted in Hayward, p.9.
[749] Hayward, p.10.
[750] J. Hayward, 'The Treaty Challenge: Local Government and Maori: a scoping report', CFRT, 2002, p. 48.

basis, leaving it up to individual local authorities and their Maori communities to thrash out the relationship. In the absence of any clear statutory compulsion for local government to accept Treaty obligations, the extent to which Maori are included in the resource management regime has become largely dependent on the goodwill of the local authority.[751] No Section 33 delegations have occurred to iwi authorities since the passage of the Act.

8.2.1 Local Government Act 2002

After a decade of disillusionment, Maori aspirations with regard to local government were rekindled with the election of the Labour-Alliance Government in 1999. The government promised a review of legislation which would empower local government and clarify its purpose as well as the relationship between local and central government and the local government relationship with the Treaty of Waitangi. The Cabinet Policy Committee's consideration of public submissions on the reform agreed that the aim would be to improve effectiveness of local government for Maori; to enhance Maori participation in local government; to provide accountability mechanisms to ensure Maori participate effectively; and to bring clarity to the relationship between local government and the Treaty.

If anything, the resulting Local Government Act 2002 has muddied the issue further, with the sole cryptic reference to Treaty principles in Section 4:

> In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Maori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Maori in local authority decision-making processes.

Among the principles set out in Part 2 relating to local government is that "a local authority should provide opportunities for Maori to contribute to its decision making" (Section 14(1)(d)).

[751] Ibid, p. 63.

Section 81 provides that local authorities must establish and maintain processes to provide opportunities for Maori to contribute to the decision-making process and must consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of the local authorities. Section 82 similarly sets out a number of "principles of consultation" and then decrees that a local authority must ensure that it has in place processes for consulting with Maori in accordance such principles. The only other reference to Maori is the reiteration of the intent of Section 6 of the RMA (Section 77(c)).

In stark contrast to the prescriptive nature surrounding other local government functions, there is no direction from government as to how this consultation and participation in decision-making is to come about. The lack of clear and precise statutory duties and responsibilities that outline local government obligations towards local Maori communities can be seen as yet another chapter in a long history of government failure to ensure a place for tangata whenua in local government.

A conclusion that can be drawn is that 21st century New Zealand is no closer to resolving the local government constitutional issues arising from Te Tiriti's guarantees than its predecessors in 1846, or 1852, or 1873, or 1900, or 1945, or 1990. New Zealand Parliament is unwilling to countenance claims to te tino rangatiratanga and has proven to be similarly reluctant to make room for a Maori voice within the existing local government regime. The report now turns to consider two contemporary case studies which demonstrate that the issues besetting local government throughout our colonial past are as much alive today, and just as unresolved.

9. Tangata Whenua Standing Committee

At a meeting convened by CFRT to discuss the East Coast Local Government Scoping Report in August 2007, East Coast claimants pointed to the continuing lack of Maori representation on the Gisborne District Council, in view of the fact that Maori make up 90 percent of the population of the northern East Coast, and about 48 percent of the district overall. It was generally felt that Maori views are not taken into account by the GDC. In particular Atareta Poananga, herself a GDC councillor, proposed as a case study the decade of concerted effort, from 1992–2002, to improve Maori participation in local government, culminating in the establishment of the Council's Tangata Whenua Committee in 2001, and the arbitrary disbandment of this committee in 2002, following the election of Meng Foon as mayor.

The following account is drawn exclusively from GDC reports and files: the individuals involved have not been consulted. Although this case study puts the actions of these individuals in the spotlight, similar stories and developments have occurred nationwide as local government has grappled with its legal responsibilities to take into account the principles of the Treaty of Waitangi. In many ways, the story of the Tangata Whenua Committee exemplifies national trends at work in the decade following the Resource Management Act 1991 and other local government reforms.

The reasons behind the continuing poor representation of Maori resulting from the ballot box has not been researched for this report. The GDC has resisted attempts to introduce the Single Transferrable Vote (STV) electoral system, which, it is argued, would achieve a more representative body. Under current arrangements based on population, councillors representing communities within the East Coast Inquiry District are only three members of a 15-member

council, and as such, have only a limited potential to influence council decisions. Nor has the GDC introduced Maori wards (the local government equivalent of the Parliamentary Maori seats) to ensure and improve Maori representation, although there is legislative provision for such wards (they were adopted by the Bay of Plenty Regional Council).

9.1 The Maori Liaison Group 1993–1995

9.1.1 A duty to consult

The Tangata Whenua Committee has its genesis in the Resource Management Act 1991. For the first time local government was legally bound to take into account the principles of the Treaty of Waitangi. With regard to the council's planning responsibilities, the RMA introduced a new duty to consult with tangata whenua and to have regard to any relevant document of an iwi authority. The GDC, like local authorities throughout the nation, began to grapple with just what this entailed.

An early initiative was the establishment of the Maori Liaison Group (MLG) in 1992, comprising representatives from local Maori organisations such as the Tairawhiti District Maori Council, Tairawhiti Federation of Maori Authorities, Tairawhiti Maori Women's Welfare League; Te Runanga o Paikea; Te Runanga o Nga Ariki o Mangatu; Te Runanga o Ngati Porou; Te Runanga o Turanganui a Kiwa and the Turanganui Rangatahi Council. The group was brought together as a vehicle for consultation under the RMA. Under its terms of reference the group was to assist Council in identifying issues to be addressed in any proposed policy statement; to advise on issues affecting Maori; to assist Council in the preparation and distribution of any proposed policy statement; and to help Council ensure that effective and appropriate consultation with tangata whenua took place.[752] At this time too, the GDC employed a consultancy for guidance on its statutory responsibilities to Maori under the Resource Management Act.

The consultancy report identified effective communication between the Council and Maori as a fundamental requirement of the Act. It suggested that Council resource tangata whenua input into resource management and employ an iwi liaison officer. At its meeting in February 1993 to

[752] GDC, 'Report No.93/093', 17 February 1993, Gisborne; DB:1412-13.

consider the report together with submissions from Maori, the Council resolved to consider practical steps that could be taken to promote effective communication between Council and Maori whanau, hapu and iwi.[753]

A report was subsequently prepared by the Council's CEO, Bob Elliot, for the consideration of the Policy and Resources Committee. Drawing on the experience of local bodies from around the county, Elliot made a number of recommendations, paramount of which was the reconstitution of the Maori Liaison Group as a full Standing Committee of Council, with extended terms of reference to advise on both policy and planning; to promote a two-way flow of information between the Council and the Maori community; and, importantly, to assess and monitor Council policy and activities that affected Maori, with recommendatory powers to propose changes.[754] The new Standing Committee would be subject to Council's Standing Orders, with a fixed chairperson appointed by the committee, with the suggestion that the chair be co-opted on to other Council Standing Committees as appropriate. In addition to the existing membership, Councillors would also take part, a legal prerequisite for a Standing Committee.

It was also recommended that Council decide on the appointment of a Maori Liaison Officer, a Maori Policy Advisor or a Community Liaison Officer, the pros and cons of each designation set out in the report. Elliot also recommended that the council accept in principle the case for one-off contracts to iwi authorities to provide input to policies and plans and contribute financially toward the preparation of iwi management plans. The last recommendation addressed the need for councillors and staff education regarding the Treaty and tikanga Maori. Elliot recommended that the Council commit to the development and implementation of a bicultural awareness programme.

Elliot's recommendation regarding the Standing Committee was rejected, Council resolving instead to "confirm its commitment" to the Maori Liaison Group as a vehicle for consultation under the RMA. Certain aspects were taken on board: the extended terms of reference were accepted, and more formal procedural measures insisted on, such as reporting, quorem, attendance, and a fixed chair. But the "opportunity to attend and address the Policy and Resources Committee" fell well short of the recommendation regarding co-option. Of the three

[753] Ibid.
[754] Ibid; DB:1422-23.

options of job designation, Council decided on a "Community Liaison Officer," notwithstanding Elliot's advice that the decision might be interpreted as reflecting a lack of commitment to furthering Maori interests. Mayor John Clarke revealed that Council "was very evenly divided" on the watered-down resolutions.[755] Represented bodies comprising the Maori Liaison Group were asked to nominate representatives for the more formal Group.

Te Runanga o Turanganui a Kiwa ('TROTAK') considered the Council's response to be inadequate. In its submission to Council in February, TROTAK had called for the appointment of a Treaty Auditor/Iwi Liaison Officer, and was disappointed this was now a Community Liaison Officer. According to General Manager Wiremu Te Aho, the Council was "out of step" with other Regional and District Councils in dealing with its statutory responsibilities to Maori, drawing attention to the expenditure of these regional councils on consultation with tangata whenua.[756] On 16 March 1993, the Council was informed of the Runanga's decision to withdraw from the Maori Liaison Group.[757] As a result, the position of Community Liaison Officer was placed on hold, a decision that was agreed to by the MLG.

The issue was rekindled three months later, prompted by TROTAK's submission to the Council's "Annual Report to the Public Concerning the Council's Plans." The Runanga called for the establishment of the deferred Community Liaison Officer position and for Council funding for the formulation of iwi management plans, a proposition that had been floated in February. Elliot was asked to report on the advantages of funding iwi management plans and whether further funds would need to be set aside for this in the 1993/94 budget.

In its current Draft Annual Plan the Council had budgeted $32,000 for consultation, none of it particularly targeted at Maori. Of the three methods to enable consultation with Maori – the Maori Liaison Group, a Liaison Officer, and iwi management plans – Elliot pointed out that the council had elected to support only the first of these. He identified the fundamental lack of focus on what the Council intended to achieve with regards to consultation with Maori, arguing:

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[755] W.J. Clarke to General manager, TROTAK, 12 March 1993, Maori Liaison (1) 1998-31/3/200, GDC Gisborne; DB:1428.
[756] Ibid, 'Discussion Paper Prepared by [TROTAK] in relation to the [RMA]', appended to GDC 93/171; DB:1434-39.
[757] Ibid, W. Te Aho; F. Maynard to Mayor, 16 March 1993; DB:1429-31.

> The concept of consultation should not of course be understood only in terms of the Resource Management Act. The Treaty of Waitangi is becoming more and more to be regarded not only as part of the political context of decision–making in this country but also part of the legal context such that even where not directly referred to in statute it is regarded as something to be taken account of in making decisions under statute. Therefore while it is possible to disagree as to the principles arising from the Treaty, the need to take account of the views of the tangata whenua is really not something that should be in dispute.[758]

Rather than including additional funds for the liaison officer position or the formulation of iwi management plans, the chief executive recommended that in during the 1993/94 financial year the Council determine a final strategy with clear parameters for consultation with a view to meeting its obligations under the Resource Management Act and more broadly under the Treaty of Waitangi. A resolution to this effect was carried on 22 July 1993.[759]

9.1.2 MLG's strategic plan: the principle of partnership

The following month the Maori Liaison Group was invited to contribute to the development of a consultation strategy, and its views were sought on a number of questions aimed at clarifying the respective purpose, role, mandate and cost of iwi management plans, the liaison officer and the liaison group. The Group was reminded of constraints such as time, cost and "political reality":

> To be adopted, whatever the MLG comes up with must be politically acceptable. In addition the strategy must be accepted by Council as functioning in such a way as to preserve the Council's final decision making role in all issues which are subject to consultation. That is, a strategy would not be acceptable if viewed as a grant of autonomy or delegated decision making.[760]

By July 1994, the MLG had prepared its "Iwi Consultation Strategy." The document was discussed that month in a two-day deliberative session between the Council and MLG, facilitated by Judge Trapski and Maurie Love. These sessions were also aimed at educating councillors about the Treaty of Waitangi and feedback from the workshops was positive. In its submission to the Draft Annual Plan the Maori Liaison Group announced that it was ready and able to enter

[758] GDC, 'Report No.93/427, 20 July 1993', Gisborne; DB:1441.
[759] Referred to in GDC, 'Report No. 94/430, 3 August 1994', Gisborne; DB:1449.
[760] GDC, 'Report No. 93/489, 10 August 1993', Gisborne; DB:1445.

into full consultation with the Council and to assist it in meeting the needs of its constituents. Its call for Council's commitment in the 1994/95 Annual Plan to settle, confirm and implement a viable system for effective consultation with the MLG on Taha Maori throughout the district was published in the Mayor's forward to the Annual Plan, together with the Group's commitment to "be available to provide appropriate consultation and advice to enable the council to pursue its administrative role effectively and efficiently and for the benefit of all residents and ratepayers."[761]

The following month Council did commit to the completion within the current financial year of an effective process for consultation with the MLG. Such consultation was "to recognise Council's obligations in respect to the RMA and that Act's relationship with the Treaty of Waitangi," with consideration given to the necessary resources to accomplish this goal.[762] At the same meeting Council also agreed to the creation of a position of Maori Liaison Officer, answerable to the Chief Executive. An employee of the Council, the MLO was to act as a point of contact for iwi, and as an advisor to council. He was not to be the MLG spokesperson. The position was filled by December 1994.

In its strategic plan formulated at the same time, the Maori Liaison Group identified five goals:

1. To develop a protocol of understanding between the constituent members of the MLG, in order to build its mandate among hapu as an effective organisation for advocacy and change;
2. To ensure appropriate resources were made available so that the MLG could contribute to both regional and district plans and iwi and hapu plans. This goal included the employment of a Maori Liaison Officer;
3. To promote understanding of the MLG's role, the Treaty and RMA through positive promotion and training packages;
4. To implement a Declaration of Understanding with GDC to formalise the partnership underpinned by a spirit of goodwill; and

[761] GDC, 'Report No. 94/430, 3 August 1994', Gisborne; DB:1449.
[762] GDC, 'Report No. 94/703, 1 December 1994, Gisborne; DB:1456.

5. To establish effect communication and information sharing between GDC, MLG and hapu/iwi.[763]

The strategic plan was heralded by the Chief Executive and MLG Chairperson ETJ Ruru as "a platform where two significant partners in New Zealand's history forge a new chapter based on equal partnership, mutual understanding and genuine sharing of knowledge and resources for an enduring and sustainable region."[764] The Policy and Resources Committee were asked to endorse the plan and refer it to Council as the basis of an overall iwi consultation strategy.

9.1.3 Declaration of Understanding 1995

In accordance with the strategy, on 13 April 1995 a Declaration of Understanding between the Gisborne District Council and the "Tangata whenua o te Tairawhiti" was signed. Mayor Clarke signed on behalf of Council, and ETJ Ruru signed on behalf of the Maori Liaison Group. Listed parties to the declaration included the Tairawhiti District Maori Council, Tairawhiti Federation of Maori Authorities; Tairawhiti Maori Women's Welfare League; Te Runanga a Paikea; Te Runanga of Nga Ariki, Te Runanga o Ngati Porou, Te Runanga o Turanganui a Kiwa, and the Turanganui a Kiwa Rangatahi Council.

> This Declaration of Understanding is entered into by the Gisborne District Council and the Tangata Whenua representatives of Te Tairawhiti in the spirit of goodwill and pledge to act towards each other with the utmost good faith.
>
> *Further*:
>
> The Gisborne District Council and the Tangata Whenua accept the Treaty of Waitangi as a basis for ongoing partnership.
>
> Each partner is committed to progressing and enhance the overall well-being of the region's people, environs and heritage by acknowledging and accommodating each others' values and philosophies where applicable.[765]

The degree of goodwill between the Council and tangata whenua manifest in the mid 1990s is reflected by the Council's decision to return the Kakepo Tauranga Waka at Tokomaru Bay, taken

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[763] 'The Maori Liaison Group Strategic Plan', appended to GDC, 'Report No.94/703, 1 December 1994', Gisborne; DB:1460-61.
[764] Ibid; DB:1459.
[765] GDC, 'Declaration of Understanding', 13 April 1995, Gisborne; DB:1581.

under Public Works legislation in 1905, to the rightful owners.[766] In spite of the high-minded rhetoric of the declaration however, the Maori Liaison Group ceased to formally operate by the end of 1995, although it met informally for some time after. Tracey Tangihaere, CEO of TROTAK, claimed that the group was replaced by the Maori Liaison position, which served Council ends, not those of iwi.[767] Te Runanga o Ngati Porou subsequently claimed that the Maori Liaison Group failed because it lacked formal powers and support. In a report outlining the history of Council initiatives to consult with tangata whenua, Elliot acknowledged that the outcome had been disappointing for Maori. Although Council staff had reached appropriate accords and understandings with tangata whenua groups on a variety of projects since 1995, tangata whenua expectations of more formal and direct input into policy and decision-making had not been met.[768]

9.2 Towards 2000: The Treaty Debate

9.2.1 Tangata Whenua Issues Working Group

The hiatus in any formal arrangement to deal with Maori interests was tempered by the establishment of an in-house Tangata Whenua Issues Working Group towards the end of 1998. This informal group comprised councillors Atareta Poananga, William Burdett, and Hemi Hikawai, together with the Maori Liaison Officer and the Chief Executive, Bob Elliot. In line with central government's nationwide focus at this time on 'closing the gaps', the working group was said to be a response to the general decline in rural living conditions and the fact that Maori predominantly occupied the lowest levels in unemployment, income, social and health status.

The working group's terms of reference were to identify and respond to issues of concern to Maori within the Gisborne district; to develop initiatives and opportunities to improve the place of Maori and their sustainable future within the district; to promote and facilitate for Council issues and initiatives relative to Maori; and to liaise with Maori and advocate for Maori as appropriate.[769] Minutes of a meeting in November 1998 indicate the group was interested in

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[766] Detailed in Alexander, pp.354-55.
[767] T. Tangihaere, CEO TROTAK, 'Submission to Gisborne District Council Tangata Whenua Committee', 18 April 2000, Maori Liaison (2) 1/4/2000-31/8/2000, GDC Gisborne; DB:1506.
[768] GDC, 'Report No.00/182, 7 April 2000', Gisborne; DB:1493.
[769] 'Tangata Whenua Issues Working Group: Terms of Reference', nd, Maori Liaison (1) 1998-31/3/2000, GDC Gisborne; DB:1464-66.

rating issues, civic projects within rural townships and the identification of Council land taken under Public Works legislation with a view to its return to Maori ownership where practicable.[770]

9.2.2 Runanga Submissions to the Draft Annual Plan 1999

The issue of Maori participation and representation on Council was rekindled in 1999, partly as a result of a council-initiated review of its organisational structure – including a review of its purpose and functions – and partly because of outside pressure from runanga in the district. In June 1999, a submission from Te Runanga o Turanganui a Kiwa to the Council's Draft Annual Plan for 1999/2000 asserted that the Council's budget allocations for each financial year to date had not reflected the Treaty partnership nor the proportion of the Maori population in the district.[771] It was submitted that the annual plan and budget allocations include tangata whenua-based or initiated millennium celebration activities and events; a Central Business Area reflecting the bicultural nature of the local community; funds to support iwi responses to resource management issues and local government procedures and processes reflecting the bicultural community.

A submission was also received from Te Runanga o Ngati Porou with the support of TROTAK, recommending the establishment of a Maori Standing Committee on the Gisborne District Council. Like TROTAK, Chief Executive Officer of TRONP, Amohaere Houkamau argued that the composition of the council and its existing Standing Committees did not reflect the demographics of the district. More importantly however, the fundamental premise of establishing the Standing Committee was stated to be the partnership relationship inherent in the Treaty of Waitangi. The GDC, it was argued, acting on the delegated authority of the Crown, must reflect and practise partnership with iwi/Maori. In her submission Houkamau called on the Council to establish a joint working party of iwi and GDC to prepare a strategic plan and report completed by 30 September 1999 setting out the purpose, goals, functions, powers, responsibilities, representation, accountability protocols and budget of the proposed Maori Standing Committee, with the committee itself to be established by November 1999.[772]

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[770] Ibid, 'Tangata Whenua Issues Working Group: File Note', 26 November 1998; DB:1462-64.
[771] Ibid, TROTAK, 'Submission relating to the [GDC] Annual Plan', 11 June 1999; DB:1467-68.
[772] Ibid, A. Houkamau, TRONP, 'Submission for the [GDC's] Draft Annual Plan for 1999/2000', June 1999; DB:1471-74.

9.2.3 Council's review of purpose, functions and services

A wide-ranging organisational review of Council's purpose, functions and services was also begun in 1999. One of the key drivers of the review was to improve Council's relationship with the community. Throughout the year a variety of deliberative sessions and workshops were held for councillors on topics such as leadership, governance, rating, cultural awareness and, in September 1999, the Treaty of Waitangi. The two-day workshop was facilitated by Irihapeti Ramsden and Moana Jackson and one outcome was a re-invigorated in-house Tangata Whenua Committee Working Party, with the same councillor members listed above, to "move the process of consolidating Council/Iwi/Maori relationships forward." By this time the Council viewed TROTAK and TRONP as representative of iwi and these runanga were invited to meet with Council in the new year to begin dialogue.[773]

The Council review of its functions and services was guided to a large degree by Chief Executive Bob Elliot and his report of February 2000 spelt out the issues facing Council. One of the key components promoted by Elliot was a more "social" orientated position in respect to Council's business and relationship with its communities, that is, to view community issues in terms of community needs and preferences, rather than from a strictly asset-enhancement position. He drew on contemporary debate regarding the increasing role of local government to provide good and inclusive community governance:

> the single most important role of local government is governance of local community and not, as in former times, simply the delivery of a range of infrastructural, recreational and cultural services. Further, the decision-making processes themselves, while being based on principles of representative democracy, must pay sufficient regard to the ideas of participatory democracy to ensure that their legitimacy is not simply based on the ballot box but on confidence in and accessibility to rational decision making processes.[774]

Elliot's stance was founded on Section 37(k) of the Local Government Act 1974, a 1989 insertion which set out the purposes of local government generally, with its emphasis on communities, and in particular the recognition of the existence of different communities in New Zealand with differing identities and values. Differing responses were required to meet the needs

[773] Ibid, J. Clarke, Mayor to Chairmen, TRONP and TROTAK, 20 September 1999; DB:1478-80.
[774] Quoted in GDC, 'Report No.00/012-b, 7 February 2000', Gisborne; DB:1628.

of different communities, Elliot argued, and council had considerable latitude to determine what community needs are and how those needs should be provided for.

While acknowledging that the issue of representation other than through election was a "touchy" one, the Chief Executive argued that appropriate external representation to increase community participation in decision-making was necessary to legitimise local governance:

> It is my opinion that the relationship that Council wants to have with its community is critical to the whole review process. If Council wants to retain the status quo that is continuing to be exclusive of public or community input other than through its normal consultative processes, then those hopes of improving public and community relationships will not be readily obtained.
>
> However again, in my opinion, if council wants to be more inclusive of public or community input then it has to legitimately provide robust structures and processes to ensure that this is actually able to occur and be legitimately addressed by Council. Representation and the place of non-electeds, including Maori and youth for example, within the Council decision making and governance processes are essential.[775]

Elliot pointed to the district's population, in particular the 46 percent of Maori, the 20 percent of youth, and the 15 percent of senior citizens. He also pointed out that processes for community input to Council's business (and therefore the communities') entailed more than consultation:

> Council itself does a lot of consultation within the communities but they tend to be issue-specific and driven by other statutory processes and regulations rather than by a genuine desire of Council to understand, hear and to listen to the public's views.
>
> What I would hope Council promotes is the development of processes for the public's valued input from the outset into the development of Council's overall policy making. Certainly full consideration and the implementation of some community governance protocols would enhance those relationships between Council and the district's people.[776]

Council, it was argued, must willingly accommodate external community representation, although its extent, delivery and purpose would be for Council to determine. In the models promoted by the CEO, increased community participation would take place through community

[775] Ibid.
[776] Ibid; DB:1628-29.

advisory groups having a role and input into strategic planning and policy development, as well as direct community representation on the Council's Public Policy Committee. In addition, one of the six proposed Council committees included a transitional Tangata Whenua Committee to consider, advise and advocate on issues relevant to Maori. Elliot envisaged this interim committee comprising eleven members representing iwi in the district, as well as the elected Maori councillors. Once effective community representation was formally in place – by way of the community advisory groups and representation on the Public Policy Committee – the Tangata Whenua Committee would no longer be needed.

In March 2000, Council did in fact confirm a review of its overall governance structures and policies, "such review to ensure greater community involvement and participation in the business of Council, particularly that of community representation."[777] A related resolution was the acceptance of the development of formal relationships with its community in accordance with Section 37(k) as an integral part of the governance review. Elliot's recommendations regarding the proposed committee structures, including the Tangata Whenua Committee, and the proposed process to involve community advisory bodies were deferred for further consideration.

9.2.4 The Tangata Whenua Committee and the Treaty of Waitangi: Council's position

It is significant that in the proposal under consideration by the Council, the rationale for the Tangata Whenua Committee was Section 37(k), that is, the recognition of Maori as a community with different values and needs, particularly given the high proportion of the Maori population and their revered cultural history in the district. By the new millennium it was evident that Council had shifted away from viewing the body as a mechanism for the practical implementation of Treaty principles, as promoted in 1993, and its endorsement of the Treaty of Waitangi as the basis of partnership with tangata whenua as set out in the 1995 Declaration of Understanding.

In that time, the ongoing debate over the responsibilities of local government with respect to the Treaty had resulted in the distillation of "several key facts" set out by the Chief Executive as:

- The Treaty was made between the Crown and Maori;

[777] Outlined in GDC, 'Report No.00/182, 7 April 2000', Gisborne; DB:1486.

- Local government as a creature of statute can only do what is authorised by Parliament and has no authority to act as the Crown's agent to the Treaty;
- Local government's duties with regard to the Treaty are only those within the RMA, and even those do not constitute local government as the agent of the Crown;
- Local government should not become the Crown's agent for the purposes of the Treaty because of its role as defender and advocate on behalf of the communities in its district, including Maori, and so that it does not assume the liabilities of the Crown in respect of past breaches of the Treaty by the Crown.[778]

By April 2000, a further report had been prepared on how the Tangata Whenua Committee might fit into the Council structure and a draft Terms of Reference for the proposed Tangata Whenua Committee had been prepared.[779] Once again, the proposed committee was placed in the context of enhancing community participation and representation in the Council's decision making process and Elliot was at pains to emphasise that as such, it should not be seen as a unique entity. It was also reiterated that such a committee would be transitional: once other aspects of the promoted community participation and representation were established (and he pointed to partnerships and protocols with TROTAK and TRONP), there would no longer be a need for a special Maori committee.[780]

In the April report it was posited that the Council had two distinct relationships with tangata whenua: firstly, the statutory processes associated with RMA and the Treaty of Waitangi (which were seen as being confined to the formal resource consent process), and secondly as members "like all other people" of the Gisborne District's communities.[781] The role of the Tangata Whenua Committee would be confined to that of the second relationship, dealing with general community-wide issues such as economic and community development, education, health, and employment. As such the TWC would provide a tangata whenua perspective on any Council issues and provide input into Council's policies and plans. It would have a general advocacy role on district-wide issues. Significantly, it would have power only to make recommendations for council.

[778] GDC, 'Report No. 00/012-b, 7 February 2000', Gisborne; DB:1629-30.
[779] GDC, 'Report No. 00/182, 7 April 2000', Gisborne; DB:1496-97.
[780] Ibid; DB:1489-90.
[781] Ibid; DB:1494.

Once again, the distinction between the two relationships can be seen as a means of distancing Council from any Treaty-based obligations towards tangata whenua. On this occasion, the "recognised principles" surrounding the Treaty of Waitangi were set out much as they had been in the February 2000 document cited above:

- The Treaty is between the Crown and hapu;
- The GDC is a statutory body with powers and responsibilities conferred on it by the Crown;
- GDC is a territorial local authority with the additional powers of a regional authority;
- GDC is elected by the district community and is accountable to the whole community;
- In terms of the Treaty, hapu have manawhenua and manamoana (Tino rangatiratanga – total tribal control) over affairs relating to the land or sea, but the Council exercises its functions as established by legislation;
- The RMA includes an obligation to consult and take into account the principles of the Treaty of Waitangi. The Court of Appeal has recognised a link between consultation and the duty to act "with good faith and "reasonably" towards each other, Council and Maori.[782]

In framing the terms of reference, Elliot stressed that the expectations of both Council and tangata whenua, although differing, needed to be clearly understood and these expectations were summarised in the appendix.[783] For Council, the Tangata Whenua Committee would result in increased understanding – of Maori aspirations, perspectives; environment, tribal structures – together with a means of consultation that would result in enhanced decision making by Council. Listed Maori expectations were to be part of the decision-making process, recognition of the Treaty of Waitangi, a partnership role, equity, participation. The gap between the expectations of both parties apparent on the chart was a harbinger of future discord.

The Terms of Reference proposed by Elliot were recycled from the 1993 Maori Liaison Group and the council's joint Tangata Whenua Issues Working Party and reflected Council's expectations. The role to provide policy advice in the formulation of council policy was strengthened slightly to "participate in the development of the Council's annual planning and

[782] Ibid; DB:1492.
[783] Ibid, Appendix 3; DB:1500.

strategic planning processes." A new role to provide advice to the Council and its Chief Executive on Maori protocol and cultural matters was part of the existing Maori Liaison Officer's brief. The only new element to the proposed terms of reference was a recommendatory policy role with respect to effective Maori participation. The proposed membership of the committee was to be one representative from the following mix of tribal authorities and geographical locations: TROTAK; TRONP; Matakaoa; Waiapu; Uawa; Ngai Tamanuhiri; Te Aitanga a Mahaki; and two representatives from Gisborne. Maori GDC councillors were to be part of the committee as member ex officio.

9.2.5 TROTAK's submission, April 2000

The report was to be considered by Council on 20 April 2000. Two days before, Tracey Tangihaere, Chief Executive Officer of TROTAK prepared a submission regarding the committee. In contrast to the Council's stance, Tangihaere saw the purpose of the TWC to, "progress framework for Gisborne District Council and the tribes of Turanganui a Kiwa to establish a relationship based on sound principles of the Treaty of Waitangi."[784] These were outlined as partnership and reasonable cooperation, active protection and consultation. And unlike the Council, Tangihaere's forthright submission stated that at a national level, reviews undertaken by Crown agencies compelled the Council to make considerable changes to their organisational structure to reflect recognition of, and implementation of Treaty principles. The submission signalled TROTAK support for the committee, and the goal of promoting a joint Maori strategy with other iwi together with collective consultation for major environmental concerns such as protection of water, ancestral lands, wahi tapu, and mahinga kai. The expectation was that the Tangata Whenua Committee would have equal standing with Council's other committees. It was proposed that a joint working party between TROTAK, TRONP and GDC work out a process for the selection of members: three from Turanganui a Kiwa, three from Ngati Porou and three Council members. It was also proposed that Te Puni Kokiri independently monitor the relationship.[785]

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[784] T. Tangihaere, CEO TROTAK, 'Submission to the Gisborne District Council Tangata Whenua Committee', 18 April 2000, Maori Liaison (2) 1/4/2000-31/8/2000; DB:1502.
[785] Ibid; DB:1511.

Tangihaere spoke to her submission at the Council meeting. In the result, the motion to confirm the establishment of the Tangata Whenua Committee as an integral part of its "Review of Council's Functions and Services" was carried, as was a resolution to adopt in principle the draft Terms of Reference. Council resolved to form a joint working party of GDC Councillors and staff, and TRONP and TROTAK representatives to progress the establishment of the Tangata Whenua Committee including developing the terms of reference and membership. Tangata whenua were to be consulted and the whole matter reported back to Council for formal adoption in three months time.[786] The vote in favour of the TWC was said to be a close one. During general business, the council's existing Tangata Whenua Working Party was confirmed.

9.2.6 TWC Joint Working Party, 2000

Protocols for the Joint Working Party were drafted by the Council's Working Party the following month. Elliot, a member as CEO, was concerned at an early stage that the Joint Working Party might "go off the track." Although avoiding reference to the Treaty, it is apparent that this lay behind his concerns relayed to Mayor Clarke in mid-May: "we are only dealing with general and community issues and this is totally separate to statutory and consents issues. I have no intention of supporting any initiatives outside those already resolved by Council as part of its review and certainly would not expect there to be much variation to the current draft Terms of Reference;" [787] The result was that while the Joint Working Party was charged with developing new terms of reference and options for representation in consultation with tangata whenua, in doing so it was "to ensure the direction of the proposed Tangata Whenua Committee and its draft Terms of Reference are consistent with the Council's objectives and structures for the proposed committee…"[788] The basis for the joint working party's deliberations was to be the draft Terms of Reference already adopted in principle by Council. Both runanga were informed of the Council's resolution and asked to submit their representatives for the Joint Working Party. By June it was decided that TRONP would be represented by Apirana Mahuika, Tawa Paenga and CEO Amohaere Houkamau. TROTAK representatives were Stanley Pardoe, Jody Toroa and CEO Tracey Tangihaere.

[786] GDC, Minutes of GDC Council Meeting, 20 April 2000; DB:1513-14.
[787] Memo, Chief executive to Mayor John Clarke, 16 May 2000, Tangata Whenua Committee Working Party vol.1, 1/1/00-31/6/02, GDC; DB:1579-80.
[788] 'Proposed Protocols: Tangata Whenua Committee – Working Party', Appendix B in GDC, 'Report No. 01/172, 4 April 2001', Gisborne; DB:1602.

The first meeting of the TWC Joint Working Party was held at TROTAK's boardroom on 20 June 2000. It was preceded by a meeting of TROTAK and TRONP representatives, referred to as the Tangata Whenua Committee Maori Caucus.[789] Included in this caucus were GDC councillors Atareta Poananga and Bill Burdett, listed as TRONP members. Both runanga were agreed on the fundamental issue that the relationship between the iwi and council must be Treaty based – the call to battle ten minutes before other GDC representatives turned up was recorded in bold face: "**Stand firm on this and accept nothing less than Treaty-based relationship [based] on Te Tiriti not Treaty principles per se.**" A related issue of mutual concern was that the TWC would not be used to "capture" the iwi: that both entities would "maintain their own mana and rangatiratanga and respected each other." The minutes indicate that the runanga saw the initiative as a means to enhance tribal development: possible outcomes of the initiative touted towards the end of the meeting included the training of future councillors and parallel regional and annual plans.

The Maori caucus was joined by other members of the GDC working party and Poananga and Burdett switched hats. As planned, the first issue to be raised was the basis on which the committee was to be established: the Treaty of Waitangi. "Tangata whenua would not engage unless that was the basis of understanding. In time councillors would learn and understand this relationship and not be threatened by its inclusion in all aspects of the relationship with Maori/iwi."[790] The meeting however quickly reached an impasse. Elliot maintained that GDC members did not have a mandate to enter into arrangement on that basis and that it would be hard to sell to 80 percent of the councillors. Given the minimal council support for the committee, Councillor Willock was anxious to "keep this as a sensitive issue" and proceed with establishing the committee. Which was, in fact, what transpired. It was agreed that consultation with iwi was required to determine both the terms of reference and the membership of the committee. The mayor would be asked to co-chair the working party to "signal to the community the seriousness of this issue." GDC was prepared to meet the fair and reasonable costs.

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[789] Minutes of meeting, Tangata Whenua Committee Maori Caucus, 20 June 2000, Maori Liaison (2) 1/4/2000-31/8/2000, GDC; DB:1527-29.
[790] Ibid, 'Inaugural Meeting of GDC and Tangata Whenua Working Party', 20 June 2000; DB:1530.

By the third meeting on 21 August 2000 the Joint Working Party's draft terms of reference for the TWC had been altered considerably. The "kaupapa" of the committee did not in fact outline a kaupapa at all, except to be consistent and complementary to envisaged Treaty-based relationship agreements – termed "Agreement of Principles" – to be negotiated separately between council and the two runanga.[791] The kaupapa was also to be consistent with the 1995 Declaration of Understanding with its reference to the Treaty as the basis for ongoing partnership together with a pledge to act towards each other with the utmost good faith. The objectives set out by the Joint Working Party reflected a greater degree of self-assured partnership than the council's attempt:

- Explore, research and draw to each other's attention matters of mutual interest on which action is being or may need to be taken;
- Advise each other on policy relating to social, cultural, economic and political development of hapu and iwi;
- Engage hapu/iwi with GDC in the exercise of developing governance and management at all levels of the Council's work; and
- Advise each other on legislation and other matters at the local and national government level.[792]

In terms of relationships, the Tangata Whenua Committee was to develop key relationships with "the hapu and iwi of Ngati Porou, Rongowhakaata, Te Aitanga-a-Mahaki and Ngai Tamanuhiri and their constituent iwi organisations TRONP and TROTAK. The TWC would also seek to "develop strong networks with other tangata whenua and Maori stakeholder groups." Ten members were proposed for the committee: six hapu/iwi members, two Gisborne city members (one of which was to be Ngati Oneone), and two councillors. The next step was for each runanga to consult with its constituent iwi about the draft terms of reference.

TRONP reported the completion of the consultation rounds at the end of November 2000. The brief letter to council lists the dates and times of eight hui on the East Coast during three days of September to discuss the terms of reference, and a further ten meetings over three days in November to discuss the criteria and composition of the committee's membership. Judging by

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[791] Ibid, 'Record of Meeting of the Tangata Whenua Joint Working Party', 21 August 2000; DB:1539-43.
[792] Ibid; DB:1541.

this schedule, the consultation meetings were not drawn-out affairs, on three of the six days four meetings took place consecutively in different townships. The areas of settlement visited were Gisborne, Kaiti, Tolaga Bay, Tokomaru Bay, Te Puia, Ruatoria, Tikitiki, Te Araroa and Hicks Bay. One outcome of the consultation round was that Ngati Porou now sought nine members to represent the areas of settlement on the coast.[793] Consultation facilitated by TROTAK continued over the summer.

9.2.7 The establishment of the Tangata Whenua Committee, April 2001

By the end of March 2001, the council's working party was impatient to have the Tangata Whenua Committee established. The hiccup caused by the increased TRONP membership was overcome by a motion to increase the hapu/iwi membership from six to eight, allowing TRONP five members, although the Joint Working Party was willing to accept council's decision on the issue. In his report dated 4 April 2001, setting out the process adopted to date, the Chief Executive recommended that council, having already authorised the establishment of the TWC, authorise him to implement the committee by 30 June 2001 on the basis of the amended Terms of Reference.[794] The draft terms of reference for the Joint Working Party were set out in the body of this report *but the Joint Working Party's amended terms of reference were not.* Rather, the amended Terms of Reference, with its reference to the Treaty, were appended to the report and neither the significantly changed terms, nor their implications, were addressed in the body of the report. In passing the report's recommendations at a council meeting on 12 April 2001, it appears that council's attention was focussed more on the issues of membership than fully appreciating the Tangata Whenua Committee's Treaty-based terms of reference it had just endorsed.[795]

9.2.8 Problems with process: representation

By council resolution, the Chief Executive had been authorised to develop the method of appointing committee members with representatives of Ngati Porou and Turanganui a Kiwa, and to report back to Council by 31 May 2001. In practise, responsibility for selecting hapu/iwi representatives was delegated to the two runanga. Council's response to a complaint from

[793] TRONP to CEO GDC, 28 November 2000, Maori Liaison (3) 1/9/2000-Dec 2001, GDC; DB:1544.
[794] GDC, 'Report No. 01/172', 4 April 2001, Gisborne; DB:1585-92.
[795] Confirmed recommendations set out in GDC, 'Report No. 01/586', 5 December 2001; DB:1569-73.

Ngariki Kaiputahi Whanau Trust in April 2001 that TROTAK had not consulted appropriately with the Ngariki Kaiputahi iwi in the selection of representatives, was that the process was one for the runanga to address, not council.[796] Interim TROTAK representatives – Stan Pardoe for Rongowhakaata, Jody Toroa for Ngai Tamanuhiri and Bill Ruru for Te Aitanga a Mahaki – were nominated at a TROTAK board meeting on 25 May 2001.[797]The runanga advised that each iwi would determine their own nomination process and have successful candidates by the end of the following month. Elliot acknowledged that these nominees would be "for an interim period only and will be confirmed by their respective iwi in due course."

As the end of May neared, an urgent reminder was sent to Apirana Mahuika for TRONP nominees.[798] No answer was received. TRONP's participation in the Joint Working Party had been intermittent, the nominated representatives attending only two of the four Joint Working Party meetings. It is likely that the curtailment of the number of members may have caused problems for the runanga, given that this had been the outcome of its consultation with its people. In February 2001 the runanga indicated that it was reconsidering its involvement in the TWC because of actions taken by council in respect to the Manutahi forest.[799] On 10 July Elliot again approached the runanga for TRONP nominees.[800] There is no record on file that TRONP ever responded to Council with its representatives.

In June 2001 Anne McGuire on behalf of Te Aitanga a Hauiti wrote in with the iwi's nominee for the committee, Victor Walker. According to McGuire, Walker had been nominated at a meeting in Tolaga Bay in November in the presence of GDC councillors.[801] In responding to the news, Walker was told that TRONP had been given the responsibility to identify members, and Elliot promised to advise the runanga of his nomination. Yet the Chief Executive's acknowledgement of the nomination reads like an acceptance: Walker was congratulated and

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[796] O. Lloyd, Ngariki Kaiputahi Whanau Trust to J. Clarke, 20 April 2001 and Clarke's response, 7 May 2001, [TWC] Working Party vol.1 1/1/200-31/6/2002, GDC; DB:1608-09.
[797] Ibid, Chief executive, GDC to T. Tangihaere, TROTAK, 29 May 2001; DB:1610-11.
[798] Chief executive GDC to A. Mahuika, TRONP, 24 May 2001, Maori Liaison (3) 1/9/2000-12/2000, GDC; DB:1549.
[799] A. Mahuika to J. Clarke, 27 February 2001, Mayor TWC Working Party; DB:1584.
[800] Chief executive, GDC to A. Mahuika, TRONP, 10 July 2001, Maori Liaison (3) 1/9/2000-12/2000; DB:1555-56.
[801] Ibid, A. McGuire to Tangata Whenua Working Party, GDC, 12 June 2001: DB:1550.

told: "Once the Committee has been fully established you will be contacted further with regard to meetings and procedures etc."[802]

In June also, another written complaint was lodged against the "undemocratic" process in selecting representatives for the Tangata Whenua Committee. Ohomauri Ripia of Ngati Konohi claimed that neither TRONP nor TROTAK had a mandate to act on behalf of tangata whenua, and in particular Ngati Konohi at Whangara.[803] Once again, the Chief Executive pointed out that the responsibility to determine representation had been delegated to the respective runanga and the complainant was told "if you have an issue with the selection process and determination of committee representatives you should rightly address those to the chairpersons of the two Runanga."[804]

This response did not wash with Mrs Ripia. "…the land between Mawhai Point and the Toka-a-Taiau Kaiti belong to Te-Aitanga-a-Hauiti iwi and all its constituent hapu," she stated in a further letter. "I do not believe that I should remonstrate or discuss my concerns with the two Runanga at all. The choice to collaborate with the two Runanga in matters concerning Tangata Whenua representation was made by the Council and they must rectify their uninformed mistake themselves."[805] In response, Elliot acknowledged that it was council's role to raise the issue of Ngati Konohi's representation with the runanga, and promised to do so. He also pointed to the limitations council was working under: "To be fair, Council is only keen to ensure that there is appropriate representation on its committee and that there are only eight Maori/tangata whenua places available."[806]

The Tangata Whenua Committee constituted by the Gisborne District Council in April 2001 never actually met, principally it is said, because the issues surrounding committee representation were never resolved. As the triennial local body elections approached in October 2001, the whole matter was put on hold. [807]

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[802] Ibid, Chief executive GDC to V. Walker, 19 June 2001; DB:1551.
[803] Ibid, O. Ripia to B. Elliot, Chief executive, 18 June 2001; DB:1552.
[804] Ibid, Chief executive to O. Ripia, 3 July 2001; DB:1553-54.
[805] Ibid, O. Ripia to R.D. Elliot, Chief executive, 6 July 2001; DB:1557-58.
[806] Ibid, Chief executive to O. Ripia, 7 August 2001; DB:1559.
[807] GDC, 'Report No.01/586', 5 December 2001, Gisborne; DB:1569-73.

9.3 The End of the Tangata Whenua Committee

9.3.1 Interim Tangata Whenua Committee

Meng Foon was elected Mayor of the Gisborne District on 13 October 2001. Five days later the CEO of TROTAK received an extraordinary letter from the new mayor:

> Kia ora Tracy
>
> Nga mihi nui ki a koe me to Whanau
>
> Tracy, I would first like to take this opportunity to thank you for your support and the support of your people.
>
> I look forward to working with Te Runanga o Turanganui a Kiwa and hope we can meet soon.
>
> I am hoping to be more proactive to help advance your peoples Tino Rangatiratanga.
>
> I am going to restructure the proposed membership structure of the Tangata Whenua committee.
>
> I am going to replace the membership with elected members.
>
> The committee will still be called the Tangata Whenua committee.
>
> It will have a membership of 4-5.
>
> This dedicated team will be proactive in helping in whichever way we can to advance the wellbeing of your communities.
>
> I look forward to a meaningful and positive relationship.
>
> Naku noa[808]

In the aftermath of the election an interim committee structure was in fact established by the new mayor, "to tide processes over until the permanent structures could be addressed by the new Council."[809] True to his word, under this process an Interim Tangata Whenua Committee was established comprising four councillors and no outside representation. In December a report was

[808] Mayor Foon to Tracy, 18 October 2001, Mayor Tangata Whenua Committee Working Party; DB:1612.
[809] Manager, Corporate Affairs, GDC to Cr. Poananga, 14 December 2001, Maori Liaison (3) 1/9/200-Dec 2001; DB:1578.

prepared recommending council's adoption of a draft terms of reference – recycled from previous recommendations positing the TWC as an advisory body – and a required description of its scope for the council's delegation manual.[810] This report was received but no decision was taken. Although the report referred to the draft recommendations as applying to the "interim committee," the terms of reference themselves, and the entry in the delegation manual, were headed "Proposed Tangata Whenua Committee," adding another layer of confusion to the debate.

The development was a blow to long-standing advocate Councillor Poananga. Chairperson of the new Interim TWC, on 27 November 2001 she was admonished by the Chief Executive about the agenda and venue for a Tangata Whenua Committee meeting proposed at Poho-o-Rawiri marae. The interim TWC was not as expansive as previously proposed, she was told, and outside participation was inappropriate.[811] Seeking clarification about the status of the Tangata Whenua Committee structure approved seven months before, Poananga was told that the TWC established in April was:

> a legitimate, authorised Committee of Council, which has never met because community groups have never confirmed their representation on that Committee.
> The Interim Tangata Whenua Committee is an interim working arrangement to enable some input on iwi perspectives, but was intended to be neither a replacement for the approved Tangata Whneua Committee, nor an establishment unit to set up that Tangata Whenua Committee.[812]

She was also advised by the Chief Executive that: "If the new Tangata Whenua Committee was duly deemed to be what Council wanted and therefore the interim status was to be removed then the Council would first have to have a notice of motion to revoke the earlier Council resolution to establish that Tangata Whenua Committee. Once that notice of motion process was completed then the Council could resolve to formally establish a new Committee however that may be structured."[813] Elliot acknowledged that the process was far from ideal, but it was, nonetheless, the council's decision.

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[810] GDC, 'Report No.01/586', 5 December 2001, Gisborne; DB:1569-77.
[811] Chief Executive Elliot to Poananga, 27 November 2001, Mayor TWC Working Party; DB:1606-7.
[812] Manager, Corporate Affairs, GDC to Cr. Poananga, 14 December 2001; DB:1578.
[813] Chief Executive Elliot to A. Poananga, 17 December 2001, Mayor [TWC] Working Party vol.1 1/1/00-31/6/02; DB:1617-18.

The arbitrary decision was also contested by TROTAK. In her initial response to Mayor Foon's letter cited above, CEO Tangihaere reminded the mayor that the runanga had been dedicated and proactive throughout the process and that the notion that the new committee would assist aspirations for self-determination was "faulty and misinformed."[814] Tangihaere also publicly called on council to support the previous decision and commit to move the Tangata Whenua Committee forward.[815]

At the end of January 2002 a further letter was addressed to the Tangata Whenua Committee. Tangihaere expressed the runanga's disappointment with the changes to the committee's terms of reference and membership. "Bearing in mind the proposed interim committee holds no tangata whenua members, I ask that the name be removed, and as councillors do not have the mandate to design the decision-making processes of tangata whenua."[816] Tangihaere again reiterated the spirit of good faith which had motivated TROTAK throughout the lengthy process.

> Iwi have come of age and wish to be treated with respect and equality, and we no longer should be subjected to unfair treatment of the past. … We are a Treaty partner as tangata whenua and should be treated as such by this council.[817]

Tino rangatiratanga over lands, waters and other taonga, stated Tangihaere, would not have been achieved by the Tangata Whenua Committee proposed in April, but it would have helped build a genuine understanding of issues affecting Iwi/Maori in the district. The committee was called to support the earlier council resolution. "[D]oes this authority actually want change, or does it want the status quo to remain?"[818]

A meeting of the TWC held on 30 January 2002 was attended by members of the public. The December report outlining the interim committee and its terms of reference was discussed. The

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[814] Ibid, T. Tangihaere, CEO TROTAK to M. Foon, Mayor, 6 November 2001; DB:1613.
[815] *Gisborne Herald*, 7 November 2001, as quoted in A. Brown to M. Foon, 21 November 2001, Mayor [TWC] Working Party vol.1 1/1/00-31/6/02; DB:1614.
[816] Ibid, T. Tangihaere, CEO TROTAK to Chairman, Tangata Whenua Committee, GDC, 29 January 2002; DB:1619-20.
[817] Ibid.
[818] Ibid.

committee recommended that council adopt the report's recommendations, but a decision was again deferred at the council's meeting on 28 February 2002.[819]

9.3.2 Mayor Foon's vision

A week before the Council's February meeting, Mayor Foon circulated a one-page discussion paper on the Tangata Whenua Committee.[820] Reference was made to the Local Government Bill 2001 calling on local authorities to make positive steps to foster Maori participation and representation in local government, and the desire on the part of the Gisborne District Council to have "a meaningful relationship with Maori." Certain "interpretations" were premised at the outset: that the Treaty relationship was one with hapu, and that tangata whenua existed as hapu; that runanga are entities developed by the Crown and iwi/hapu and as such are Crown agents; and that any strategy was not to usurp the democratic process.

Foon reiterated that council had an existing relationship with the whole community, and with individuals in that community, which should not be undermined or replaced by any other method. His three-pronged approach incorporated:

1. a relationship with "Maori Crown agencies," TROTAK and TRONP, to fulfil obligations delegated by the Crown (although these were not spelt out). Each runanga to meet with council two to three times a year, with a further combined hui, and sharing of costs;
2. a relationship with hapu by way of formal accords or informal agreements. This was framed in terms of the Treaty relationship, with hapu having their own jurisdiction over defined geographical areas. It is apparent that Foon viewed this primarily as a consultation tool for council purposes such as resource management and planning: meetings would only take place only as the need arose, and only $3000 was budgeted to enable this hapu relationship;
3. a relationship with Maori, through the co-option of one Maori person from a Maori "perspective," and with the relevant skills and expertise, per each council committee,

[819] 'Report of a Meeting of the [TWC]…', 30 January 2002, GDC; DB:1666-67.
[820] 'Discussion Paper', Meng Foon Mayor, 20 February 2002, Mayor [TWC] Working Party vol.1 1/1/00-31/6/02; DB:1646.

with the same decision-making rights as a councillor. Applicants would need to be tangata whenua and would be chosen on merit by council and council staff.[821]

According to the Mayor Foon, these three strategies would make a special committee redundant. It is clear that cost was an important factor driving the mayor's proposal, the estimated cost of $14,000 was compared to that of the existing interim committee of $20,960, and to that of the original 10-member Tangata Whenua Committee of $33,400. The mayor's ready embrace of a local government Treaty relationship with its constituent hapu differed markedly from the cautious policy developed by council's Chief Executive over the past few years, but it is difficult to envisage any meaningful Treaty-based relationship with hapu on a issue-based, council-driven approach run on a total budget of $3,000. It is similarly difficult to reconcile his concern for the democratic process with the suggestion that Maori individuals selected by council be given a voting seat on every committee. To those involved in the past decade of Treaty discourse and moves to further Maori participation in local government, the mayor's proposal must have come as a slap in the face.

On 11 March 2002, a meeting of the Interim Tangata Whenua Committee was attended by members of the Maori community. Standing orders were suspended so that a free and frank discussion could take place. During this discussion, the discrepancies in the committee's terms of reference were pointed out, with TROTAK CEO Tangihaere and Lou Tangaere calling for a return to the original agreed terms of reference. When the standing orders were reinstated, the interim TWC in fact resolved to recommend to council that the original terms of reference be adopted.[822]

At the council meeting of 28 March 2002 council received, but did not adopt the recommendation. A separate report was then prepared to brief the councillors on the issues. According to this report, from the council's perspective these were:

- Firstly, whether the change would better deliver to council the expected outcomes of greater participation and sharing of the community in the council's decision making processes; and

[821] Ibid.
[822] 'Report of a Meeting of the [TWC]…', 11 March 2002, GDC; DB:1670-75.

- Secondly, whether the provision of outside appointments to a council committee is in the best interests of the community; and
- Thirdly, whether there really needs to be a specific provision for Maori as proposed rather than relying on delivery of Maori issues etc. by the present interim committee and its terms of reference.[823]

The report alluded to the difference in the purpose and the terms of reference of the April 2001 Tangata Whenua Committee from that of the interim committee, but once again the contents of Appendix C, with its Treaty-based terms, were not spelled out in the body of the report. This report was debated at the council meeting on 18 April 2002, and again a decision on the matter was held over for a subsequent meeting.[824]

At the council's next monthly meeting the matter was again debated, and again deferred, the report to "lie on the table" until further deliberative meetings were held. On this occasion the council's debate of the issue made the front page of the *Gisborne Herald* under the headline "'Racist' label." The headline focussed on Councillor Poananga's frustration at the continued delay and lack of councillor support for the committee. Some of the councillor views reported during the debate were that the proposed committee represented only one section of the community and should be voluntary; that it was neither democratic nor equitable; that the committee was too large and potentially too costly; that the proposal was too loose and would supposedly, "be part of the Treaty gravy train." Poananga was reported to have described these comments as "quite racist," and the newspaper quoted her comment that: "As a member of the Maori race I am quite ashamed to be listening to some of these remarks."[825]

Poananga's comments – and the publicity given to them – provoked a strong reaction from Mayor Foon. Responding through the newspaper, the mayor claimed to be "extremely disappointed and sickened that I and councillors have been labelled racist…," and went on to list his Maori-related achievements in the district.[826] By the end of the week he had also approached the Chief Executives of TRONP and TROTAK about a partnership with council along the lines of his February proposal: a political relationship between GDC and the separate runanga,

[823] GDC, 'Report No. 2002/219', 10 April 2002, Gisborne; DB:1650.
[824] GDC, 'Report No.2002/335', 27 May 2002, Gisborne: DB:1681.
[825] *Gisborne Herald*, 22 May 2002; DB:1701.
[826] *Gisborne Herald*, 24 May 2002; DB:1702.

meeting two to three times a year to discuss planning and policy; and the co-option of Maori individuals onto council committees.[827] The process of implementing the Tangata Whenua Committee with council, he maintained, was "very trying and tiring." Both runanga responded positively to the overture, Tangihaere agreeing that it was "really too hard to get this committee established we have had enough and will not waste any more time and money establishing the relationship." She signalled a TROTAK/GDC relationship as a preferred strategy "rather than waiting for this dream to come true." [828]

9.3.3 The end of the Tangata Whenua Committee

Being perhaps too hot to handle, the TWC continued to languish unresolved. A further report for council on the issue, dated 27 May 2002, sought some finality to the issue: "we are now at the stage where all legitimate and purported reasons to delay or defer making a decision on the committee's purpose, structure etc. should now have been addressed (not necessarily satisfied)."[829] Once again it was recommended that the council confirm the establishment of the Tangata Whenua Committee along the lines of the April 2001 terms of reference, to replace the interim TWC established in November 2001. The deliberative meeting set down in June to consider the committee was deferred until the end of July. The issue was then placed on the agenda for the council's monthly meeting on 22 August 2002. On this occasion, a deputation including Lou Tangaere, Maude Isaac, Henare Ngata, and Gordon Jackman spoke in support of the committee. Notwithstanding their support, Councillor Burdett's motion that the council reaffirm the original Tangata Whenua Committee of April 2001 was lost.[830]

The fate of the interim committee was also unclear. The day after the council voted against the 2001 Tangata Whenua Committee, Poananga was told by the mayor that the interim committee was also to be cancelled.[831] Undeterred, the interim TWC met on 27 September, its first meeting since that of 11 March. Unlike the March meeting, there was no community participation, the Maori Liaison Officer commenting that "to hold the meeting was a bold move in light of the

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[827] Mayor, GDC to A. Houkamau, TRONP; T. Tangihaere, TROTAK, email, 24 May 2002, Mayor [TWC] Working Party vol.1 1/1/00-31/6/02; DB:1657-58.
[828] Ibid, T. Tangihaere to Mayor, GDC, email, 24 May 2002; DB:1659-60.
[829] GDC, 'Report No. 2002/335', 27 May 2002, GDC: DB:1683.
[830] 'Report of a Meeting of the Gisborne District Council…', 22 August 2002, GDC; DB:1686-88.
[831] Mayor to Poananga, email, 23 August 2002, Mayor [TWC] Working Party vol.1 1/1/00-31/6/02; DB:1665.

Council's earlier decision."[832] Minutes indicate that committee was keen to participate in the council's strategic planning process, and sought to have their "interim" status removed in order to do so. Ironically, one of the discussion topics was "Aquaculture – Marine Farming and Maori, Planning, Participation, Consultation process and Treaty issues." The minutes also record the committee's interest in the return of land taken for public works, recommending to council the return of land at Tokomaru Bay to the Tawhiti Trust.[833] It also proposed action to address the issue more generally in partnership with affected hapu.

The interim committee was in fact axed by the council at its meeting of 14 November 2002. Dealing with the Policy and Resources Committee's report, the council was advised of the resignations of Councillors Hikawai and Hope from the Tangata Whenua Committee. These were received. In a surprise move, the Mayor then moved that the Interim Committee be dis-established forthwith and the other Standing Committees confirmed. An amended motion, that the committee structure resolved in 2001 be confirmed, with the exclusion of the Interim Tangata Whenua Committee, was carried by ten votes to three. Councillors Atkinson, Burdett, and Poananga voted against.[834]

9.4 Conclusions

The purpose of setting out the above account is not to embarrass, point fingers, or attribute blame. Nor is it to question the motivation of any of the major players in the fate of the TWC, many of whom still have a role in the leadership and governance of important entities within the Gisborne District. Rather, documenting the development of the committee can hopefully illuminate the driving forces which continue to stymie meaningful Maori representation and participation in local government with the goal, hopefully, of moving forward and improving that participation and representation.

In common with other local authorities, and guided by the discourse of the time, early attempts by the GDC to meet its statutory obligations focused on consultation. The Maori Liaison Group of 1993 was seen primarily as an advisory body to identify and advise on issues affecting Maori, and to ensure that effective and appropriate consultation took place. On no account was the

[832] 'Report of a Meeting of the Interim Tangata Whenua Committee…', 27 September 2002, GDC: DB:1690-94.
[833] Ibid; DB:1693. Councillor Hikawai voted against the motion.
[834] GDC, Minutes of Council meeting, 14 November 2002, Gisborne; DB:1699-1700.

group to undermine council's decision-making role, nor be seen as a grant of autonomy or delegated decision making. Yet it is also indicative of the largesse of this honeymoon period that a recommendation to reconstitute the MLG as a full standing committee of council was made as early as February 1993 by council's chief executive. Although this was not supported, there was nevertheless an acceptance by council that its obligations under the RMA extended more broadly to the Treaty of Waitangi, even if councillors were still unsure of what this meant.

GDC's acceptance of the Treaty of Waitangi as the basis of relationship with tangata whenua is enshrined in the Declaration of Understanding 1995. The declaration also reflects the changing emphasis from consultation to partnership. The fundamental shift towards partnership, and the equity inherent in that principle, was documented by the Parliamentary Commissioner for the Environment in 1998. In a follow-up of a 1992 survey, the Commissioner commented on the feeling that consultation was no longer adequate for the fulfilment of Treaty principles. Tangata whenua were now seeking direct involvement in environmental management, rather than a reactive and recommendatory role in response to consultation processes.[835]

The hiatus of action until 1999 can also be seen as part of a national trend. Ronda Cooper's analysis of the discourse surrounding local government and the Treaty suggests that the GDC was not alone in its inability or unwillingness to translate the high-minded rhetoric of the Declaration of Understanding into something real. Reviewing official publications from Local Government New Zealand and the Ministry for the Environment's series of working papers on the relationship of local government and Maori, Cooper observes:

> Overall, these official publications reveal a backing-away from the proactive, assertive, challenging kaupapa of the first half of the 1990s. Those earlier publications had provided practical tools and encouragement, offering specific guidelines and recommendations for how to get on and get good things happening. But now the agencies' publications take a very different approach – detached, distanced, rather dry and academic. … [T]hese papers are predominantly focused on the processes, systems, legalities, and technicalities of local government, rather than on the actual issues of environmental sustainability and effective participation.[836]

[835] Referred to in Ronda Cooper, 'The Importance of Monsters: A Decade of RMA Debate', in J Hayward, (ed.), *Local Government and the Treaty of Waitangi*, p.108.
[836] Ibid, pp.107-8.

Cooper contends that the last half of the 1990s is characterised by a "preoccupation with defining the bottom-line obligations of consultation – the unavoidable minimum of what has to be done and (perhaps more significantly) what need not be done – rather than opening this up to what might be possible, what might be helpful and constructive."[837] Certainly the council's review of its purpose, functions and services begun in 1999 reflected a deliberate distancing by council from any Treaty obligations.

The concept of the Tangata Whenua Committee, resurrected in 1999 partly as a response to calls from runanga, was placed firmly in the context of the council improving its relationship with its communities, in terms of Section 37(k) of the 1974 Act, with the recognition of Maori as a community with different values and needs. The reductionist gymnastics involved in distinguishing between council's statutory obligations to Maori confined to the formal resource consents process, and that of its Treaty-free relationship with tangata whenua as members of the larger community posited by Elliot in 2000, can be seen as an example of the "exegesis" Cooper argues has stultified getting anything real accomplished. Moreover, the attempt to remove the Treaty from the relationship runs a dire collision course with the expectations of tangata whenua. The decision to "shelve" this fundamental difference in the interests of getting the committee up and running proved fatal. The bizarre result – laughable were it not so tragic – was a Tangata Whenua Committee with dual terms of reference, and both parties unsure of the measures they were being asked to endorse. As such, the Tangata Whenua Committee established in April 2001 was built on sand.

A recurring theme in Janine Hayward's review of recent developments with local government and the Treaty of Waitangi is "a reluctant recognition of how little has been achieved since 1991." This too, is true of the GDC experience. In spite of a decade of concerted argument to persuade the GDC to make room for Maori participation, including Treaty education undertaken by New Zealand's finest, council in 2002 were as unwilling as their predecessors ten years before to provide for a representative Maori voice. In the light of ten year's effort to convey a Maori perspective, Councillor Poananga's frustration with her colleagues' remarks is entirely understandable. As Maud Isaac, president of the Te Tairawhiti branch of the Maori Womens' Welfare League put it at the time, "we (Maori) have to be constantly reaffirming our position as

[837] Ibid.

tangata whenua in order to be treated as equal partners."[838] It would seem that the process of Treaty education is a never-ending, if crucial, one.

In her review of the decade of RMA debate, Ronda Cooper concludes that one of the principal reasons behind the excruciatingly slow pace of constructive change is the repetition of the prevailing negativity itself, the perception that partnerships between Maori and council regarding environmental management will entail "a hopeless tangled thicket of problems":

> Entrenched negativity is crippling progress, both for Maori and within councils. Before even starting, the options are framed in terms of intractable difficulties. … The patterns of assumption are that the Maori dimensions will be a difficulty rather than a solution, an irritating complication to the business of resource management, rather than an integral practical part of maintaining a healthy environment. Maori involvement is often seen as expensive, demanding, and inflexible, rather than as delivering major returns and benefits, and working innovatively for win-win solutions.[839]

Among the "monsters" that Cooper argues become the all-consuming focus and reason why things don't happen, or can never happen, no matter how important or valuable, are issues such as uncertainty over whom to consult, the cost of resourcing partnership, and uncertainty over the status of local government Treaty responsibilities. All of these issues have been raised in the GDC experience.

The issue of representation is a case in point. One characteristic of the Maori Liaison Group established in 1993 to improve communication between Council and Maori was that a wide range of Maori interests within the Gisborne District were represented by the group, including long-standing organisations such as the Maori Womens' Welfare League and Te Tairawhiti District Maori Council, as well as iwi-based runanga. By 1999 it is clear that runanga, and in particular TRONP and TROTAK, had reached their ascendancy. Relatively well-resourced entities with a statutorily prescribed tribal mandates and a recognisable managerial structure, these runanga had become the preferred tangata whenua representative bodies for council. The cost of this convenience, as it has been seen, were claims from those who felt they had been excluded from the process. A committee with only three "Ngati Porou" places for an iwi stretching from Kaiti to Potaka was also problematic from the runanga's point of view, and

[838] M. Isaac to Editor, Gisborne Herald, nd, in Mayor, [TWC] Working Party, vol 1 1/1/00-31/6/02; DB:1653.
[839] Cooper, p.112.

undermined the consultation process undertaken by that body. The problem was exacerbated by the lack of provision for hapu in the same district unwilling to affiliate to TRONP. Issues surrounding representation were said to be one of the reasons why the Tangata Whenua Committee established in April 2001 never actually met. If the larger goal of ensuring tangata whenua participation was kept uppermost – by both parties – these issues could have been sorted. Many of them would have been overcome for example, if the prescriptive approach to member numbers and protocol were relaxed in favour of a more inclusive approach.

Council is a politically driven bureaucracy and ultimately the Tangata Whenua Committee did not succeed because there was not sufficient political support for it. The deep-seated resistance to separate tangata whenua representation is founded on strongly-held beliefs that underpin representative democracy. On the face of it, these can be seen to be noble developments from a colonial past, motivated by ideas of human equality and democratic freedoms of the individual. Present throughout the decade of Treaty debate within the GDC has been the concern that as democratically elected representatives through the ballot box, the elected council is therefore the only body that has the authority and mandate to represent all the people of the district. By the same token, as argued most famously by Don Brash in January 2004, the Treaty of Waitangi – or tangata whenua status per se – should not be used as the basis for giving greater civil, political, or democratic rights to any particular ethnic group. A related pillar of belief insists that any deviation from "one rule for all" would be divisive and unfair. This "colour-blindness" is a privilege of a Pakeha majority. It ignores the reality of a distinct tangata whenua experience and perspective; it ignores collective representation based on kinship and geography (indeed, a key purpose of a system based on electorates or wards is to provide representation for communities of interest – and hapu and iwi are assuredly communities of interest); and it ignores the historical context of power structures in New Zealand. For all of the reasons set out in this report, local government is by and large a Pakeha construct, which has consistently ignored and undermined Maori demands and initiatives for a legitimate role in determining their own local affairs.

Maori have their deeply-rooted beliefs also. One certainty in this debate is that tangata whenua will continue to believe in the articles of Te Tiriti, and that this must form the basis of any relationship with any statutory authority that emanates from its Treaty partner. Regardless of the legal status of the Treaty, a council that continues to deny this reality in a district which is 90

percent Maori does so at the peril of its own legitimacy. Conversely, continuing with the status quo will only result in further defensive, embattled positions. It is also evident that with time, just as the discourse has changed from consultation to active partnership, so it is changing again, with a stronger call for te tino rangatiratanga – full chieftainship with all the connotations of hapu ownership and management over hapu resources. Once again, a council who chooses to ignore this call for increased autonomy has its head in the sand (particularly in light of the resourcing and potential empowerment of hapu and iwi that may result from Treaty claims settlements in the East Coast district). The GDC has a choice: to embrace and move with these changes, or to become increasingly estranged from its East Coast communities. Ultimately the responsibility lies with the Crown to ensure that the necessary statutory provision exists to enable such changes to be made.

Another outcome of the preoccupation with the "monsters" inherent in improving the relationship between local government and Maori is, suggests Cooper, to constrain the range of the debate, closing out other important topics from the discussion. The stated aim of local government is to create democratic, local decision-making for the social, economic, environmental and cultural well-being of communities now and for the future. Important topics that could be the subject of debate include:

- Whether a representative body on the GDC, such as the TWC, can work in the best interests of tangata whenua, given that existing council structures, process and protocols would presumably stay in place. Can Maori ideas about collective representation based on iwi, hapu, and community fit within the confines of the existing system?
- Whether representative democracy based in Gisborne is in fact the appropriate form of governance on the East Coast, given its poor track record in creating flourishing communities. Would participatory democracy models result in increased community participation and healthier, economically sustainable communities?
- Whether increased participation in decision-making and healthier community outcomes can be effected through the use of community boards (GDC currently has none).
- How the GDC could accommodate community aspirations of te tino rangatiratanga, through delegation for example, within the statutory guidelines set down by Parliament.

10. Potaka Marae Hatchery

The hatchery at Potaka Marae is the subject of Treaty of Waitangi claim and, in the course of the scoping report on local government issues, was suggested by some East Coast claimants as a case study, particularly with regard to the impact of local government on te tino rangatiratanga.

From March 2004, a hatchery was developed on Potaka Marae, to be a hapu-based initiative to replenish and manage their marine resources for their benefit. The initiative was brought to Te Whanau a Tapaeururangi at Potaka by the Ruawaipu Tribal Authority, and was primarily a political stand in the face of the government's foreshore and seabed policy. Based as it was on "tikanga", the hatchery raised compliance issues, including local government regulations with regard to building and resource consent. The issues surrounding compliance subsequently divided the community and remain unresolved to this day. The hatchery stands empty.

Potaka Marae hatchery raises profound constitutional issues regarding the nature, extent and source of customary rights, which to date have not been determined. It also begs the question of how te tino rangatiratanga - an abiding aspiration of tangata whenua - can be given practical effect within the framework of local government. It is included as a modern-day case study in the report for this reason.

The following account sets out the background to the dispute, including recent legislation which has impacted on hapu resources. Events from 2004 to August 2007 are then set out, based primarily on the minutes of the protracted Maori Land Court proceedings which became the principal forum in which the hapu conflict over the hatchery was waged. The chapter then turns to discuss the local government issues that the case study raises.

10.1 Background

10.1.1 Foreshore and Seabed Act 2004

On 26 June 2003, the New Zealand Court of Appeal ruled that as a matter of common law, 'aboriginal' or 'customary rights and title' continued after the Crown had established a colony. This opened the way for the High Court to declare that Maori common law rights in the foreshore and seabed still exist, and for the Maori Land Court to declare such land to be customary land under Te Ture Whenua Maori Act 1993. The following day the government announced it would pass legislation clearly vesting ownership of the foreshore and seabed in the Crown. The Prime Minister and the Attorney-General argued that it had always been assumed that the Crown had title to the foreshore and seabed, and that it merely wished to confirm that for the benefit of all New Zealanders. Maori rights were to be reduced to "customary uses," not ownership, which would need to be defined in Court under legislation then still to be drafted. Maori access to the courts to pursue their common law claims was to be effectively blocked. The Crown released the first version of its foreshore and seabed policy in August 2003. It elicited an unprecedented storm of protest from Maori. The "consultation process" that took place over the following weeks was also roundly condemned. Wider public debate was generally poorly informed and tended to focus on fears that Maori would control access to beaches.

In February 2004, as a result of an urgent claim brought by many coastal hapu, the Waitangi Tribunal found that the Crown's foreshore and seabed policy was fundamentally flawed, not only in terms of breaching the principles of the Treaty of Waitangi, but also in terms of wider norms of domestic and international law that underpin good government in a modern, democratic state. These include the rule of law, and the principles of fairness and non-discrimination.[840] The Foreshore and Seabed Act was passed in November 2004.

10.1.2 Maori Fisheries Act 2004

Just as significant for many coastal hapu at this time was the model of allocation of fishery assets that was finally presented in 2003 by the Treaty of Waitangi Fisheries Commission, following

[840] Waitangi Tribunal, *Report on the Crown's Foreshore and Seabed Policy*, (Wai 1071, 2004).

ten years of legal challenge. The Commission's iwi-based model became the basis of the Maori Fisheries Act 2004.

Maori fisheries assets date back to the Fisheries Deed of Settlement (the 'Sealords Deal') negotiated between the Crown and Maori representatives in September 1992, and subsequently enacted in the Treaty of Waitangi Fisheries Claim Settlement Act 1992. The Act was the first such agreement to bind non-signatories. In exchange for a 50 percent shareholding of the Sealords Company and 20 percent of new species quota, Maori commercial fishing rights were extinguished. By signing, Maori also pledged to support the Quota Management System. "Customary fishing rights" were redefined as non-commercial, and were deemed to have no legal effect. Future recourse to litigation with respect to all fishing interests, whether through the courts or the Waitangi Tribunal, was closed. In addition, all previous negotiations and arrangements respecting Maori fishing interests were also cancelled, save the Treaty of Waitangi itself.

The Fisheries Deed of Settlement was the subject of claim to the Waitangi Tribunal. Claimants were primarily concerned with the abrogation of their Treaty rights, and the imposition of new arrangements that had not been adequately agreed on. That non-signatories were bound by the settlement was challenged on the basis that the Treaty guaranteed their fisheries to hapu for so long as they wished to retain them. The Deed also raised profound issues questioning the mandate, both as to consent, and as to allocation of the economic benefits: to whom do the customary fishing rights in any one district belong, iwi or hapu? And, further, which authority represents the iwi?

Reporting in November 1992, the Waitangi Tribunal regarded the Deed of Settlement as an acknowledgement, on the Crown's part, that Maori should have an interest in the commercial fishery and, on the part of Maori, that that interest is not exclusive and must be constrained to work within resource management laws for the benefit of all. It found this to be consistent with the Treaty of Waitangi. That said, it found the Deed's approach with regard to the extinguishment of Treaty rights to be fundamentally flawed:

> The Treaty is about the maintenance of basic rights and obligations. That sort of thing cannot be got rid of by agreement. The just rights of peoples are also meaningless without access to the courts to enforce them. The

> courts may be seen as the Pakeha taonga in the Treaty, a taonga which simply cannot be traded.[841]

To legislate for the extinguishment of Treaty fishing interests, or to otherwise make those interests legally unenforceable, was found to be inconsistent with the Treaty and prejudicial to Maori. The Tribunal recommended that legislation in fact provide for these interests, that fisheries regulations and policies be reviewable in the courts against the Treaty's principles, and that the courts be empowered to rule on future claims affecting commercial fish management laws.

With regard to the issue of mandate that had been raised, the Tribunal considered:

- The hapu have generally the main interest in the fisheries, but it is appropriate and not inconsistent with the Treaty, that a national settlement on fisheries should be ratified at no less than an iwi level.
- In terms of consent, in the absence of any settled structure to determine who are iwi and who represents them on a national basis, the canvassing of Maori opinion through general hui and by individual subscriptions was the next best alternative; and that the Crown was justified in relying upon the report of the Maori negotiators.
- Subject to the deletion of extinguishment it is reasonable and not inconsistent with the Treaty that the fisheries settlement, if generally agreed, should bind all, including dissentients. The settlement as a whole might be challenged if some dissentients are especially disadvantaged, but such disadvantage has not been established. Only an all-in arrangement was workable for fisheries.

The Tribunal considered that the Crown's Treaty obligations to hapu with regard to the allocation of benefits would be compromised under the Deed and recommended that the allocation scheme should not be based on Treaty principles alone, but according to what is tika, or fair, in all the circumstances. It also recommended that objectors should have recourse to a hearing, and that progress should be reviewed on an ongoing basis. None of the Waitangi Tribunal's recommendations were incorporated into the resulting Treaty of Waitangi Fisheries Claim Settlement Act 1992.

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[841] Waitangi Tribunal, *The Fisheries Settlement Report,* 2002.

The Maori Fisheries Act 2004 was enacted for the purposes of allocation. The old Fisheries Commission was dissolved and in its place Te Ohu Kaimoana (TOKM) was established to allocate the fisheries assets held in trust from the 1992 settlement to the "mandated iwi organizations" of the 57 "recognized iwi groups" identified in Schedule 3 of the 2004 Act. The "notional populations" of these 57 iwi range in size from the 493 members of Atiawa ki Whakarongotai to the populous Ngapuhi of 107,242 members. The two recognised iwi groups of "Porourangi" are Ngati Porou and Te Whanau a Apanui, and with a notional population of 63,613, Ngati Porou is the second largest iwi group in the schedule. Provision for "withdrawing groups" under Section 19 only applies for the iwi of Hauraki, Te Arawa, Ngati Hine (from Ngapuhi), and Rongomaiwahine (from Ngati Kahungunu).

TOKM can only recognize one mandated iwi organization per each recognized iwi. These mandated iwi organizations hold income shares and receive annual dividends from Aotearoa Fisheries Ltd. The mandated iwi organization for Ngati Porou is Te Runanga o Ngati Porou.

10.1.3 Aquaculture Reform Act 2004

New Zealand's marine farming industry has developed significantly only in the last 15 years, and today makes up around 20 percent of the total fisheries value. The government's reform of the regulatory regime surrounding the industry sought to devolve responsibility for the control of aquaculture activities to local government, and was first signaled in November 2001. Regional councils, or unitary authorities where appropriate, would identify Aquaculture Management Areas (AMAs) in regional planning and would also be responsible for the tendering of space within the AMAs. The Resource Management (Aquaculture Moratorium) Amendment Act 2002, the first legislative step in the reform, imposed a moratorium on the granting of coastal permits for aquaculture activities.

In October 2002, a claim was heard under urgency by the Waitangi Tribunal regarding the Crown's proposed reform, which to date had not included consultation with Maori. The Tribunal concluded that Maori interest in marine farming forms part of the bundle of Maori rights in the coastal marine area that represent a taonga protected by the Treaty of Waitangi.[842]

[842] Waitangi Tribunal, *Ahu Moana: The Aquaculture and Marine Farming Report (Wai 953)*, 2002.

The Tribunal recommended that further reform should not proceed without taking the Maori interest into account. To this end, it recommended that the Crown, in consultation with Maori, should establish a mechanism to:

- investigate the nature and extent of the Maori interest in marine farming;
- protect the Maori interest in marine farming, including a mechanism for preserving capacity to intervene once the full nature and extent of that interest is defined;
- ensure appropriate Maori participation in the development of AMA areas and tendering process; and
- preserve the Crown's capacity to meet its Treaty obligations in the short term, until such time as the longer planning issues are dealt with.

The Aquaculture Reform Act 2004 was passed in late 2004. A single process, administered by regional and unitary councils, has been created for aquaculture planning and consents through the Resource Management Act 1991. Every farmer is now required to hold a resource consent for a marine farm. New marine farms can only occur in areas specifically zoned for that use – the AMAs. In order to deal with Maori interests, the same approach as commercial fishing has been followed. Under the Maori Commercial Aquaculture Claims Settlement Act 2004, 20 percent of aquaculture space, or the financial equivalent of (to be held in trust) was allocated to Maori, and deemed to be a "full and final settlement of Maori claims to commercial aquaculture." Once again, the obligations of the Crown are deemed to be fully discharged, and recourse to legal challenge is closed. Once again, the allocation of the marine fishery assets and/or space, (and consultation with regards to AMA planning), is to be made on the same iwi basis set out in the Maori Fisheries Act 2004. On the coast, the "recognised iwi organization" is Ngati Porou and the "iwi aquaculture organisation" for the purposes of the Act is Te Runanga o Ngati Porou.

10.1.4 Ruawaipu Tribal Authority

The Ngati Ruawaipu Tribal Authority (RTA) is a charitable trust set up in April 2003 with the following kaupapa:

> The Ngati Ruawaipu Iwi will forever, through the empowering of its people, whanau, hapu and marae represent and determine their own autonomy (freedom) and destiny (future).[843]

Ngati Ruawaipu iwi are said to be members who whakapapa to the tipuna wahine Ruawaipu, who, it is claimed, traditionally held manawhenua over the rohe from the Whangaparaoa river to the Tuparoa stream. These river boundaries overlap with neighbours Apanui and Uepohatu. The three rohe within the Ruawaipu domain are described as Wharekahika, Kawakawa, and Waiapu. The objectives of the trust include the promotion of education and development, and the relief of hardship within the Ruawaipu rohe. The strength of RTA's support base among the hapu of this rohe is not known by this author.

The establishment of the tribal authority is in part a manifestation of the dissatisfaction that exists among some on the coast to being incorporated into the larger Ngati Porou iwi identity, under the management of Te Runanga o Ngati Porou (TRONP). Given statutory mandate as a Maori trust board in 1987, TRONP acts on behalf of "nga uri a nga hapu o Ngati Porou mai Potikirua ki te Toka a Taiau" (descendants of the hapu of Ngati Porou from Potikirua to Te Toka a Taiau).

Ruawaipu Tribal Authority rejects this description of the mandate of TRONP. It claims that manawhenua over the northern East Cape area results from whakapapa to Ruawaipu, not Porourangi, and that although Ruawaipu hapu can trace their genealogy to Porourangi through intermarriage, Porourangi like other eponymous ancestors did not occupy the Ruawaipu territory. Ruawaipu is not a descendant of Porourangi and was born at least four generations before. In short, Ruawaipu hapu deny that TRONP have any claim to the resources within the Ruawaipu rohe, or over Ruawaipu hapu themselves.

The assertion is not new. The TRONP Bill was contested from the outset in 1986 by those, including the Waiapu North Maori Committee, concerned "to retain their independence and autonomy and preserve their rights of ownership of assets and land."[844] While pleading their lack of authority to adjudicate on intransigent positions on whakapapa, the Maori Affairs Committee

[843] Ngati Ruawaipu Tribal Authority, deed of trust, April 2003, [online] at http://www.ruawaipu.com.
[844] Gregory, 16 June 1987, *NZPD 1987*, p. 9515.

in 1987 nonetheless recommended the legislation proceed, arguing that it was essential "that the runanga have coverage of the entire iwi … to be compatible with the trust board concept."

Irreconcilable differences over the issue of mandate and identity have intensified in the last few years, which may not be surprising given the very real economic and custodial benefits that have been granted to TRONP over what the RTA argue are hapu resources, particularly with regards to the marine environment and fisheries. RTA are particularly aggrieved with the fact that hapu assets within the rohe of Ngati Porou are vested in the board. In addition, RTA assert that Ruawaipu are – through statutes such as Te Runanga o Ngati Porou Act 1987 – continually denied by the Crown and its agencies any involvement, consultation, or decision-making authority affecting Ngati Ruawaipu interests. For its part, TRONP claims that Ruawaipu Tribal Authority is a self-styled group that has no validity or standing under law, tikanga or in any other way within the rohe of Ngati Porou.[845]

There are over 40 claims before the Tribunal from individuals who identify with Ruawaipu. The RTA has a facilitory role on behalf of the claimants and also advances Ruawaipu tribal interests through submissions on governmental policy. Its stance regarding key issues can be summarized as:

- That Ngati Ruawaipu are a sovereign people: under Article Two of Te Tiriti, Ngati Ruawaipu hapu retain "te tino rangatiratanga" over the resources within their rohe, including fisheries, foreshore and seabed. "Te tino rangatiratanga" includes concepts of collective ownership, customary use rights and developmental rights.
- Te Runanga o Ngati Porou Act 1987 holds no mana over nga uri o nga hapu o Ruawaipu.[846] TRONP is a defacto corporate body and under its main constitution (the Maori Trust Board Act 1955, s.35) breaches Article 2 of Te Tiriti o Waitangi and article 17 of the Universal Declaration of Human Rights 1948.[847]
- Ruawaipu was not signatory to the Treaty of Waitangi Fisheries Claims Settlement Act 1992, nor the Aquaculture Reform legislation. Both measures constitute confiscation of

[845] Rainey Collins to CFRT, 20 July 2009; not included in DB.
[846] J. Koia, Ruawaipu Tribal Authority, 'Maori Fisheries Bill 2003, Submission to the Parliamentary Select Committee', 14 March 2004, [online] at http://www.ruawaipu.com.
[847] Ibid, B. Kaa, Ruawaipu Tribal Authority, 'Submission to the Parliamentary Select Committee on the Aquaculture Reform Bill 2004', 22 September 2004.

Ruawaipu resources and are rejected. Ruawaipu retains 100 percent absolute authority over its property.

- The Government holds no legal jurisdiction over the property rights in relation to Native Title, being all rights, powers and privileges prior to the Te Tiriti o Waitangi. RTA therefore reject the Foreshore and Seabed Act 2004. [848]
- Tangata whenua are strategic partners in the marine environment. Ruawaipu hapu should be included at a high level in planning and policy making regarding the coastal marine area.
- The Ruawaiapu Tribal Authority is the sole entity through which the Crown can negotiate with Ruawaipu hapu.[849]

The RTA's constitution was ratified at Potaka marae in August 2003, when Bill Te Kani, chairperson of the marae committee, and the late Barney Dewes, Potaka resident, were appointed Potaka Marae representatives on the authority.

One of the driving forces behind RTA and the Potaka Marae hatchery is Jason Koia, author and articulator of many of the RTA submissions and claims referred to above. A resident of Gisborne, Koia is a direct descendent of two East Coast Te Tiriti signatories, Rawiri Rangikatia and Koiauruterangi, both of whom signed at Waiapu. He also traces whakapapa to Te Whanau a Tapaeururangi and Potaka Marae through both his mother and father. Towards the end of 2003, furious like many New Zealanders with the government's foreshore and seabed policy, Koia and fellow RTA member Quentin Goldsmith came up with a plan. As Koia told it:

> At three in the morning I realised that as long as we are under Government rules or jurisdiction we are wasting our time. Our rights are slowly going to be amended away. The decision was to get out there and do it ourselves. To exercise our tino rangatiratanga, our customary right. So we made the decision to make our stand.[850]

RTA's proactive and provocative plan to assert customary proprietorship over the foreshore and seabed was simple: establish a fish hatchery on tribal land, to be run for and on behalf of the

[848] Ibid, J. Koiauruterangi, 'Submission to the Parliamentary Select Committee on the Foreshore and Seabed Bill 2004, 4 July 2004.
[849] Ibid, J. Koia, 'Ngati Ruawaipu Submission on Iwi Consultation in relation [to] the Crown's proposed foreshore and seabed legislation', 4 September 2003.
[850] Koia quoted in 'Settlement takes seabed stand', *New Zealand Herald*, 5 March 2004: DB:2368-69.

people, under tikanga. The initiative would serve a number of ends; to unite whanau and hapu through common cause; to strengthen identity through common whakapapa; to reseed and restock an ocean depleted by the Quota Management System; to provide a means of economic development in an impoverished area; to educate and train with traditional methodologies and cultural values; to set a precedence for hapu independence. [851] It was, ultimately, a profoundly symbolic challenge to government. The question was, where?

10.1.5 Potaka Marae

Potaka is an old community, home of Te Whanau a Tapaeururangi. The settlement lies within the 42,000 acre Wharekahika block, which was, as a result of tangata whenua resistance to land sale and Native Land Court adjudication, one of the last papatupu blocks on the East Coast to go through the Native Land Court, in 1909. It lies on the traditional border of Ngati Porou and Te Whanau a Apanui and as such, has connections with both. The resident Potaka community numbers less than 40. The marae and the primary school flanking both sides of State Highway 35 form the nucleus of the settlement. It is reported to be one of the poorest areas of New Zealand.

Potaka marae is located on what was, following partition in May 1920, designated Wharekahika 1B4D2; just under 300 acres of Maori freehold land with 22 listed owners. In May 1938, on the application of Mere Reweti Karapaina, the block was again partitioned to set aside the marae and urupa.[852] Five acres, Wharekahika 1B4D2A, was to include the existing wharenui, Te Pae o te Pakanga, and the adjacent cemetery. This block was vested in Mere Karapaina in trust for all owners of 1B4D2. Twenty years later, in March 1957 under the Northern Waiapu Consolidation Scheme, the marae and cemetery reserve was renamed Wharekahika A13 and vested in five women in trust for members of the Whanau-a-Tapaeururangi hapu of the Wharekahika A13 block.[853] In February 1970, Wharekahika A13 was set apart as a Maori reservation under s.439 of the Maori Affairs Act 1953 “for the purpose of a meeting place and burial ground for the common use and benefit of members of the Whanau-a-Tapuiururangi[sic] hapu of the

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[851] Ngati Ruawaipu Tribal Authority, ‘Guide, Manamoana Hui a Taumata Potaka Marae’, 21 February 2004; DB:1931-40.
[852] Minute book 107 Waiapu 41.
[853] Vesting order on consolidation, 22 March 1957, N/Wp Grps. E49, 53, WpMB 126/183; DB:1924.

Ngatiporou Tribe."[854] In times past, the trustees of the marae land have generally held this role for life. By the beginning of 2004 there were five trustees, one of whom was deceased.

The Potaka marae seems typical of many small rural marae: it is kept warm by the handful of whanau who live close by, the "ahi kaa," to whom the upkeep and administration of the marae falls, through monthly marae committee meetings. The fact that many have had to move away to live and work is an issue of claim, yet the marae remains of central importance to urban whanau, who return for tangihanga, wananga, and other important occasions. By Christmas 2003, Te Whanau a Tapaeururangi had fundraised $86,000 to renovate the whare tipuna.

10.1.6 Wai 1300

Wai 1300 is the claim, dated 9 September 2005, filed by Bill Te Kani and seven others for and on behalf of Te Whanau a Tapaeururangi of Ruawaipu.[855] The claimants acknowledge whakapapa to eponymous ancestors Uepohatu, Porourangi, Hauiti and Apanui, but state that their manawhenua to their ancestral lands derives from the ancestor Ruawaipu (Wai 1300, para. 1.2). The claimants allege that the Crown has failed in its feudal and fiduciary duties to protect te tino rangatiratanga of Tapaeururangi territorial land, forests, fisheries and other taonga (para. 2.6), and cite the imposition of local government and planning legislation as specific breaches of Article 2 (para. 3.7). The statement of claim includes specific claims about the Potaka Marae Hatchery (para. 4):

- That as a direct result of Crown practices, the expropriation of their foreshore and seabed and the deterioration of their wahi tapu, an aquaculture hatchery was erected at Potaka Marae under native title (tikanga) to maintain their tino rangatiratanga over the manawhenua. This involved a project to re-seed, educate and become economically self-sufficient.
- That as a result, the Maori Land Court prejudicially trespassed their hapu members from their ancestral land and removed their kaumatua from their trusteeship under the Maori Reservations Regulations 1995.

[854] *New Zealand Gazette*, 19 February 1970, no.9, p. 247; DB:1923.
[855] Bill Te Kani and others, Statement of Claim (Wai 1300), 9 September 2005.

- That hapu members were arrested and one was imprisoned. Local government threatened legal action and the Ministry of Fisheries requested batons and stab-proof vests to enter on the Marae to enforce legal action
- That as a result of this intimidation, and government coercion that the project was illegal, the hapu became divided.
- That the claimants have exclusive rights pursuant to Article II of Te Tiriti o Waitangi (pre-common law), and that the Crown has assumed tino rangatiratanga over customary land falsely.
- That under Sections 27 and 29 of Te Ture Whenua Maori Act 1993, and Section 5 of the Human Rights Act 1993 respectively, the Governor General, the Minister of Maori Affairs and the Human Rights Commissioner have all failed to inquire and report into the claimants' grievances; and that this constitutes a failure by the Crown, through its agencies, to protect and honour in the utmost good faith the claimants' rights.
- In particular the Crown has failed to recognise, protect and enforce customary law.

The claimants maintain that these and other Crown acts and omissions have resulted in the loss, denial and attempted alienation of Te Whanau a Tapaeururangi tino rangatiratanga, kaitiakitanga and manawhenua in their rohe. They seek recommendations from the Waitangi Tribunal that the Crown return to the hapu land taken under legislation including the Foreshore and Seabed Act 2004; and that they be enabled to constitute and pass their own legislation (recognised and enforceable by Crown statute) to ensure the protection and sustenance of claimant land, forests, fisheries and other taonga. The statement of claim also seeks the Tribunal's recommendation, under Section 6A of the Treaty of Waitangi Act 1975, that the Maori Appellate Court be directed to determine the customary rights involved with the Potaka Hatchery.

10.2 Events at Potaka

10.2.1 The agreement

RTA's hatchery proposal was presented to Potaka marae at a specially-called meeting on the marae on Sunday, 8 February 2004.[856] The ten individuals present from the marae included three

[856] 'Hui with Potaka Hapu & Ruawaipu Tribal Authority held @ Potaka Marae on 8th February @ 1.10pm'; DB:1927-30.

of the four marae trustees Keriana Morehu, Pori Te Kani and Hira Kururangi; the marae committee chairperson, also RTA member, Bill Te Kani; and the marae treasurer. Seven people were present from RTA.

The minutes of the meeting are brief. It is recorded that Jason Koia presented the constitution of TRONP, pointing to "its dangers of taking away whanau hapu ownership," and the constitution of the RTA and its community strategy plan. RTA spokesperson, Quentin Goldsmith, explained how the hatchery would operate, the "benefits of building the hatchery on Marae grounds," and the fact that the hatchery would be built under the "three protection mechanisms" of wahi tapu, customary rights and international law.

By the close of the four hour meeting, the motion that, "the Paua Hatchery be built on Potaka Marae grounds under tikanga as a symbolic stance and with Jason Koia being our media person in consultation with the hapu," had been moved by marae trustee Hira Kururangi and seconded by Potaka resident Matekino Smith.[857] After further discussion among hapu members regarding the implications of establishing the project on marae grounds Tuihana Pook, the marae's delegate to Te Runanga o te Whanau (a Apanui), moved that the building be placed on the marae. This was seconded by Bill Te Kani. The motion was reiterated by Bob Kaa, RTA chairperson, and carried without dissent. The minutes record that marae trustee Keriana Morehu "neither agreed nor disagreed" and Morehu subsequently testified in court that she had abstained from the vote.[858] The meeting then trooped outside to decide on the site of the building. Bill Te Kani was handed a spade to ceremoniously turn the first sod, "while a photo was taken to commemorate the decision." So what had just occurred?

Potaka marae was to be given an aquaculture venture, at no financial cost, for their benefit. For Te Whanau a Tapaeururangi such a venture promised much: the restoration of depleted traditional fisheries; a hands-on role in the management of their coastal resources; employment and income for the resident families; a collaborative hapu venture; in short, hope for the future. As one resident put it: "I was involved with it, right from the word go and I could see a future in

[857] Ibid; DB:1928.
[858] Minute book 67 RUA 191; DB:2000.

that building and what was going to come out of it. What I saw wasn't for me, it was for my kids, or the families of Tapaiururangi."[859]

What the RTA asked in return was threefold. Firstly, the hatchery would proceed "under tikanga," on the basis of customary rights, without recourse to local government authorisation. This was articulated at least three times and reflected in the resulting motion itself. The fact that misgivings were voiced – such as the effect such a stance would have on a current building consent application before the Gisborne District Council (GDC) for the wharenui – indicates that those present were aware of what was intended. Secondly, RTA wanted the hatchery established on hapu land. Although marae members discussed the option of locating the hatchery outside the marae grounds, it is clear that this was not an option as far as RTA was concerned. The suggestion that the hatchery might be placed on private land next door, "if the hapu are too scared to put the building on the Marae grounds because of the Wharenui," brought this response from Jason Koia: "We have another alternative for this building so what do the hapu want?"[860] Thirdly, the hapu was to claim their customary rights to the foreshore and seabed. In essence then, RTA was asking the hapu to make a political stand over customary rights and te tino rangatiratanga, and in agreeing to do so, Te Whanau a Tapaeururangi legitimated such claims by way of their status as tangata whenua.

The risk in making such a stand was not lost on the Potaka community, although none could have predicted the future stress on the community. "I support this kaupapa and think it is a wonderful idea with the reseeding and that the hapu would eventually be self sufficient", Tuihana Pook is recorded as saying, "[b]ut Potaka are you ready for this[?]".[861] Marae treasurer Kerry Kururangi was also reported as being initially apprehensive of the plan, "[b]ut the vision was too awesome not to go with. I will have mokopuna and I don't want them to turn around to me and say, 'Why didn't you fight for the foreshore and seabed?' This is our pou in the whenua – the stick in the ground."[862]

At this initial meeting RTA also sought and was granted control of publicity surrounding the hatchery, albeit "in consultation with the hapu". The project, the marae was told, would be at "no

[859] T. Kemara, Minute book 67 RUA 193; DB:2002.
[860] 'Hui with Potaka Hapu & Ruawaipu Tribal Authority …'; DB:1929.
[861] Ibid; DB:1928.
[862] 'Settlement takes seabed stand', *New Zealand Herald*, 5 March 2004; DB:2369.

cost to the hapu as long as they stayed united especially when the going gets tough." It would be important to have "only one person korero to the media so we stay consistent with the kaupapa." The recommendation that Quentin Goldsmith be "Operations Manager" and that "Bill be the Rangatira" was agreed to.[863]

It was the manawhenua provided by hapu agreement to the hatchery that enabled the RTA to declare "The Potaka Position" to the media on 25 February 2004:

> This building is a symbolic statement from the Whanau of Potaka, that they have had enough of the Government's deceit in making up laws to suit themselves.[864]

In accordance with the agreement between the two parties, media statements reported in the initial period tended to emanate from RTA spokespersons. "It is not about a bunch of Maori breaking the law…. It is bigger than that. It is about our sovereignty. New Zealanders do not want the truth but they need to face up to what it is about – our rights as tangata whenua through international law."[865] In addition to the power to speak for them, RTA was also involved with political education on the marae: constitutional issues were discussed at length during this initial period. And once the hatchery building was brought onsite, they had a significant physical presence as well, living and working with locals at the marae.

10.2.2 The wero

Within two weeks of the February agreement, a shed was moved onsite, and on 21 February 2004, the marae hosted a large hui to publicise the proposed "Potaka Marae Marine Research Centre." Meng Foon, Mayor of the GDC, took part in celebrating the initiative to "feed the community and to restock the sea." He was belatedly made aware that the building lacked consent. In response to the issue of non-compliance, Ruawaipu kaumatua Lou Tangaere was reported as saying:

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[863] 'Hui with Potaka Hapu & Ruawaipu Tribal Authority …'; DB:1927-30.
[864] RTA press release 'The Potaka Position', 25 February 2004; DB:1941.
[865] R. Rangihuna, quoted in 'Tensions Unresolved at East Cape Hui over Aquaculture Consents', *NZPA*, 15 March 2004; DB:2366.

> The Crown have nothing to do with it. Their rules are on the road over there. This here is sacred ground – our customs and uses are still honoured here on the marae today.[866]

The information guide and press release unequivocally placed the project in the context of the foreshore and seabed debate. Manuhiri from the area were said to be "blown away that after 163 years someone is exercising their tino rangatiratanga."[867]

The hapu's stand made the main television news bulletin that evening. Although not yet operational, within a week other marine farmers had been interviewed by the media: Gisborne's Aquaculture Society called for the immediate closure of the facility, complaining about the "double standards" of the GDC in not having already acted to shut down the Potaka venture.[868] Adding to the heat of the public debate was controversial advice from the National Union of Public Employees to their fishery officer members: to avoid all enforcement work relating to the Potaka hatchery until they had been issued with batons to protect themselves. Union spokesperson Martin Cooney was reported as saying, "fisheries officers often face death threats and violence while carrying out their duties but going to Potaka marae, at the top of the East Cape, posed too great a risk."[869] To its credit, the Ministry of Fisheries (MFish) compliance manager countered the statements as irresponsible and cynical, denouncing the union's alleged use of the Potaka hatchery to advance its wider political objectives to better arm its officers.[870] By the first week of March, the hatchery was in the news daily over the issue of compliance.

The proposed hatchery raised compliance issues both in terms of the Building Act 1991, and the Resource Management Act 1991, both of which were administered by the GDC as a unitary authority. Section 32 of the Building Act 1991 deems it an offence to carry out building work except in accordance with consent to do so issued by the territorial authority. Although the Act specifically precludes the issue of retrospective building consents, one way the GDC dealt with the issue was to require the landowner to provide a report from a qualified person to prove that the building met requirements: to ensure the building was safe and sanitary and had a means of escape from fire.

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[866] 'Maori Community Defies Govt to Develop Aquaculture', NZPA, 23 February 2004; DB:2369.
[867] J. Koia quoted in 'Shellfish project flouts rules…', *New Zealand Herald*, 5 March 2004; DB:2368.
[868] 'Marine farmers want action against 'illegal' aquaculture farm', NZPA, 27 February 2004; DB:2369.
[869] 'Fisheries officers have been told by their union to steer clear of a …', NZPA, 8 March 2004; DB:2367-68.
[870] Ibid.

With regards to resource consent, under the Resource Management Act 1991, a land use consent was required, as the specific activity was not permitted under the GDC's Proposed Combined Regional Land and District Plan. A regional discharge consent was also required for discharge from the stock tanks. Both could be issued retrospectively.

The GDC's initial response was conciliatory. A meeting with Mayor Foon was held on 5 March at Potaka marae. This was followed by another ten days later, again at Potaka, with the mayor and council staff. The council was willing to work with Potaka Marae to achieve compliance. At the meeting of 15 March the marae was told that compliance would be "a relatively easy process once the decision is made to secure a building permit. If not, we will have to take enforcement action but it is something we hope to avoid if we can."[871] Ultimately, the council's stance towards non-compliance was firm: "we are charged with upholding the law and we will."[872] Any enforcement action would be issued against the nominated representatives of the marae land, the marae trustees.

In addition to the consents from the GDC, a marine farming licence was required from the Minister of Fisheries. Separate authority was required to catch spat. A spat-catching permit usually required evidence that a coastal permit had been obtained for the farm to be serviced by the spat operation. Minister of Fisheries, David Benson Pope, initially refused to be drawn into the enforcement debate, arguing that until fish farming operations actually began, there was no breach of law. His stance however echoed that of the district council: "There's only one application of the law, including the Fisheries Act, and those regulations apply to everyone in this country."[873] On 19 March MFish officials travelled to the marae to discuss compliance.

10.2.3 A marae divided

A media release of 10 March heralded the first fissures in the united marae front, with Potaka Marae member Tuihana Pook announcing that "Potaka hapu has to take back control of their marae," which she claimed had been "hijacked by some wanting to push their own political agendas."[874] The media release was the outcome of two meetings on the marae organised by

[871] 'Tensions unresolved at East Cape Hui …', *Gisborne Herald*, 15 March 2004; DB:2366.
[872] H. van Kregten, GDC, cited in above; DB:2366.
[873] 'Marae 'has no fish farm to inspect'', *Dominion Post*, 9 March 2004; DB:2366.
[874] "Marae takes back control of aquaculture project", *Gisborne Herald*, 10 March 2004; DB:2366.

Pook, and reflected the worry of hapu members now deeply perturbed by developments. Sobered by the legal ramifications of non-compliance and distressed by the intense publicity, those seeking to find a way forward compliantly argued that the "tikanga" supporters were being manipulated by the Ruawaipu Tribal Authority, compromising the hapu's "Mana Whenua, Mana Tangata."[875] In the newspaper report, Pook signalled the marae's willingness to meet with GDC and MFish to find a resolution to the hatchery, which took place on 15 March, as set out above.

The change in tack provoked a strong response from RTA.[876] Pook was cast as a spokesperson for Te Runanga a Te Whanau, not Potaka, and the resolutions of the marae meetings expressed in the earlier press release were discounted for this reason. Further, RTA endorsed a resolution from marae chairperson Bill Te Kani limiting decision-making about the hatchery to those actively working towards it. RTA was angry that Pook and her supporters had broken with the February agreement made with the marae, but the resulting correspondence from RTA chairperson Bob Kaa would only have added to their perception that RTA was usurping its authority: "The Ruawaipu Tribal Authority is compelled to protect its whanau hapu Marae within its territories. Potaka Marae is gazetted as Waiapu north and falls within the territory of Ruawaipu, thus we see Mrs Pook's action as hoha."[877]

The marae trustees, and Te Whanau a Tapaeururangi, were now split over the status of the hatchery. By the time of the meeting with GDC on 15 March, two trustees were reported as being in favour of securing building permits, the others wanting the project to continue as it stood, "without a permit or consent or interference from the Government, council or runanga."[878] Relations on the marae were strained. One week later those seeking a way forward compliantly resolved to take the fight into court.

10.2.4 Recourse to the Maori Land Court

On 22 March 2004 two applications were made to the Maori Land Court by Trustees Keriana Morehu and Pori Te Kani. The first called for an inquiry into the administration of the marae reservation under Section 239 of Te Ture Whenua Maori Act 1993 and Regulation 21 of the

[875] 'Minutes of Special Hui', 18 March 2004, Potaka marae; DB:1950-51.
[876] "Ruawaipu Tribal Authority Executive Meeting, held at Potaka Marae March 14, 2004"; DB:1945.
[877] Ibid; DB:1947.
[878] 'Tensions unresolved at East Cape Hui …', *Gisborne Herald*, 15 March 2004; DB:2366.

Maori Reservations Regulations 1994, in relation to the conduct of the other two trustees, Hira Kururangi and Kararaina Waenga. It was alleged that the trustees had facilitated and condoned the activities of the RTA in the erection of the hatchery on the marae in breach of lawful requirements for building permits and MFish for its proposed use. The application called for the removal of the trustees on the grounds that they refused to comply with the wishes of the marae beneficiaries; that neither the building nor the occupation had been authorised by the trustees; that the trustees condoned the activities of RTA in defiance of legal requirements; and that the trustees had proved unwilling to meet to resolve the issue.[879]

A second application sought an injunction to remove RTA individuals and the hatchery itself from the marae, on the grounds that their occupation did not have the consent of the trustees and was opposed by the beneficiaries, and that the building was illegal and undertaken without lawful authority.[880] In a supporting affidavit Tuihana Pook claimed that the application for the injunction reflected the resolution of a hapu meeting at the marae on 18 March. "The Hapu expressed concern that the building had been erected on the Marae without the authorisation from the Trustees. It was noted by the meeting that there was no Memorandum of Agreement made between the Ruawaipu Tribal Authority and the Trustees of Potaka Marae, although Ruawaipu Tribal Authority have assumed and represented that they are in partnership with the Hapu of Tapiururangi."[881]

The applications were heard in Gisborne before Judge Caren Wickliffe on 25 March 2004. Nine RTA individuals including Jason Koia, Quentin Goldsmith, and marae local, Barney Dewes, were prohibited by way of interim injunction from trespassing on Potaka marae, and working on the building.[882] The court later explained that the interim injunction was granted to hold the status quo.[883] Both matters were referred to a judicial conference, to be held at Ruatoria.

10.2.5 Maori Land Court injunction, April 2004

On 20 April 2004, a Section 67 judicial conference was held at Ruatoria. As well as the two applications set out above, a third application for the confirmation of a replacement marae trustee

[879] Application details recorded at Minute Book 67 RUA 1966-67.
[880] Application for an Injunction, 22 March 2004; DB:1978.
[881] T. Pook, affidavit, 22 March 2004; DB:1979-80.
[882] Minute book 67 RUA 113-4; DB:1975-76.
[883] Minute book 67 RUA 174; DB:1984.

was also before the court. Having established that the respondents were not present, the conference was reconvened as a court, and the two non-compliant trustees were in fact removed. The minutes and the decision indicate that this was on the grounds of their non-appearance, something the judge considered to be "flagrant disregard and contempt …towards this Court."[884] The order itself states that their removal was, "for failing to carry out the duties of a trustee satisfactorily," and the decision refers to the evidence to support this.[885] Essentially, their non-compliant stance was viewed by the court as a breach of their statutory duties as trustees.

The application to have Tahanga Kemara confirmed as marae trustee by the court, heard at the same time, demonstrates the factors at issue. Kemara had been voted as a replacement trustee at a regular monthly marae meeting in February, in which RTA had had no involvement.[886] He belonged firmly in the "tikanga" camp, and therefore the trustee applicants asked the court not to accept his nomination.[887] Although supported by a letter from the marae chairperson and treasurer, the application was actually filed by Quentin Goldsmith, of RTA. For the court's part, in the absence of Goldsmith and the marae committee signatories in support, the application was dismissed for want of prosecution, notwithstanding the fact that Kemara himself was in court, and the subsequent testimony of another witness that he had been "nominated at a proper meeting to be a trustee."[888] The court's decision to decline his nomination was reinforced once it was clarified that Kemara would not be prepared to work with the existing trustees to achieve compliance.[889]

In the result, the court accepted the applicants' claim, based on the evidence presented, that: "The majority of the hapu of Te Whanau a Tapairururangi appear to want the building removed." Arguing that the principles of natural justice which would normally warrant hearing from the respondents could not be applied given their contempt for the court, the non-compliant faction present in court were dismissed as expressing, "the views of an unreasonable minority." The Court concluded:

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[884] Minute book 67 RUA 187, 162; DB:1996, 2011.
[885] Order removing trustees, Minute book 67 161-163, Potaka Marae Decision; DB:2008, 2010-12.
[886] 'Potaka Marae Monthly Hui', Potaka marae, 29 February 2004; DB:1942-43.
[887] Minute book 67 RUA 173; DB:1983.
[888] E. Matchett, Minute book 67 RUA 188; DB:1997.
[889] Minute book 67 RUA 194; DB:2003.

> It is unreasonable to expect the Trustees of this Marae to act unlawfully. Allowing the building of the type described on this marae without building consent is to encourage Trustees to act unlawfully. That is unreasonable. This Court could not condone that.[890]

Questioning in court had focussed on the extent to which the individual RTA members could affiliate to the marae. The court determined that, “the people who are responsible for erecting the building and its operation are, in the main not ahi kaa.”

In the course of the hearing, a lengthy discourse was given by one Toa Tutapu regarding the legal basis of tikanga and rangatiratanga, and from the court decision it seems to have been assumed that Tutapu was acting on behalf of the two absent trustees.[891] Tutapu’s submission was deemed to be “largely irrelevant” to the case. Judge Wickliffe nontheless invoked the preamble to the Te Ture Whenua Maori Act, which requires the Court to have regard to the “rangatiratanga and tikanga of the Whanau a Tapaiururangi”:

> Those present in Court, and I can only act on best evidence, have made it clear, abundantly so, that in accordance with its own rangatiratanga, Te Whanau a Tapairururangi does not wish to have this building any longer on Wharekahika A13.[892]

The interim trespass injunction was finalised, with the exception of the marae local, Barney Dewes, and the court ordered that the hatchery building be removed.

The court minutes state that “approximately 40” people were present at the April MLC hearing. The attendance list records 38 people, 23 of whom were residents of the East Cape and eight of whom were police officers.[893] The heavy police presence was one reason later given by RTA for its poor attendance, and it was also the subject of complaint by Jason Koia to Attorney-General Margaret Wilson. Another of the grounds for his complaint was that the Gisborne Area Commander of Police, Waata Shepherd, was the brother of Tuihana Pook, who was a party to the matter.[894] It also transpired that Hira Kururangi, one of the removed trustees, had not been notified of the judicial conference, notice having been sent to the wrong address. Kara Waenga too, subsequently testified that her non-attendance at the conference was due to illness, wrought

[890] Minute book 67 RUA 162; DB:2011.
[891] Ibid.
[892] Ibid.
[893] Attendance sheet, DB:2014-16.
[894] J. Koia to Attorney general, 28 April 2004; DB:2304-6.

by the anxiety the whole business had given her.[895] Neither of the dismissed trustees had been aware that their absence would be grounds for their removal.

In the weeks following the court injunction, the schism between the two factions intensified. Locks were changed; competing AGMs were called; and duly elected trustees were ignored, and replaced.[896] On 13 May 2004 for example, an advertised and well-attended mid-week AGM resulted in the election of new marae trustees and committee members, all supportive of the hatchery, but not without drama.[897] As a result of the meeting Jason Koia was formally notified of his welcome at Potaka by the marae chairperson: “as [far] as your hapu is concerned there is no injunction on you to stop you from being at Potaka marae.”[898] The following day Koia received a trespass notice, filed by marae trustees Morehu and P. Te Kani, signalled at the marae monthly meeting the week before.[899]

Despite the court injunction, work on the hatchery continued. On 31 May 2004, some 70 people gathered to officially launch the hatchery with the first paua and kina in the tanks. The occasion re-ignited media interest. Once again Potaka Marae made headline news. Bill Te Kani’s statement that “We don’t want council or government to interfere with us. We do not want them to take over from what we are trying to do for ourselves,” was countered by the Minister of Fisheries: “there is only one law and it applies to everyone.” The media also reported the reaction of marae members now totally opposed to the scheme: “Mr Koia and his associates were outsiders who had effectively bullied their way on to the marae and built the centre without the hapu’s permission.”[900] Relations hit their lowest ebb three days later when marae members showing a television crew around the hatchery operation were verbally abused and intimidated by a posse of Whangaparaoa men, allegedly organised by those opposed to its operation.[901]

This “fracas” at Potaka came on the heels of a decision by the Maori Land Court to overturn its earlier decision against the hatchery pending further inquiry. On 2 June 2004, again before Judge Wickliffe, the Maori Land Court heard Jason Koia’s application for a cancellation of the trespass

[895] Minute book 68 RUA 27; DB:2039.
[896] Marae minutes, 4 May 2004; DB:1952-53.
[897] Potaka Marae AGM minutes, 12 May 2004; DB:1954-61.
[898] B. Te Kani to J. Koia, 13 May 2004; DB:1960.
[899] Trespass notice, 14 May 2004; DB:2312.
[900] ‘Illegal aquafarm on marae kicks into life’, *New Zealand Herald*, 31 May 2004; DB:2364.
[901] “Fracas at Potaka Marae”, *Gisborne Herald*, 4 June 2004; DB:2391.

injunction, together with an application by J. Waenga for the appointment of marae trustees. On the day Koia made further application to appeal the earlier April order.[902] A hearing was set down for 5 July and the marae trustees were directed to take no further action to remove the building until the applications had been heard.[903] Koia was informed of the decision the same day, and advised that until the appeal was heard the trespass injunction order of 20 April was "in limbo".[904] Two days later, on 4 June, Koia was arrested for wilful trespass, as a result of his presence at Potaka at the opening ceremony five days before. One of the bail conditions of his release from custody five days later was not to enter onto Potaka marae.[905]

10.2.6 The Maori Land Court hearing, 5 July 2004

The hearing on 5 July was before Deputy Chief Judge Isaac at Ruatoria. Five matters were before the court:

1. Application for the appointment of trustees elected at the AGM of 12 May;
2. Applications for the cancellation of the trespass injunction;
3. Applications from the removed trustees for rehearing;
4. Application restraining existing trustees from disposing of property and administering financial affairs of the marae; and
5. Application from existing trustees for appointment of further trustees elected at a marae meeting of 30 June.

The court began by considering the grounds for rehearing the initial dismissal of trustees in April, and it determined that the principles of natural justice requiring persons who are affected to receive notice and to have a right of response had not in fact occurred and that this "returns us back to the situation we were in… prior to 20th April where there are 4 trustees in place."[906] A rehearing was granted.

The court then focussed on the competing applications for the appointment of marae trustees, and the fact that marae resolutions seemed to be dependent on "who is running the meetings and

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[902] Notice of Appeal, 2 June 2004; DB:2022.
[903] Minute Book 67 RUA 213; DB:2020.
[904] Deputy registrar MLC Gisborne to J. Koia, 2 June 2004; DB:2021.
[905] Notice of bail, 9 June 2004; DB:2311.
[906] Minute Book 68 RUA 32; DB:2044.

who is there."[907] In order to clarify trustee mandate, and to, "see what the beneficiaries then consider should happen with Potaka," Judge Isaac proposed another marae meeting to appoint trustees for Potaka, to be attended by all parties, with adequate notice, and chaired by an independent court officer.[908]

This approach – that once marae trustees had been elected in a transparent and democratic fashion, the divisive issues facing the marae would be resolved – can partly be attributed to the assurances of Potaka locals in court that measures had been taken to achieve compliance.[909] Compliance, as far as the court was concerned, would be a given for any elected trustees:

> The meeting should also consider compliance with the local authority and the fisheries regulations. I'm sure and I haven't heard anything today which would dispute this but I think that for Potaka to proceed and to flourish, compliance would need to be obtained so that the beneficiaries know that their trustees are acting lawfully and within the terms of the gazette notice to which they have been appointed. If they're not acting lawfully then as we find today, there are issues as to whether or not they should remain as trustees so for the trustees' sake and also for the beneficiaries sake, they should be acting lawfully and in compliance with the local authority regulations and the fisheries regulations…[910]

RTA members Koia and Goldsmith attended the July hearing. Goldsmith, an employee of the Gisborne District Council, assured the court that RTA had no intention of placing beneficiaries or trustees in a position where they would be compromising the law. But the essence of his argument was that the establishment of the hatchery under "tikanga" was not incompatible with the law.

> The other thing is [local government] have got to recognise Maori as different in the community. We were definitely saying in making a statement about that building and our contention with council was that they were not fulfilling their obligations under the treaty and under their own laws to actually recognise that. They maintained a stance that every building, every process must go through the same rigmarole and we were inviting them to actually reconsider and look at us in a different light. … There is another issue that the Court may not be aware of and that is we have also notified council … to have council transfer their powers under the

[907] Minute book 68 RUA 33; DB:2045.
[908] Minute book 68 RUA 41; DB:2053.
[909] See for instance M Smith, Minute book 68 RUA 26; DB:2048.
[910] Minute Book 68 RUA 41; DB:2053.

> Resource Management Act, Section 33 to the Ruawaipu Tribal Authority. That is the law. … so we're going down the law and when people are all saying we need to lawful, yes we are being lawful.[911]

At this hearing, the court introduced a further layer of compliance: that of the marae gazette notice. As set out earlier, Potaka marae had been reserved in 1970 "for the purpose of a meeting place and burial ground for the common use and benefit of members of the Whanau-a-Tapuiururangi[sic] hapu of the Ngatiporou Tribe." A hatchery, if it was deemed to fall outside the purpose of "meeting place and burial ground," would be unlawful. The minutes suggest the matter may have been brought up by those wishing to rid the marae of the hatchery, but it was seized on by the court as a substantive issue. The proposed meeting would discuss whether the existing gazette notice should be amended, "to enable the wishes of the beneficiaries to be complied with and also to enable the trustees to lawfully carry out the objects of the marae."[912]

In a bid to ensure that decisions regarding the marae would be restricted to the ahi kaa whanau, those against the hatchery raised the issue of who would be considered beneficiaries: the descendants of the original block owners or the wider Whanau a Tapuaerangi? Although not supported by the court, the attempt to exclude the wider hapu from having a say indicates that fundamental differences within the hapu were no closer to resolution, and boded ill for the proposed meeting.

In the result, the court determined to adjourn all the applications before the Court, pending a fresh meeting to take place for the beneficiaries of the marae. The adjournment of Jason Koia's application for cancellation of the injunction for trespass however left him in a quandary regarding his arrest, and the terms of bail. According to the Court, Judge Wickliffe's order of 2 June that the trustees were to take no further action pursuant to the injunction until the outcome of the proceedings, meant that the trespass injunction would not apply.[913] So, persisted Koia, "Why was I arrested?" His concerns were partially dealt with in the subsequent direction regarding the upcoming meeting: "The Court requires this meeting to be attended by all beneficiaries of the marae so that those beneficiaries listed in the injunction can attend the

[911] Minute Book 68 RUA 44; DB:2056.
[912] Ibid.
[913] Minute Book 68 RUA 76; DB:2060.

meeting on 31 July 2004. There is, pursuant to rule 83, a stay of the Injunction Order to allow the beneficiaries listed in the injunction to attend the beneficiaries meeting."[914]

10.2.7 Potaka Marae hearing, 31 July 2004

The marae meeting took place on 31 July 2004, chaired by Maori Land Court advisory officer, Trevor Taurima. Whanau as far away as Wellington travelled to attend. Police and media were also present. In direct contravention to the Court direction, trespass notices were filed by Morehu and P. Te Kani against the eight RTA members and enforced by the police. They stood outside the marae perimeter for the duration of the meeting.

The first agenda item was the wording of the 1970 gazette notice, in particular the beneficiaries of the marae reserve and the purpose for which it was set apart. Those of the view that the hatchery was the work of "outsiders" considered that the reference in the existing gazette notice to the "Whanau-a-Tapuirirangi hapu" let anyone, and more particularly Jason Koia, claim to belong to the marae, and therefore have a say. This faction sought to have the beneficiaries of the reservation narrowed to those Tapaeururangi descendants of the original block owners. In the event, the meeting voted to keep the status quo.[915]

Secondly, consideration was to be given to broadening the purpose of the marae, to include "educational development and other purposes," to render the hatchery, as well as a health building that had been on the marae for years, "lawful." The motion brought a bemused response: everyone supported the idea of a marae encompassing all aspects of wellbeing, but felt it unnecessary to specifically change the notice. Again, those against the hatchery saw this as court manoeuvring to have it "legalised." In the result the motion that the Wharekahika A13 be reserved "for the purposes of a meeting place, urupa, and waahi tapu for the health, education, social development and employment of the Whanau-a-Tapaeururangi hapu of the Ngati Porou tribe" was carried.[916] Some 72 voted for the motion, with 50 against.

With regard to the trustees, it was decided that there should be seven. Before nominations were taken, a presentation was made by the MLC officer present on the "roles and responsibilities of

[914] W Isaac, 29 July 2004, cited in "Minutes of Hui held on 31 July 2004 at Potaka Marae"; DB:2077.
[915] Ibid; DB:2080.
[916] Ibid; DB:2088.

trustees." While the details of this are not in the minutes, earlier comments from the chair make the court's position clear that compliance was expected to be a given of any successful elected:

> It's very important that trustees do comply to the various local acts, ie Resource consent, Building Act, Fisheries Act and all those other Acts thereafter. The Chair has to make it quite clear to those seeking nomination and those who are elected by the hui that you will adhere to those various Acts. Not only will you acknowledge it or confirm that here but when the applications are lodged with the Court and you have your day in Court in front of Deputy Chief Judge Isaac, he will ask you again. He wishes it to be known that he will be quite adamant that the trustees acknowledge that.[917]

Of the four existing trustees, three wished to remain and one chose to stand for re-election. Among the four new marae trustees elected on this day were Bill Te Kani and Tahanga Kemara. The first action of the trustees was to invite RTA individuals back onto the marae.

Though advertised, well-attended and independently refereed, the meeting fell short of resolving the chasm now separating the hapu. The participation of the wider hapu, bewildered by the polarised positions, did not help to clarify the debate. If anything, the focus on who was a beneficiary, and who was not, and the challenges over process, caused fresh hurt. Nor was a lasting resolution to the issues set out on the agenda achieved. Within three weeks, trustee Keriana Morehu made fresh application to have the gazette notice amended to have the marae reservation set apart: "In trust for the members of Te Whanau a Tapaiururangi Hapu of the Wharekahika A13 block."[918]

10.2.8 MLC confirmation of trustees, August 2004

On 28 August 2004, Potaka Marae was back in court before Deputy Chief Judge Isaac. In addition to the application for the confirmation of trustees from the July 31 hui, the court had before it the rehearing of the original application seeking an inquiry into the administration of the marae reservation and the dismissal of trustees; Morehu's application for the change of gazette notice; and an application for an injunction to stop the remaining trustees administering the financial affairs of Potaka Marae.[919]

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[917] Ibid; DB:2086.
[918] DB:2094.
[919] Minute book 68 RUA 175-201; DB:2097-2123.

On this occasion, the resolutions passed at the marae hui were challenged on the grounds that insufficient notice had been given regarding the change of purpose, and that the mode of voting had had serious deficiencies. In support of her application to have the gazette notice amended, Morehu claimed that the parameters defining beneficial ownership had been set too wide. Drawing on the 1967 consolidation order setting apart the reserve for the hapu of Tapaeururangi of Wharekahika A13, it was argued once again that only those families who had been the original landowners should have control of the marae. Morehu submitted that the hatchery was still illegal and, as such, presented a danger to the marae. It was pointed out that two of the trustees elected that day supported the hatchery operation without the necessary consents.

The court concurred that if those elected "don't wish to comply with the legalities of certain things, then perhaps they shouldn't be trustees," and proceeded to vet each of the trustees present in turn.[920] For their part, those trustees present reassured the Court that approaches had been made to both the GDC and MFish to work towards compliance. (The council had in fact informed the trustees that the operation would not need resource consent at all if the discharge was limited, and that a land use resource consent would only be required if the operation was to be a commercial one).[921] An independent engineer's report had been commissioned to determine the safety of the building structure. The news prompted Keriana Morehu to say, "I'm happy today to see these people stand here and say they are going to get a permit. This is what all the fight was from the beginning. … This is what all our fight was – to get that building legal and they wouldn't listen to us."[922]

On the face of it, the widespread support for the hatchery evident at the August hearing and the undertaking given by the trustees to work within the law promised an end to the matter. However further obstacles were put up by those opposed to the hatchery, indicating the depth of the distrust and ill-feeling between the parties. Nor had the question of "tikanga" been resolved. Although the assurance of three of the four new trustees seemed straightforward, and the court took it as such, Jason Koia pointed out that the dialogue with the GDC was in the context of the establishment of the hatchery under tikanga: "tikanga is actually recognised under the RMA and these were always the processes that we wanted to start in regards to dialogue with the GDC to

[920] Minute book 68 RUA 189; DB:2111.
[921] H. van Kregten, Manager Environment & Planning GDC to B. Te Kani, 25 August 2004; DB:2293.
[922] Minute book 68 RUA 192; DB:2114.

see how we could fulfil our aspirations legally."[923] The last pages of Court minutes on this occasion are the summarised recollections of witnesses; tape five recorded at the hearing having been "mislaid." These pages indicate that Koia attempted to put to the court the issues at the heart of the marae's dispute:

> the waahi tapu [referring to the hatchery] was held under the native title, and that the Crown lacked unreviewable prerogative power in relation to the native title, the native title being full rights powers and privileges prior to Te Tiriti o Waitangi. Therefore the question is who has the feudal and fiducial duties to protect the waahi tapu. There needs to be an inquiry.[924]

Koia had earlier recommended that the MLC hold an inquiry under Section 27 or 29 of Te Ture Whenua Maori Act in regards to "native title". Such an inquiry would, he said, be "critical in moving everybody forward, it would save the Maori Land Court in expenses, and other hapu from unnecessarily having to go through the same thing as they had (meaning controversial events) as he was aware that there were other hapu planning to do the same thing as Potaka."[925] He was told by the court that these issues "were for another forum."

The four new trustees elected at the marae meeting were in fact appointed. It is clear from Deputy Chief Judge Isaac's reserved decision, issued on 20 September, that their appointment as trustees hinged on their assurance to seek compliance: "There has been no objection to their appointment and taking into consideration their assurance to abide with all necessary resource consents the Court finds no reason not to appoint them."[926] The application regarding financial affairs was withdrawn in light of the Court appointment. The initial injunction of 25 March 2004, concerning the hatchery, was cancelled. Again, this was directly linked to compliance: "Having regard to the fact that the beneficiaries and the trustees have agreed to comply with the legal requirements and amend the gazette notice so that the buildings can remain and exist lawfully at Potaka Marae, the injunction is redundant."[927] The court reaffirmed that the gazette notice with regard to beneficiaries was to remain as "Te Whanau-a-Tapaiururangi hapu of the Ngati Porou tribe."

[923] J. Koia, Minute book 68 RUA 193; DB:2115.
[924] J. Koia, Minute book 68 RUA 199; DB:2121.
[925] Ibid.
[926] Minute book 68 RUA 217; DB:2130.
[927] Ibid.

In September the trustees were informed by the Ministry of Fisheries that stocking the hatchery under customary permits was legal, and would only cease to be so if the operation became commercial, in which case they would need to obtain a fish farm licence. It was pointed out that once the Aquaculture Reform Bill was enacted, authorisation might be required in all cases.[928]

On 22 November 2004 Morehu and P. Te Kani appealed the Court's September decision.

10.2.8 MLC Appellate Court hearing, February 2005

The appeal was heard in Ruatoria on 14 February 2005, by Chief Judge Williams, Judge Spencer, and Judge Wainwright. The appellants objected to the gazette notice (echoing their August objections); claimed that insufficient notice had been given regarding the amendment to the purpose of the marae; and that those making such a decision should be limited to the whanau of the former owners of Wharekahika A13, not the wider hapu of Tapaeururangi. In the course of questioning it was admitted that the definition of who was a beneficiary had never been at issue until the hatchery, which led Chief Judge Williams to suggest that the real issue was one of control: "You think the marae has been hijacked by a group of people who are operating it for their private benefit and the trustees may be letting them do it – isn't that the guts of it?"[929]

Judging by the minuted records, over two-thirds of the Appellate Court hearing was taken up with the "little legal box" raised by the appellants. The court's perception – that "outsiders … appeared to be using the facility for their own purposes without the support of the community" – was subsequently tempered by testimony from Potaka supporters of the hatchery. The hatchery, it was explained, was a community venture primarily directed at replenishing the ocean, and training the people in marine farming. The building and the equipment had been donated to the hapu, with no personal gain intended. "We are thinking of our children, grandchildren and those to come. That's what it's for."[930]

Having heard this side of the story, the Court suggested that the "real raruraru" was not the hatchery, but the way in which people had gone about it, causing a great deal of hurt. Chief

[928] Lees to Te Kani, 13 September 2004; DB:2295-96.
[929] Minute Book 69 RUA 216; DB:2154.
[930] M. Smith, Minute book 69 RUA 225; DB:2163.

Judge Williams' rally to the hapu to act collectively can also be read as an endorsement of the hatchery itself:

> What really should be happening is that this proposal should be a proposal of the entire marae including the appellants. Everybody should own this. Everybody should have a stake in it. Everybody should have a say in it and people don't like being foisted with a foregone conclusion or a fait accompli or whatever the Ngati Porou word is for that. I wonder whether what really needs to happen is that someone needs to facilitate a discussion between these parties so that the proposal can be formulated by everybody.[931]

This statement followed testimony from Marae trustee Parekura Te Kani that the marae was working towards having the hatchery building meet local government requirements.[932] The Court was aware that the community was still divided over the issue of compliance, but the underlying issues regarding customary rights were not brought up on this occasion. The RTA was not represented as such. Jason Koia had been remanded to appear at the Gisborne District Court for the trespass charge against him on the same day, even though the trespass injunction was now cancelled. On 14 February 2005, when Koia appeared, the charges were dropped and the case dismissed, but as a result he missed the hearing in Ruatoria and the chance to put his case.

Averse to dealing with the "narrow legal issue" on which the appeal had been made, the Court proposed that yet another judicial conference be held: a rehearing by consent, facilitated by a judge, to resolve the marae division through discussion. The Appellate Court decision did not issue until 21 May 2005. Deputy Chief Judge Isaac's August 2004 order with regards to the gazetted purpose and beneficiaries of the marae was quashed. Judge Layne Harvey was appointed to facilitate a Section 67 conference in the hope that the matter could be resolved through mediation. In particular, he was directed to assist the marae, "to further consider the purpose for which the marae reservation is administered and, if necessary, the class of persons for whose benefit the reservation is administered."[933]

10.2.8 MLC mediation conference, 14 September 2005

[931] Chief Judge Williams, Minute book 69 RUA 227; DB:2165.
[932] Ibid; DB:2182-83.
[933] Minute book 2005 CJ 106-7; DB:2182-83.

In September 2005, over a year and a half since the hatchery had been initiated, Potaka Marae was back before yet another judge. The mediation conference was well-attended. In addition to the May direction to consider the purpose and beneficiaries of the marae, Judge Harvey had before him Keriana Morehu's original application for an inquiry into the administration of the reservation and one for her removal as trustee.

In many respects the community was no further ahead. In July 2005 marae trustees had received notice from the GDC that structural flaws identified in the engineer's report meant that the council could not issue even a partial certificate of acceptance. Remedial work would be necessary to make the building legal.[934] The day before the conference, marae trustees received word from GDC that if no progress was reported, a Notice to Fix would issue on 31 October 2005. Failure to comply would carry a fine not exceeding $200,000 and, in the case of a continuing offence, a further fine not exceeding $20,000 for every day for which the offence continued upon conviction.[935] At the conference the trustees explained that there was no money to remedy the flaws. Morehu, still implacably opposed to the hatchery project, had not given the marae's financial records to the treasurer in the suspicion that funds raised for the wharenui might be expended on fixing the hatchery.

In the discussion of compliance, the September conference was perhaps the first time that the conflict between customary rights and statutory law was articulated before the court in a direct and coherent manner. The Wai 1300 claim, which included the claim to establish the hatchery under tikanga, was received by the Waitangi Tribunal the day before the conference and the Court was made aware of this fact. Jason Koia had prepared a submission for the Court, plainly setting out the RTA position on a number of the issues. Among these were:

> 2. The hatchery was built under tikanga because we were exercising our customary and sovereign rights.
> 10. No laws were ever broken because common law has no jurisdiction over customary law.

[934] Kregten, Manager Environment & Planning GDC to T Kemara, 14 July 2005; DB:2297-98.
[935] Kregten, Manager Environment & Planning GDC to T Kemara, 13 September 2005; DB:2299.

The submission concluded, "[t]here is a reluctance for the Maori Land Court and NZ Crown to inform the hapu of their customary rights. This has caused uncertainty and unnecessary whanau disputes.[936] In the course of the conference Koia reiterated his plea to have this made the subject of inquiry under Te Ture Whenua Maori Act, "to tell all of us what rights we do have on our customary land." When the court suggested that a hapu meeting take place to discuss the future of the hatchery and the purpose of the marae, Koia responded:

> Why would we go to a hui to talk about something that if we didn't know it was legal or illegal which is why I asked for an inquiry under 27 to tell the hapu what was the standing of the hatchery. If it was illegal under common law, would that mean that it was illegal under customary law and which one was the greater because on the East Coast we haven't settled any customary issues. We have legal rights to claim customary rights …. in my personal view, from our tipuna who signed the Maori text [of te Tiriti], we still hold those rights until we settle or go into negotiations.
>
> So there are a whole lot of issues that I feel need to be pursued on behalf of Crown agencies to help us get together collectively and go forward. If the Crown can say to me that you guys were wrong to do that, I will say yes but I will ask for the facts and the information because from our tikanga and our matauranga, we have a different view which is why we need to get direction from the Maori Land Court. Please get to the point and help us and tell us exactly where our rights are so that we can all get together and stop arguing and follow aspirations for hapu development…"[937]

At the end of two and a half hours, the Court had ensured that the marae accounts were available to the treasurer and that other financial records would be handed over, and safeguards put in place. Judge Harvey had also obtained agreement to have the two applications withdrawn. He directed that an AGM take place, the agenda to include a plan to deal with the hatchery and the issue of compliance; the development of a marae charter; the election of further trustees if desired; and a discussion of the gazette notice, as to purpose and beneficiaries. The marae trustees were told to procure a quote for the cost of compliance for the information of beneficiaries. With regards to the hatchery the trustees were told they had three options:

> The options available to the trustees and to the hapu regarding the building are option 1 – you fix it up and comply with Council, option two – you pull it down and option 3 – this issue of whose law applies which is as I

[936] J. Koia to Judge Harvey, 14 September 2005; DB:2184-85.
[937] J. Koia, Minute book 71 RUA 116; DB:2195.

> understand it essentially – we don't have to listen – ne – but remember that you trustees are liable and responsible under the LAW until this issue of LAW v LORE is resolved. So you need to make your own decisions.[938]

Inexplicably, in his Direction five days later, the hatchery and the issue of compliance was dropped from the agenda set by the Court for the AGM.[939] The Direction concluded:

> In the end, it is for the community of Potaka Marae to determine the direction of these proceedings. This is because the mandate of the Court is limited. … For a more durable resolution to the problems that vex this and other Maori communities in the context of rights and obligations, mana and tikanga over land and resources, the answers must come from those communities themselves, not the Court. Certainly a framework within which robust and sensible debate is critical can be provided by external agencies like a Court. But the issue requires a settlement from within Potaka Marae, not one that is imposed from outside. I urge the parties and the trustees in particular to attempt to seek practical outcomes without interference from external agencies. In the end the future generations of beneficiaries to this marae must be provided with the leadership necessary to uncover a pathway to a resolution of these matters.[940]

The statement is somewhat ambiguous, in that it is not clear whether the Court was referring to the customary rights or "tikanga" issues raised in court by Koia, or to the mandate or "mana" issues with regard to determining marae beneficiaries, which were also aired. Given the agenda set out in the Direction, and the omission of compliance issues from the same, it could read as the latter. On the other hand, the reference to the possibility of the Court providing the framework for "robust and sensible debate" mirrors the call by Koia during the course of the hearing for a "robust and academic debate" with regard to the legal basis of the hatchery under customary rights.

10.2.9 Potaka Marae Special AGM, January 2006

The AGM directed by the Court was held on 28 January 2006. Once again, the community of Potaka resolved to widen the purpose of the marae to include "education, health and employment," which indicates support for the hatchery. Hira Kururangi was elected trustee to replace the now deceased Pori Te Kani. Division over the path towards compliance remained.

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938 Minute book 71 RUA 124; DB:2199.
939 Judge Harvey, Minute book 70 RUA 233; DB:2200.
940 Ibid, p.234; DB:2201.

The GDC's notice to fix gave the marae trustees until 1 June 2006 to remedy the faults, or remove the building. Problems identified with the concrete floor meant that the building would need to be dismantled. The MLC officer in attendance was unable to advise the hui on their customary rights.

The resolutions of the AGM were confirmed by the Maori Land Court five months later, on 12 May 2006. On this occasion Judge Harvey recalled "some matter over the council's requirements" and questioned whether any progress had been made. The answer was 'no'. When told of the June deadline, the Court commented: "As you are aware it is the trustees' responsibility to try and bring some solution, in some form or another to that situation," and asked to be updated at the next hearing.[941] On 21 May 2004, one week before the deadline, the trustees informed the Gisborne District Council of their decision to dismantle the building until the whanau had fundraised to pay for the costs to meet all the Council's requirements.[942] As Judge Milroy later pointed out, "part of the background to that decision" was the GDC's Notice to Fix and the attendant liability faced by the trustees for non-compliance. She went on to note: "Despite the discussions between the parties this notice is still extant and forms a very good reason why the trustees have taken the decision to comply with the notice."[943] Judge Harvey's report on issues affecting the marae of 21 June 2006 noted that the hatchery was still standing and that the trustees were working closely with council to resolve the issue. The report followed a Court hearing on 7 June 2006, in which Keriana Morehu resigned as trustee.[944]

10.2.10 Jason Koia's Petition to MLC Chief Judge

On 26 June 2006, Jason Koia, Reg Rangihuna, and Henry Koia petitioned the Chief Judge of the Maori Land Court to refer to the Court for inquiry under Section 29 of Te Ture Whenua Maori Act 1993 issues around the hatchery and Maori customary land rights to support the informed decision-making of all Maori customary land owners in control of their land.[945] The petition was posited in terms of the principle of tangata whenua rights to develop their customary resources for their economic benefit; the New Zealand Maori Council's call for policies which emphasise

[941] Minute book 73 RUA 218-221; DB:2203-06.
[942] Minutebook 73 RUA 286; DB:2208.
[943] Minute book 74 RUA 187; DB:2225.
[944] Minute book 73 RUA 285-289; DB:2207-11.
[945] J. Koia, "Petition for Urgent Inquiry into the Potaka Marae Hatchery and Customary Land Rights", 26 June 2006; DB:2212-2220.

and consolidate communal Maori land use and ownership; the objectives of the Te Ture Whenua Maori Act 1993 (that Maori customary land is to be retained by its owners and that development and occupation by its owners is to be encouraged); international agreements that place strong obligations on signatory governments not to ignore residual lands owned by their indigenous populations, and Waitangi Tribunal findings regarding the right to development. The petitioners claimed that the descendants of the signatories to the East Coast Tiriti:

> have a hereditary right to use, control and develop Maori customary land without the regulation or interference of common law doctrine so long as it is not repugnant to the general principles of humanity.[946]

On the same day Koia applied to the Court for an order by way of interim injunction prohibiting any person from dealing with or doing any injury to the hatchery building on the grounds, inter alia, that there were proceedings pending before the Chief Judge in respect of the property. This application was dismissed by Judge Milroy on 21 July 2006. Memoranda challenging this decision were filed in July and again in September. In the meantime, however, the marae trustees had been to the District Court over compliance requirements, with the result that the floor now met requirements and the trustees were no longer required to remove the building.[947] On 21 September 2006, Judge Milroy decided that in light of this information, there was no need for the injunction, and furthermore dismissed the application on legal grounds.

Jason Koia's petition to the Chief Judge was somehow overlooked. It was only after further prompting to the Minister of Courts that the matter was brought to Chief Judge William's attention, a full year later. In order to refer the issue for inquiry under Section 29, the Chief Judge was required to be satisfied that, "it may be necessary or expedient that such inquiry should be made." Chief Judge Williams was not, citing the lengthy litigation surrounding the hatchery, and the resolutions that had been agreed to by the marae as a result of Judge Harvey's mediation, including the decision to work closely with the council to achieve compliance. In his view, the "people of Potaka have made decisions by consent before the Court … whereas Mr Koia's petition is signed by himself and two others." He concluded that the trustees should be left to run their marae without further disruption, stating: "Mr. Koia has failed in his attempts to

[946] Ibid.
[947] Minute book 75 RUA 156; DB:2260.

use the Court system to achieve his aims and section 29 does not provide him with a further opportunity." The request was declined.[948]

The decision was challenged by Koia in a further memorandum in July 2007. Taking each point in turn, it was claimed that Potaka Marae's decision to work with the council was made under duress: the threatened $200,000 fine; that the court had been complicit in forcing compliance, and; in terms of customary rights nothing had been resolved as, "half the hapu members believe the hatchery is illegal, half the hapu members believe the Queens writ is illegal." Rather than an appeal against previous litigation, the petition concerned issues that had not yet begun to be addressed or resolved before the Court.

In a brief response dated 9 August 2007, the Chief Judge reiterated his decision to decline an inquiry, concluding, "I suspect the outcome you seek is more suited to inquiry by the Waitangi Tribunal."[949]

10.3 Issues

10.3.1 The question of "tikanga": the constitutional debate

Often framed simplistically as 'law vs. lore', or 'rangatiratanga vs. one-law-for-all', the fundamental issue raised by the Potaka Marae hatchery is the tension between tangata whenua customary rights over their lands and resources, by Treaty or under common law, and the general application of statute law. Does Te Whanau a Tapaeururangi enjoy certain rights (customary or Treaty-derived, or both) that are not held by other New Zealanders? What is the source of such rights, their nature and extent? If they are said to legally exist, how can they be given practical effect? And how do these rights apply to the hatchery?

Jason Koia and the RTA have consistently argued that the hatchery is a waahi tapu, established "under tikanga." In the four years the hatchery has been standing, repeated approaches have been made by Koia for a determination on the nature and extent of the hapu's customary rights:

- On 13 August 2004, following the election of trustees at the marae hui, but before the MLC's confirmation of the same, Koia made application under Section 27 of Te Ture

[948] Chief Judge Williams, 2007 CJ Minutebook 91; DB:2276.
[949] Chief Judge Williams to J Koia, 9 August 2007; DB:2289.

Whenua Act 1993 to the Governor General to confer special jurisdiction, on the grounds that the MLC had unduly prejudiced the rights of the hapu of Potaka marae trustees by forcing them to comply with building, fisheries and resource consent regulations. His application sought a determination as to the grounds the Court had to enforce compliance. In his supporting letter Koia also asked for clarification on various legislation which "needs to be interpreted in its true context as to why my people are given exclusive rights … to their unique autonomy and status." In addition to his application to confer special status, Koia also asked that Judge Hingston (retired) be appointed to help determine and make progress on any substantive matters, and that compliance issues with the court be detained until further notice.[950] In her response of 5 October 2004, Dame Sylvia Cartwright said the matter was being dealt with by the MLC, and therefore she could not intervene.[951]

- On 26 August 2004 in the MLC before Deputy Chief Judge Isaac, Koia recommended that an inquiry under Sections 27 or 29 of the Te Ture Whenua Maori Act 1993 be made with regards to native title.[952] Koia was told by the court that that debate was for another forum.
- On 15 February 2005, the day after the Appellate Court hearing, Koia presented a report to the MLC, with the recommendation that the Court initiate an inquiry under Section 27(1) of Te Ture Whenua Maori Act 1993 into the questions of law raised by the hatchery established under native title. He was told by the registrar that no action would be taken: "Any application relative to the marae on the questions raised in your report should be filed by the trustees of the marae, acting in unison."[953]
- On 25 February 2005, Koia petitioned the Governor General, reiterating his concern that the MLC continued to enforce compliance on the trustees without interpreting other laws, rights and freedoms and further, that as Governor General she had a feudal and fiducial prerogative duty to protect any abrogation of rights, or malpractice towards tangata whenua. Again, Koia asked for an inquiry into the issues raised in his report of 15

[950] J. Koia to Governor General, 13 August 2004; DB:2318-21.
[951] Executive officer, Government House to J. Koia, 5 October 2004; DB:2322.
[952] J. Koia, Minute book 68 RUA 196; 199; DB:2118, 2121.
[953] K. Bacon, Deputy Registrar to J. Koia, 17 February 2005; DB:2325.

February 2005.[954] On 8 March 2005 the Governor General responded that she would not intervene.

- On 4 March 2005, Koia re-presented his report to the registrar of the Maori Land Court. It was not accepted.
- On 8 March 2005, Koia requested Parekura Horomia, as Minister of Maori Affairs, to intervene and call for an inquiry under Section 29 of Te Ture Whenua Maori Act 1993 into the customary rights relative to the Potaka Marae hatchery. The matter was referred to Rick Barker, Minister of Courts, who in turn passed the matter to the Chief Registrar of the MLC, Shane Gibbons. No response was made.
- On 14 September 2005 at the MLC judicial conference as set out above, Koia recommended that the Maori Land Court determine the customary rights on customary land to enable hapu to make informed decisions, particularly in regard to Section 2(2) of Te Ture Whenua Maori Act 1993. The issue was not addressed in the Court's directive.
- On 26 June 2006, Koia and two others petitioned the Chief Judge of the MLC for an urgent hearing into Potaka Hatchery and customary land rights. This has been discussed above. The petition was overlooked for a year, and then turned down. A further memorandum by Koia in July 2007 was unsuccessful.

The hapu's right to establish and run a hatchery outside government and local government regulation has been argued in a number of ways. They are set out briefly here, not by way of legal argument (although they clearly raise profound legal and constitutional issues), but simply to inform this report. Jason Koia and RTA boldly assert that Parliament does not have legal delegated sovereign powers over tangata whenua, or, expressed more positively, that Ruawaipu are a sovereign people. It is claimed that the hatchery under tikanga is protected by "native title." It is claimed that tikanga was the prevailing native title prior to colonisation, that it was guaranteed to Tapaeururangi under Article 2 of Te Tiriti o Waitangi, and that its continuance has been recognised by Imperial law, the 1852 Constitution, international law, and case law since 1840. In view of what are referred to as the Crown's feudal and fiduciary duties to protect Tapaeururangi under Te Tiriti, it is argued that the fact that Potaka marae is Maori freehold land does not mean that native title has been extinguished.

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[954] J. Koia to Governor General, 25 February 2005; DB:2323-24.

The status of the hatchery under tikanga has been supported by many in the Potaka community, although these supporters have not articulated the basis of their stance within the Court forum. Rather, these supporters have tended to frame the debate in terms of manawhenua, manamoana, kaitiakitanga, and rangatiratanga. The claim to te tino rangatiratanga has usually been articulated as the opportunity to generate jobs, income, and a future for themselves, "without interference" from local government and TRONP. It should be kept in mind that the decision to proceed without local government authorisation did not mean an abnegation of responsibility: measures were taken to ensure that the building was safe and sanitary, and presented no hazard to the environment. The Wai 1300 claimants maintain that the intimidation and coercion of the Maori Land Court, local government and Ministry of Fisheries in portraying the hatchery as illegal resulted in the division of the hapu.

Whether unwilling or unable to enter into discourse on customary or Treaty rights, it is the case that in all its dealings with the Maori Land Court, the Gisborne District Council, and the government, the Potaka Marae community has come under intense pressure to comply. In the case of the Maori Land Court, compliance has been a given from the outset. Non-compliant marae trustees were removed because of their stance, and the subsequent Court appointment of duly elected trustees was dependent on their pledge to comply. For a number of trustees at least, public assurances to comply with local body regulations have been elicited in spite of the hapu's abiding belief in their lawful customary rights with regard to the hatchery.

The MLC in fact introduced a further layer of compliance with regards to the gazette notice. In a generous light the Court's role can be seen as conciliatory, picking its way carefully between the disputing parties to help them towards resolution. Obviously supportive of the hatchery project and the aspirations behind it, the Court's efforts have nonetheless been directed towards ensuring that the project was compliant, without seriously acknowledging the fundamental issues at stake. The Potaka marae has been before six different judges, on seven different occasions. Fours years on, the hapu is no clearer as to the legal status of the hatchery under tikanga.

For its part, the Gisborne District Council has consistently argued that the constitutional issues raised by "tikanga" claims are for the Crown to answer, and that it simply has the statutory duty to administer the Building Act, the RMA and, now, the Aquaculture Reform Act 2004. It

considers itself to have been "the meat in the sandwich" in the ensuing conflict.[955] After the initial marae-based meetings when the issue first broke, the GDC has confined its dealings regarding the hatchery to the marae trustees, who are legally responsible. In enforcing the statutory regulations, the Council also sees itself as having acted equitably: "The Council strives to treat all people with building consent issues in an equitable manner. Our dealings with the Trustees to date have been carried out with this ethos in mind."[956] Like the Court, Council staff have been ready to help the project proceed, offering retrospective building consent (provided defects were remedied), waiving resource consent (within the law), and showing considerable forbearance in beginning enforcement procedures. The bottom line, however, has been compliance, ultimately obtained by the liability of marae trustees for a fine of up to $200,000 as a result of the council's Notice to Fix.

There is evidence that other government agencies such as Te Puni Kokiri have also played a part in the pressure to comply, although the extent of this is not known. Documents released under the Official Information Act reveal that TPK was providing advice and support to Tuihana Pook and trustees Morehu and P. Te Kani in June 2004, including preparation for the Maori Land Court litigation and media releases.[957]

10.3.2 Rangatiratanga and local government

An alternative, or additional, argument to those outlined above is that even within Parliament's own domestic statutes there exists, in RTA's view, a recognition of Maori rights that would render the hatchery completely lawful. The Ruawaipu Tribal Authority have consistently argued that there is room within the existing statutory framework to accommodate the aspirations of hapu to control their resources as kaitiaki under the RMA, and similarly, under Te Ture Whenua Maori Act, for the establishment of the hatchery under tikanga. Local government's role in this paradigm would be as an interested and knowledgeable partner, to provide advice to the community as to best practice with regards to resource management and building safety.

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[955] Kregten, Manager of Environment & Planning to M. Hobbs MP, 8 March 2004; DB:2290-92.
[956] H. van Kregten, Manager Environment and Planning, GDC to J. Koia, 12 June 2006; DB:2303.
[957] File note, 11 June 2004; DB:2354-57, Chief Executive TPK Gisborne to Minister of Maori Affairs, 22 June 2004; DB:2358-63.

This is not inconsistent with the Gisborne District Council's own policy statement. Local government is statutorily bound by the RMA 1991 to have regard for the principles of the Treaty of Waitangi. The GDC's policy documents sets out four such principles; the first three of which refer to the guarantee of te tino rangatiratanga – alternatively described as "tribal authority or self-management," "self-regulation," and "full tribal authority and control." The fourth principle is the "active protection of Maori people in the use of their resources and other guaranteed Taonga to the fullest extent practicable."[958] From the RMA, the Treaty, and the New Zealand Coastal Policy Statement, by 1997 the GDC had identified the following areas of planning action:

> The plan should provide opportunities for early participation by, and effective working relationships with, Maori in promoting sustainable management of coastal resources. This includes direct involvement in the making of resource allocation decisions and the development of coastal permit conditions which serve the purpose of the Act by avoiding, remedying or mitigating adverse effects.
>
> The plan should provide for resources of significance to tangata whenua to be protected from any adverse environmental effects, including adverse effects arising from the activities of people who are not the kaitiaki of those resources.
>
> The plan should only regulate the management and use of resources by tangata whenua to the minimum extent necessary to achieve the purpose of the Act in promoting sustainable management. Furthermore, such control should be implemented in a way that recognises and provides for taonga, has particular regard for kaitiakitanga, and takes into account rangatiratanga.
>
> Consultation structures set up by the Council need to be acceptable to tangata whenua.[959]

It is recognised that in Maori terms, tangata whenua are also kaitiaki of coastal resources within their tribal territories. The council's current Combined Regional Land & District Plan includes the following policies:

1. To take account of the guarantee of rangatiratanga and its relationship with kawanatanga in resource management planning.

[958] GDC, 'Draft Regional Coastal Environment Plan for the Gisborne Region', 1997, p.71; *Gisborne District Council Combined Regional Land & District Plan*, Operative 31 January 2006, [online] at http://www.gdc.govt.nz.
[959] Ibid, p. 73.

2. To recognise that each Iwi, Hapu and Marae has its own priorities and preference for the management of resources and to respect those priorities and preferences within the limits of the Act.
4. To recognise, and provide for, the Kaitiaki responsibilities of Tangata Whenua.
8. To establish with Tangata Whenua a consultation network with the constituent Iwi, Hapu and Marae of the Gisborne District who have mana whenua in the district. This is for the purpose of establishing processes and protocols to enable full and effective participation in resource management processes.

With regard to the implementation of the above, Policy 1A.5.1 states that the council may consider the transfer of its functions, power and duties, in accordance with Section 33 of the Act, where it is satisfied that the authority to which the transfer is made represents the appropriate community of interest; where regard has been had for efficiency; and where the delegated authority has the technical or special capability or expertise.

Even while the larger constitutional issues are fought out on a higher level, it would appear that the GDC has some room to accommodate Tapaeururangi's aspirations, if the political will was there. The gulf between policy and practice, however, gapes. The Council's deliberations on the Potaka hatchery have not been investigated for this report, but newspaper reports of the reaction of the Council's Planning and Regulatory Committee to the hatchery indicate little sympathy for the hapu's claim to rangatiratanga.[960] Environment and Planning Manager Hans van Kregten publicly acknowledged that the issue was political, rather than one of safety or environmental impact, yet the council appears to have failed to explore its own role in the political framework, namely the tension between "equitable" treatment and the references to rangatiratanga in its policy documents. Nor, it must be said, has this been formally requested or legally challenged by Te Whanau a Tapaeururangi.

If the references to rangatiratanga, kaitiakitanga and manawhenua in its policy statements are to be more than window dressing, the council ought to seriously reflect on the Potaka hatchery experience. The refusal to explore avenues of delegating resource management responsibilities to hapu, as provided for under Section 33, condemns the council and tangata whenua to repeating

[960] 'Patience running out', *Gisborne Herald*, 26 June 2004; DB:2393.

the same situation on a future occasion. Council staff will rush to the next marae to placate, to bend rules, to grant retrospective consent, to make concessions, and ultimately, to enforce compliance. This is not the basis of a partnership envisaged by the Treaty. It is a relationship without respect.

10.3.3 Human Rights Commission

Wai 1300 includes a claim that under Section 5 of the Human Rights Act 1993 the Human Rights Commissioner failed to inquire and report into the claimants' grievances. The Human Rights Commissioner was first approached by RTA in March 2004 over inflammatory statements made by a Fisheries Union spokesperson that fisheries officers should not take part in any action against Potaka Marae's marine project until they had been issued with batons and stab-proof vests. Race Relations Conciliator Joris de Bres, and Bill Hamilton of the Human Rights Commission met with the RTA and Potaka locals in Gisborne on 29 April 2004. Hamilton was reported to have, "some sympathy for the plight of the group behind the Potaka Aquaculture project," and to have promised a decision on his return to Wellington. He also made the point that the prevailing media portrayal of the community as dangerous was unfounded. In the event, no report was made.

Towards the end of 2004, advice was again sought from the Commission regarding legal avenues to prevent the Crown from enacting the Aquaculture Reform Bill, in particular the clauses barring the courts from inquiring into the legislation. The Human Rights Commission was reluctant to intervene, which in turn became the subject of complaint to the Ombudsman. On his advice, in May 2006 the Chief Commissioner was asked why the Human Rights Commission had failed to:

- report on Potaka Marae, as agreed at the meeting on 29 April 2004;
- initiate a dispute resolution process;
- act on the complaint concerning incitement to violence; and
- advocate the rights to self-determination over Potaka Marae.

Chief Commissioner Noonan responded that following the initial "fact-finding" visit, it had been decided that the Human Rights Commission's involvement in the dispute was inappropriate, and that the issues raised by Koia fell outside its jurisdiction:

> The Human Rights Commission operates within the law of New Zealand. It is not the arbiter of rights of self-determination. The Maori Land Court has jurisdiction to deal with conflicting claims of authority.[961]

The Ombudsman was happy with the Chief Commissioner's response, and the matter has been left there.

10.3.4 Mandate

What muddies the consideration of customary rights at Potaka, and has done so from the outset, is the dynamic between RTA and Potaka marae, in terms of the political alliance made in February 2004. The stand for rangatiratanga at Potaka was not the tidy, spontaneous action of a politically and socially coherent hapu unit. The above narration of events shows that:

- The kaupapa was brought to the people of Potaka, and has continued to be argued on their behalf by the Ruawaipu Tribal Authority.
- In agreeing to host the hatchery under tikanga, it is clear that the marae ahi kaa were knowing and willing participants in the tribal authority's political action, with the exception of one of the trustees.
- On-going hapu support for the stand has not been unanimous. Under the weight of public and government pressure, nowhere has the national debate over compliance been fought more bitterly than on Potaka Marae itself.

The Ruawaipu Tribal Authority was not able to carry everyone at Potaka with its vision. Noncommittal at the initial meeting, Trustee Keriana Morehu remained unmoved by Ruawaipu rhetoric about te tino rangatiratanga, and began to feel like a stranger on her own marae. Part of her grievance about the hatchery was directed at RTA's control of the project:

> The other thing I'm against it because Ruawaipu are going to facilitate up here and we're down here – the marae. We're down here and they're going to tell us what to do when I think we should be up here and them over there. It's our land.[962]

For Morehu, the *way* in which RTA was conducting the hatchery was a material factor in her decision to oppose the development:

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[961] Chief Commissioner Noonan to J. Koia, 16 June 2006; DB:2345-46.
[962] K. Morehu, Minute book 68 RUA 39; DB:2051.

> … I felt that every time I went to my Marae these people just stare at you as if:- "Where do you come from?" like it wasn't my Marae. You walk in there and they stare at you like as if you're the stranger, yet that's my Marae. This is why I thought, well we have to try to do something about this building. This wasn't just for one day, this was every day we went up there. We'd call a meeting and soon as we walk in they're staring at you like this. To me it was a horrible feeling. My own Marae I was even scared to go back on to. This is why I pushed to have this done. I want my Marae back. That's how I feel, to feel free to go back on to my Marae.[963]

Although initially endorsing the RTA proposal, Tuihana Pook's testimony to the court in April 2004 indicates that for her too, claims to te tino rangatiratanga had worn thin:

> The kaupapa, when it was first brought onto the Marae and I was one that's been involved right from the beginning. I was one who was there when these people first arrived. The actual kaupapa was excellent. I thought it would be a good kaupapa for our people but the delivery of it, we were actually inundated. I have never had so many lectures on the Treaty of Waitangi, the Magna Carta and all these things. In a way it was a way of bullshitting their way into our Marae. I hate to say it. The acknowledgement that some of us did not have the nous to actually know what were our rights then. Potaka is a very humble place. Potaka is a very simple place. The people, he tangata iti matou. Kaore matou e tu rangatira ka ki ko matou nga rangatira. Ko wai koutou. So we sat there and we listened. Some of us were listening were actually bulldozed into believing that this was going to be something that was going to save our souls, in Potaka.[964]

Pook and others initially sought to reap the benefits of the hatchery proposal by complying with the necessary regulations. In her view, the insistance on "tikanga" served RTA's political agenda, rather than the marae's best interests. Eighteen months on, her stance had softened, but not changed: "Kia ora Jason. My main concern is [why] are we looking at customary law. My marae is falling down around my ears. Our meeting house is in urgent need for repair and so is our wharekai…"[965]

The allegations that RTA had "hijacked" Potaka marae for political gain has been argued since the hatchery project first came under pressure. The initial application for injunction was made on the basis that the hatchery had not been authorised by the trustees, and was proceeding against

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[963] K. Morehu, 20 April 2004, Minute book 67 RUA 191; DB:2000.
[964] T. Pook, 20 April 2004, Minute book 67 RUA 196; DB:2005.
[965] T. Pook, Minute book 71 RUA 117; DB:2195.

the wishes of the beneficiaries. Although untrue, the perception that the trustees had "lost control" has persisted. As late as February 2005, Chief Judge Williams described a scenario in which "the trustees wrestled back control of a situation which clearly they had no control over at the time. Things were going on which were outside both the control of the trustees and it appeared the control of the ordinary laws." That claims to tikanga rights have been driven by others than the marae beneficiaries and trustees, is implicit in the chief judge's decision not to proceed with an inquiry:

> 15. The people of Potaka have made decisions by consent before the Court as set out in Judge Harvey's report, whereas Mr Koia's petition is signed by himself and two others.
> 16. The beneficiaries of Potaka Marae have been subjected to enough litigation. The trustees must be given the opportunity to administer the Marae without continual disruption.[966]

Yet was this the case? It is not disputed that RTA has been the driving force behind the hatchery under tikanga. The tribal authority came to Potaka with the proposal. It provided the building and the equipment; RTA members helped to construct it, run it, promote it, and Jason Koia has unswervingly argued for it. Yet all of this was done with the support of the ahi kaa, who believed in the kaupapa. All of the questionable tactics with regard to managing hui outcomes, as well as the long series of litigation in court concerning beneficiaries and voting rights has been directed at gaining control over the "tikanga" section of Potaka Marae. The outcome of the litigation has been overall marae endorsement for the hatchery and for those trustees, such as Bill Te Kani, Hira Kururangi and Tahanga Kemara, who have supported its establishment under tikanga from the outset. At the end of the day, the answer as to whether Jason Koia is a mouthpiece for their aspirations must lie with the people of Potaka.

A related issue arises from the fact that the claim to tikanga has seldom been articulated, at least in Court, by the people of Potaka. Although evidently supportive of the hatchery throughout the protracted court proceedings, this support falls short of actively arguing for their rights on the basis of tikanga. Such a role has been left to the RTA individuals involved. Does the fact that Potaka's "pou in the whenua" was driven in and defended by RTA lessen its validity?

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[966] Chief Judge Williams, 2007 CJ Minute book 91; DB:2276.

A third, related issue is whether hapu unity is a prerequisite to a claim to te tino rangatiratanga. As the Appellate Court pointed out, in an ideal world, the project "should be a proposal of the entire marae including the appellants." Potaka marae seems to have come a long way since the mamae of 2004. Both sides of the dispute seek the best for their marae. Yet the point of difference remains with regard to the hatchery. And it may be the case that those opposed to the "tikanga" stance, also oppose the current claim to the Waitangi Tribunal. In court in June 2006 it was alleged that "nga uri o nga whenua" had not been consulted or informed of the claim.[967]

A large part of the debate in court over RTA's involvement at Potaka centred on the whakapapa links (or lack of) of key RTA individuals to the marae, in order to prove (or disprove) their right to participate in marae decisions regarding the hatchery. Given the agreement of marae trustees, committee members and ahi kaa to RTA's initial proposal, in some respects this is a red herring but it was nonetheless an important issue to those involved. A fourth, major consideration concerning the issue of mandate is the degree to which the Ruawaipu Tribal Authority carries the aspirations of tangata whenua of the East Cape as a whole. Although marae land and hapu mandate were deliberately chosen to clothe the claims to tikanga, the political force behind the stand for te tino rangatiratanga throughout has been the Ruawaipu Tribal Authority, and therefore the hatchery experience also has wider implications than Potaka Marae and Te Whanau a Tapaeururangi. Just as the tribal authority's stance is a profound challenge to the governance rights of local government over tangata whenua, so too does it fundamentally challenge the authority and mandate of TRONP to act for the people within the rohe of Ruawaipu. Although this challenge has been set out by way of a background factor behind the hatchery development, a discussion of the role these competing claims to mandate have played in the Potaka events has been purposefully avoided given the extremely subjective nature of the views of the respective entities. It is simply beyond the expertise of this report to address issues of tribal mandate, other than to highlight that they exist.

10.3.4 Te tino rangatiratanga

At the April 2004 judicial conference to consider the removal the non-compliant trustees, Toa Tutapu defended their actions in terms of rangatiratanga guaranteed by the Treaty:

[967] See for example testimony of T. Pook and Mr. Satchell, Minute book 73 RUA 288; DB:2210.

> If I was to say to each person here this morning, how many of us here believe that they are Rangatira? How many of those of you think like a Rangatira, practice Rangatiratanga? What is Rangatiratanga? If we think Rangatiratanga, we will live Rangatiratanga, we will behave like a Rangatira and when we go to bed with our Tipuna, our Tipuna will be quite happy and proud of us. The reality is that I'll let you answer that for yourselves.[968]

What is the practical manifestation of te tino rangatiratanga? The establishment of the hatchery at Potaka marae was arguably just such an act by the people of Tapaeururangi, inspired and led by the Ruawaipu Tribal Authority. The hatchery was not harmful, nor was it dangerous. The potential social, economic and environmental benefits have been evident to everyone. And yet the hatchery, under tikanga, stands empty, stymied by local government enforcement procedures and stalemate over the issue of customary rights. The reaction of government, local government and the Maori Land Court to the practical implementation of te tino rangatiratanga has been resoundingly negative.

One of the briefs of this report has been to consider the development of local government on the East Coast and its impact on tangata whenua. The Crown's delegation of power to local government over time, and conversely, its failure to provide statutory support for the authority of hapu, has resulted in the present day reality – where te tino rangatiratanga is for all practical purposes a nullity. The claim by Maori of the East Cape to te tino rangatiratanga has a long historical lineage, part of which has been referred to in this report. Situated at the far reaches of local government administration, and left to themselves for most of the twentieth century, the Potaka case study is an exemplar of modern day concerns with local government control. It also indicates that the undermining of hapu by the Crown is not relegated to history: in the last four years any proprietary rights of Te Whanau o Tapaeururangi to their seabed and foreshore have been abrogated, and the economic benefit and custodial interest in its fisheries, including aquaculture, have been allocated to a different entity.

[968] Toa Tutapu, Minute book 67 RUA 182; DB:1991.

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Appendix 1: List of Landholders, Waiapu County 1910-

Source: Waiapu County Council Letterbook 1910-, GDC, Te Puia Service Centre

Matakaoa Riding

Name	Acreage
Ahiuihi Haiapauena & 18 others	2,099
Arapata Pohoi & 33 others	1,151
Arapata Taioao & 13 others	1,510
Biddles John	1,900
Erina Tatapa	1,096
Haukaumaru Hatawaia & others	2,780
Henei Pou & 12 others	3,000
Himiona Apanui Mere Mahuma	406
Honana Hini Puhara	1,800
Honi Taurangi	131
Keepa Apuahama & 17 others	1,779
Keepa Te Ahirunga	116
KS Williams	1,380
Makere Hori & others	7
Mere Kohoi & 6 others	707
Natives	360
Natives	200
Natives	41,600
Natives	8,825
Natives	21,090
Natives	100
Natives	100
Natives	941
Natives	200
Natives	1,300
Natives	150
Natives	2,978
Natives	160
Raratini Hamara & another	1,076
Renata Te Hore & 7 others	734
Tairawhiti Dist. L Board	230
Tairawhiti Dist. L Board	145
Tairawhiti Dist. L Board	531
Tairawhiti Dist. L Board	596
Tairawhiti Dist. L Board	455
Tairawhiti Dist. L Board	196
Tarika Kaka Pawhero Rehi	1,083
Taurangi Ourawere & others	259
Te Araroa Natives	627
Te Araroa Natives	8,400
Waimotu Apiranana & others	290
Watena Te Akau	9,507
Total	**121,995**
Crown lands	11,163
Natives	27,809
Matakaoa Riding Total	**160,967**

Awanui Riding

Name	Acreage
Delatour & Delatour	54
Delatour Harry	1,054
Delatour Mrs Mary	71
Erani te Kui Heni Haianga	34
George Boyd	72
Gudgeon Herman W	459
Gudgeon Walter E	409
Gudgeon WC	756
Hay James	184
Hughes Nigil	28
Knox James	928
Manning KL LM & L	1091
Props. Ahikouka	2,226
Props. Ahikouka 2B	316
Props. Ahikouka 2B	4,078
Props. Hauranga	464
Props. Heringa	166
Props. Herupara	132
Props. Kaiinanga	526
Props. Waiomatatini	1,658
Props. Whakaumu	829
Ruiraha Koia & 13 others	1,067
Tairawhiti Land Board	5,424

Tairawhiti Land Board	466
Tairawhiti Land Board	114
Tairawhiti Land Board	159
Teraka Henare	188
Turangi Harawera	27

Total	**22,980**
Crown lands	5,817
Natives	48,719
Awanui Riding Total	**77,516**

Piritarau Riding

Name	Acreage
Akuhata Hawere	31
Apikara Pahau	153
Arapere Ngakaho & 147 others	1596
Beach HC	30
Dixon George	237
Dodgekin Maud	1604
Erina Kirini	65
Fox Tuaka	36
Fox Wi & others	508
Haireroa A	3,085
Haireroa A	1,637
Hehei James	338
Hehei Peni & others	85
Hehei Piria	29
Henare Moana	250
Henare Moana & others	736
Herete Apinga	96
Himiona Hapai	630
Honi Papatini	147
Kanara A	1,678
Kauwau Here Mere Harihi	19
Kemp AE	113
Milner BC	25
Narimu Tutu & others	1,815
Ngata Paratene	35
Ngawhata Eru	30
Ngawhata Hera	649
Paiura Tukeka & others	643
Pakaroa Hati & others	220
Pakaroa Kati & others	492
Pakutai Ehau & others	1,154
Paora Kanahi & Mihi Mihi	16
Parikapa Awatere & Hapi Pohiro	107
Props. Tokomaru no.1 block	300
Props. Totaranui	1,177
Rariri Hohepa	461
Rariri Hohepa & others	7,059
Repeka McClutchy	49
Rotokautuku Corporation	1,610
Summerville AF	4,249
Summerville Ellen	407
Tawhiorangi Rutu & 41 others	13,890
Tairawhiti Land Board	5,561
Travers George	45
Tutu Nihoniho & Himiona Hapai	60
Whakarara Henei	4,276
Whakarara Henei & others	843
Wicksteed RH	54
Williams Agnes L	315
Williams TS	20,215
Williams KS	5,555
Williams Oswald J	7,290
Woodford Annie & Josh	131
Woodford Joseph	254
Total	**92,090**
Crown lands	16,333
Natives	36,539
Piritarau Riding Total	**144,962**

Waipiro Riding

Name	Acreage
Beale AM	26
Biddles EB	1889
Cotterill Arthur J	2830
Hapi Kepi	100
Haratu Aratapu	3500
Kemp RW	2000
Kopua Henara & others	3026
Maclean LHL	1888
Matehi Rea & others	3149
Matenga Mere	80
Parata Henara & others	9922
Potae Wi & others	960
School Commissioners	2795
Sherwood Thos. E	1561
Sommerville AF	3520
Sommerville Ellen	32
Tairawhiti Native L Board	1551
Tawhio Ripeka & others	8825
Tuirirangi Heni & others	729
Waiapu Board Diocesan Trustees	5004
Waipapa Piripi & others	2954
Watson Ella M	1095
Wi Pere & James Carroll	2027
Williams AB	3418
Williams CNB	4771
Williams EB	2206
Williams HW	4359
Williams JN	12607
Total	**86824**
Natives	5474
Crown lands	42200
Waipiro Riding Total	**134,498**

Tokomaru Riding

Name	Acreage
[…]Awharata & 8 others	255
A. Kani	256
Arapata Harata & 19 others	1500
Busby Agnes	1050
Busby Beatrice	1034
Busby Eleanor	1027
Busby Elsie	1002
Busby GA	517
Busby Helen P	1063
Busby Wm	2796
Busby MC	12
DJ Barry	46
E Ryland & others	779
Eraihia Matatiki	159
Fraser RH	667
Gisborne Harbour Board	14850
Haikai	108
Hono Pa […] & others	31
Margaret Green	26
Murphy ER	4083
Murphy Mrs G	18
Ngahuia & others	1676
O'Shea, J	75
P Te Hira & others	1042
Papakene & others	62
Reynolds, M & R	1063
Spencer SK	200
Tairawhiti Maori Land Board	7689
Te Aorere Mataki	1000
Te Whare	25
Tokomaru Freezing Co	135
Waiapu County Council	43
White, G.J	772
Wi Patene & others	922
Wi Potae & others	727
Wi Te Kuri & others	458
Wikapiti & others	247
Williams Mrs EF	5787
Williams, Francis J	4516
Williams, Francis J & 13 others	211
Williams, HB	23400
Wiremu Kaipa	100
Total	**81429**
Natives	23340
Crown lands	40176
Tokomaru Riding Total	**124,945**

Appendix 2: Table of Waiapu County Landholders @ 1910 showing relative Maori/Pakeha tenure by riding

Riding	Landholders									
	named Maori	nameless Maori proprietors	Pakeha	Tairawhiti DML Board	local govt	other	total titles listed	unrated Maori land	unrated Crown land	total acreage
Matakaoa no. of titles	19 (12 "& others")	15	2	6	-	-	42			
acreage	29,531	87,031	3280	2153	-	-	121,995	27,809	11,163	160,967
Awanui no. of titles	4 (1 "& others")	9	11	4	-	-	28			
acreage	1316	10,395	5106	6163	-	-	22980	48,719	5,817	77516
Piritarau no. of titles	31 (12 "& others")	2	15	1	-	1	54			
acreage	42,918	1477	40,524	5561	-	1610	92,090	36,539	16,333	144,962
Waipiro no. of titles	11 (7 "& others")	-	14	1	-	2	28			
acreage	35,272	-	42,202	1551	-	7799	86,824	5474	42,200	134,498
Tokomaru no. of titles	17 (11 "& others")	-	21	1	2	1	42			
acreage	9347	-	49,365	7689	14,893	135	81429	23,340	20,176	124945
County Totals no. of titles	82 (43 "& others")	26	63	13	2	4	194			
acreage	118,384	98,903	239,380	23,117	14,893	9544	405,318	141,881	95,689	642,888

Appendix 3: List of Maori Ratepayers in Waiapu County, 1913-1914

Showing ratepayers, land description, acreage and rateable value per riding

Rates struck for period 1 April 1913 to 31 March 1914, payable in one instalment on 1 August 1913, Waiapu County Council General Rates Book, 1913-1914, GDC, Te Puia Service Centre.

Matakaoa Riding					
Occupier	**land description**	**A**	**R**	**P**	**rateable value (£)**
Amiria Turangi; Hori Mahue	Pakihikura no.3	35			105
Ani & Honi Waititi	Wharekahika Pt. 2D	10			20
Ani Pawhara; Ketekete Tirauki; Ripeka Apanui	Pariwhero Pt. 14	473			591
Ani Waitoa & Atarangi Tukino	Wharekahika Pt. 1A	201			191
Ani Waitoa; Meiha Kie Ngakirikiri	Pakihikura no.4	175			603
Atarangi Tukino; Roka Heuturanga; Wiremu Taheke	Pariwhero Pt. 8	4551			8316
Dr Tutere & Ruakirikiri Wi Repa	Wharekahika Pt. 5A	100			165
Erana Tangimatua	Houturu No.2	1013			3092
Erua & Henare Parai Ngatai	Marangairoa Pt 1B	15824			20604
Hariata Pokiha; Peta Pokiha	Ahomatariki 2B	95			20
Hata Kiwara; Kapa Potae	Wharekahika Pt. 15B	165			210
Henare Pereto; Mere Katene Heihi	Taumata o Maru Pt 2A	941			3938
Henare Te Owai; Mere Katene Heihi	Matakaoa Sec.1 Bk XVI	1093			6049
Henderson Charlotte	Marangairoa Pt. 2E	163			570
Heni Houkamau	Te Araroa township Sec. 48			15	7
Hoani Huriwai; Rapata Huriwai	Whakaangiangi 6A2	230	2		1241
Hoani Timiatere; Te Haata Hohopawera	Whangaparaoa 2A	1082			2225
Horiana Hineipuhaia; Moeroa te Ware	Whangaparaoa 2B	552			1914
Horiana Te Whare; Ngatai Wanoa	Marangairoa No.1B3	370			1020
Hunia Pako & Meream Pako	Whangaparaoa Pt 2C3	30			90
Mahue Hori	Te Araroa township Sec. 31	29	3	8	441
Mahue Hori	Te Araroa township Sec. 32		1	24	4
Mahue Hori	Te Araroa township Sec. 32A	2	1	29	17
Mahue Hori	Te Araroa township Sec. 33	15	2	24	157
Mahue Hori	Te Araroa township Sec. 34	18	1	7	319
Mahue Hori	Te Araroa township Sec 78	10	3	30	701
Mahue Hori	Te Araroa township Sec. 79	2	3	25	258
Manihera Waititi	Whangaparaoa 2F	22			113
Mauahi Parapara	Wharekahika Pt. 13B	55			88
Mere Katene Heihi	Oruataiaha Sec.1	100			200
Meriama Lima	Te Araroa township Sec. 23	4			285
Ngatai Turei	Pariwhero A	278			1550
Paratene Ngata	Te Araroa township Sec 72		1	4	100
Parehoihu te Kani	Whangaparaoa Pt 2C2	10			30

Props of Taumata o Maru; Committee Waikeke Turei; Himiona Apanui; Wi Taotu Tame Kuara; Paki Wanoa	Taumata o Maru Pt 2B	618			1839
Props. Of Marangairoa 1B4 per AT Ngata	Marangairoa Pt. 1B4	15413			19474
Props. Tokata Block	Tokata	3405			6357
Props. Whangaparaoa 2A per Horiana Hineipuhaia	Whangaparaoa Pt.2K	5233	1	20	6490
Renata Tamepo; Paratene Waiti	Ahirau No. 2	594			2785
Riwai Te Whare	Tututohora 2A2	187			561
Roka Houturangi	Wharekahika Pt. 5B	3			10
Roko Tiereti	Wharekahika Pt. 1B	1215			1774
Ropata Akapa .. Parata	Papatarata A; B	629			1943
Ropata Manuera	Marangairoa Pt 1B2	722			1986
Ruawhaitiri M Ngatai ; Kuratau Ngatai	Marangairoa 1B1	40			110
Tairawhiti DM Ld Bd.	Pukeamaru No.2	455		29	796
Tairawhiti DM Ld Bd.	Pukeamaru No.6B	196			196
Tairawhiti DM Ld Bd.	Ahomatariki 3B	531			133
Tairawhiti DM Ld Bd.	Tapuaeoteao A		2	29	220
Tairawhiti DM Ld Bd.	Tapuaeoteao B Te Araroa township			30	65
Tairawhiti DM Ld Bd.	Tapuaeoteao C		1		125
Tairawhiti DM Ld Bd.	Tapuaeoteao D		1	11	430
Tairawhiti DM Ld Bd.	Tapuaeoteao E	1		23	290
Tairawhiti DM Ld Bd.	Tapuaeoteao 66; 68		2		55
Tairawhiti DM Ld Bd.	Te Araroa township Sec. 25	2	2	32	18
Tairawhiti DM Ld Bd.	Te Araroa township Sec. 63		1	1	27
Tairawhiti DM Ld Bd.	Te Araroa township Sec. 21	10			50
Tairawhiti DM Ld Bd.	Te Araroa township Sec. 93		2		11
Takimoana Kohupoai	Whangaparaoa 2H	973			729
Tanehera Tuhiwai; Wi Pahuna Tawhena	Wharekahika Pt. 10A	313			391
Tawhena Karariana	Te Araroa township 89–92	2			47
Turei Ngatai	Marangairoa 2C	300			1485
Tiwana H Turi; Mihaka Turi; Hikarere Pokiha	Pariwhero Pt.. 5& 12	1976			5076
Turukira Takiwai; Potene Takiwai; Heni Kirihana	Pariwhero Pt.6	1263			2531
Tutere Wi Repa; Ruakirikiri Wi Repa	Pariwhero Pt.4	709			1125
Waiheke Turei; Hakaraia Pahewai	Marangairoa No.1A	6210			6367
Watene Waititi	Marangairoa No.2D	191			1084
Watene Waititi	Marangairoa Pt. 2E	2815			13227
Whaaka Rarakau; Watene te Akau	Wharekahika Pt 1B	1961			2647
Wingara Houkamau; P Tipuwai Houkamau; Wi Potae	Wharekahika 17; 18	9984			17547
Wiremu Pakura; Hamiora Tutua; Wharau Taitua	Pariwhero Pts 3 & 16	1846			2859
Wiremu Piri Arapata; Hereana Tupaea	Wharekahika Pt. 10B	88			110
TOTAL		**85,542**	**1**	**21**	**156,204**

Awanui Riding					
Occupier	**land description**	**A**	**R**	**P**	**rateable value**
Ahipene Taneitangihia; Harapata Matini; Arapata Mokena	Tikapa 3A	122	2	20	680
Ahipene Taneitangihia; Heremini te Maro	Tikapa 4D	62	3		374
Akuhata Kana	Te Herenga D1	18		21	103
Akuhata Kana	Tutu 2	285	2		818
Alfred Banks; Wehi Wharepoto	Wharekirauponga 3B	116	3 4		348
Amara Huatahi; Erueti Pohoiwi	sec.3	33	3		186
Amiria Huataki	Tauwharerata B2	211			908
Ani Kani Roki; Poihipi Kohere	Te Angiangi 2	28	2		63
Ani P.K. Pakura; Ahipene Pakura	Maraehara E	20			60
Apikara Kahawai; Ani Kani Roki	Part Taumata o te Whatia North	35			112
Apirana Matewaru; Mapaku Manuera	Waihuka B6B	43	2	11	232
Arapene Taneitaagenu; Wharehinga Potini; Hoani Tauhou	Tikapa 2	54			320
Atareta Nepia; Are te Houhou	Te Herenga F2	18	3		67
Emanuel R.	Waiapu Sec.5 Bk V	82	2		559
Emanuel R.	Te Waihohonu 1B	53			277
Emanuel Robert	Waihuka B4B	72	2	7	315
Emanuel Tira	Te Waihohonu 2B1; 2B2	43	3	4	331
Enoka Rukuata	Waiapu 3-6	22	2		183
Erana Kawa Mahuika	Herupara 2A	38			235
Erani te Kaui; Timoti te Kaui; Heni Haenga	Tikapa 4F	34			211
Hakaraia Mauheni; Potene Paekura	Aruhemokopuna6	6	2		42
Hakaraia Mauheni; Potene Tuhiwai	Te Angiangi 1B	29			80
Hapi Haerewa	Koia	86			421
Hapi Haerewa	Maraehara A	452	1		2113
Hapi Haerewa; Hori Raire	Pukerangiora 2B	39			128
Hapi Haerewa; Te Roana Hohepa	Aruhemokopuna 1	17	2		94
Henare Mahuika	Awanui township		1		175
Henare Peti; Himi Peti	Waiapu Sec.4, Blk I	1017			5775
Henare Raroa	Tikapa 3A	38	2		233
Henare Raroa	Tikapa 3B	88	2	14	550
Hirawanu Mokena; Rev. Poihipi Kohere	Aruhemokopuna 5A	10	2	28	70
Hiria te Ahurawa; Heni Tuwhaitiri	Te Herenga2B	4		25	26
Hoani Huriwai; Ropata Huriwai	Whakaangiangi 1A2	114	1	26	342
Hoani Huriwai; Ropata Huriwai	Whakaangiangi 1B2	159			477
Hoani Ngatai	Part Marangairoa No.1	6			236
Hohaia te Hei; Apirana Tangairo	Aratake 3	34			131
Hohaia te Hei; Wiremu Peihana	Paraaumu No.2	17			75
Hone Ngata; Hopa Hemara	Waiapu Sec.3	1019	2		4937
Hone te Rohapara	Wharekirauponga 2B	1	2	26	4
Hune Poi; Tutere Poi	Pukemanuka B2	230			1517
John Babbington; Hono Paputene	Paraaumu No.1	110			509

Katene Pohoiwi; Te Aniti Harunga	Tikapa 4B	30	2		182
Kereama Wharehinga; Potini Wharehinga	Waihuka B2B1; B2B2	145		14	559
Makarita Makire; Neri Manuera	Tikapa 4C	25	2		149
Mihi Ngata	Maraehara B	1069	1		5099
Mihi Ngata	Maraehara C	20	2	14	92
Mihi Ngata	Maraehara D	21	2	33	93
Mohi Turi	Te Angiangi 1A	10	2		28
Mohi Turi	Te Angiangi 2A	6			14
Nepia Mahuika	Paraaumu No.3	298	3		1371
Nepia Mahuika	Te Wharau 2	245	3		1858
Nepia Mahuika	Whakarei 1	119	3		390
Paora Haenga; Hirawani Mokena	Aruhemokopuna"5C	6	1	8	30
Paora Haenga; Hirawani Mokena	Aruhemokopuna 5D	6		4	30
Paora Haenga; Te Roana Haenga	Aruhemokopuna 5B	11	2		69
Paora Haenga; Te Roana Haenga	Te Angiangi 1C	66			182
Paora Haenga; Timoti Kani	Te Herenga K	3			17
Paratene Ngata	Awanui township			20	10
Paratene Tukaka; Hiria Rangiwaha	Te Herenga D2	132		12	1047
Patereki Tokorangi; Huriwai Pehikura	Mangaotawhiti South B	107	3	25	340
Peti Rima; Hoeroa Tamatatai	Waihuka B5	94	1	13	411
Pineaha Koia	Kumeti	95	2		190
Pineaha Koia; Hone Waitoa	Aruhemokopuna 2	13	3	33	90
Props. Ahikouka C/- Pene Heihi	Wairoa 2A; Ahikouka 2A; 2B; KaiInganga no 1; 2; Kuratau B; Kaura 1B; 2B; Wairoa 1B; 2B	4392	3	32	24616
Props. Ahikouka per AT Ngata	Ahikouka 1A 1B part 1C	2229		30	19201
Props. Haronga a te Kahu per AT Ngata	Haronga a te Kahu E	458			2739
Props. Kai Inanga per H Wharowharo	Kai Inanga 3	526	1		2867
Props. Of Marangairoa 1B per A.T. Ngata	Marangairoa 1B4	749			2607
Props. Te Harenga per Wi Pepere	Te Herenga B, C	166	1		701
Props. Waiomatatini per Paratene Ngata	Part Waiomatatini; Taritaka no.1; Tutarawananga No.1; No.2; Pukehaahu 2; Turitaka 2; Herupara 2C; Te Herenga G.H; Waikaka A; Patiki & Tahingaokaura	1681	2	33	11521
Props. Whakauma per Alfred Banks	Whakauma A; B; Waumata o te Whatiu 1A; 1D; 2A; 2C; Tikapa a Hinekopeka 5; Part 6; 7	829	1		5683
Props.Herupara C/- Heni Moreta, Renata Pohatu	Herupara 2D 2B	128	3	0	914
Rangiwaha Hiria; Tuta ani	Kuratau C	105	2		337
Ratimira te Pune; Pitiroi te Puni	Aratake No.1	28			121
Ratimira te Pune; Pitiroi te Puni	Aratake 2B	438	2		2204
Ratimira te Puni	whakarei 2	119	3		390
Renata Ngata	Marangairoa 2A	385			2009
Renata Ngata	Marangairoa 2B	490			1747
Renata Pohatu, Joseph Smith	Pukekaaka 1 to 3	171	2		991
Rima Peti Mrs.	Mangaoporo Sec.3 Blk VIII	843	3	10	4744
Tamati Kaiwai; Atarangi Tukono	Pukemanuhiri	105	2		210

Tamati Taiapa	Whakaangiangi 3B	466			2181
Te Aniti haenga	Waihuka B1B	272	3	3	1169
Te Araiti Haenga	Pukemanuka C2	103	2		724
Tere Rewharewha	Te Herenga	170			1170
Tieke Rukuata	Waiapu Sec.1&2 BlkVII	28	3	20	439
Timoti te Kaui	Pukemanuka A2	68	1	20	350
Timoti te Kaui	Tauwharerata A3	37			83
Timoti te Kaui; Nepia Mahuika	Waihuka B3	87			371
Timoti Te Kaui; Niho Kopaka; Paora Haenga	Tikapa a Hinekopeka 1	32			159
Tipiwai Houkamau; Hoera Areka	Whakaangiangi 2B2	40	2		200
Tukaka Turei	Te Herenga B1	8	3	0	50
Watene Waititi	Marangairoa Part 2E	491			1473
Wi Pepere; Pine Tukaka; Tuta Oreore	Te Herenga	2112	3	19	11592
Wi Peperene	Tapuaehikitia 2	186			1041
Wi Peperene	Te Wharau 3	189			1037
Wiremu Pepere; Horomona Te Paipa	Te Herenga A2	278			1399
TOTAL		**25,837**	**3**	**5**	**26,471**

Piritarau Riding					
Occupier	**land description**	**A**	**R**	**P**	**rateable value**
Ahipene Meiha; Reihana Tipoki	Taitai 1G	17	1	16	93
Ahipene Mika; Kereama Hikihiki	Matarau G		2		10
Ahiria Kani Ngata	Waihuka	632	2	2	3616
Amiria Tawha	Mangaharei Pt 2	30			280
Anaru Ngamu; Hamuera Ngaremu	Tutuwhinau 1	1319	2		4822
Andrew Ngamu	Whareponga Pt. 1; Pt. 3	70			434
Ani Taumutu; Ruira Travers	Hurakia 8	41			156
Aparahama Tamahori	Rotokautuku 2C	8	2	1	31
Awatere Porikapa; Pirika Motu	Te Rahui Pt. D	107			552
Ehau Pukutai; Eru Pahau	Waitekaha Pt. 5	70			510
Erena Kirini	Rotokautuku 6C	13	1	13	63
Erete Pakah. Waitoto	Rotokautuku 2D	4	3	39	28
Eru Kemara; Henare McClutchie; Makere Wahanui; Reti Makinare	Mangawhariki 1	2460			8550
Eru Moeke	Ngamoe Pt. 1	50			372
Eruera Kawhia; Ripeka Paewa	Rotokautuku 6D	15			85
Fox Tuhaka	Mataahua or Pouretua	4	1		173
Fox Tuhaka	Paritutata	36	1	12	180
George Travers; Rutene Haokai	Matarau J	8	2	26	270
George Travers; Turstee Raniera Kete Kawhia	Matarau K	2	1	11	53
Grace Wi	Matarau C	1	3	25	302
Grace Wi	Te Kopanga	1		2	3
Hakopa Kahawai; Peta Pahau	Rotokautuku 6H	15	1	30	77
Hami te Rapu	Rotokautuku 2F	59			283
Hati Houkamau; Tipiwai Houkamau	Hurakia 6	1116			4158

Hati Pakeroa; Hakopa Haerewa	Matarau L	8	1	34	312
Hati Pakeroa; Hakopa Kahawai	Rotokautuku 6G	8	1	25	33
Hati Pakeroa; Heneruta Kawhia	Matarau F	1	1	7	225
Hawea Akuhata; Hamuera Ngatoto	Rotokautuku 2F	31			153
Hemara Moana; Ruira Houteepa	Ngamoe Pt. 1B	150			967
Hemara Moana; Ruira Houteepa	Ngamoe Pt. 3B	249			3418
Hemi te Rapu	Rotokautuku 6K1	40	1	9	320
Hemi Whakarara; Apikara Pahau	Part Ngawhakatutu	459			6359
Hemi Whakarara; Eruera Pahou	Manutahi	100			1470
Hene Waikare; Arapeta Pahau	Rotokautuku 6K2	88	3	12	539
Hera Kaiwai; Hera te Rapa; Hami Tahata	Reporua West	29	1	6	140
Hira Ngatawai	Ohinepoutea lot 6	50			139
Ihaka Horete; Petaere Awatere	Hurakia 1	2141			7976
Kaikanui Marakai; Hakopa Haerewa	Rotokautuku 6K3	89		20	335
Katene Aupouri; Apirana Ngata	Mangawhariki 5	745			3366
Keita te Kopane; Maraea Matuakore	Rotokautuku 2O	8			36
Maka Rapana; Erueti Tarewai	Hurakia 3	363			1352
Materoa Ngarimu	unsurveyed land called Kokai in V Waipiro; VIII Mata	1020			4820
Materoa Ngarimu	Tapuwaeroa 2A2	1348			4407
Materoa Ngarimu; Haki Pakiroa	Tutuwhinau 3	99			313
Materoa Ngarimu; Hareta Henikana	Hurakia 7	374			1392
McClutchie Hy Jr	Mangawhariki 1A	350			2097
McClutchy B	Waitekaha 1	49	2	30	592
Mohi Tapemaunga; Nopera Rongoaira	Hurakia 9	2490			9276
Natives per J Reedy	Tapuwaeroa 1G	322			2464
Nepia Mahuika; Tangopaheka Paukura	Tutuwhinau 2	251			1189
Niho Kopaka; Nepia Mahuika	Hurakia 2	1545			5752
Paikura Tuheke; Henerieta Whakairi	Matarau H	2	2		203
Paorea Tuheke; Eruera Moeke	Tutwhinau 4	83	2		404
Pineha Tamanuahi; Materoa Ngarimu; Hirini Tuahine; Horomona Kerehi	Mangawhariki 7	1233			4376
Props Te Ahi o te Atua per Erueti Rena; Horomona Te Hui	Te Ahi o te Atua Pt. 3	233		22	2222
Props Totaranui 6B per Paniora	Totaranui 6B	590			3061
Props. Ahikouka per Pene Heihi	Reporua 3	682	1	29	3196
Props. Akuaku East	Akuaku East 3	1308	2		7324
Props. Akuaku West	Akuaku West 4	3209			14529
Props. Puhanga per L Baker	Puhanga No.2	2041	1		13051
Props. Te Ahi o te Atua per Tuhaka Fox	Te Ahi o te Atua 2	627	3	38	3058
Props. Totaranui 2B per Eruera Moeke	Totaranui 2B	1177	1		7588
Props. Totaranui 3A per Materoa Ngarimu	Totaranui 3A	58	2		142
Props. Totaranui 3B per Wi Grace	Totaranui 3B	566			3051
Props. Totaranui 4 per Eruera Moeke	Totaranui 4	135			497
Props. Totaranui 5A per Eruera Whangapirita	Totaranui 5A	47	2		173
Props. Totaranui 5B per Eruera Whangapirita	Totaranui 5B	209	2		877
Props. Totaranui No. 1 per L Ngarimu	Totaranui 1	300			1374

Props. Totaranui per Eruera Moeke	Totaranui 2A	89	3		325
Props. Totaranui per Wi Paniora	Totaranui 6A	19	1	18	82
Props. Waitangi No.1 per Hana Maraea	Waitangi 1	555			4495
Raiha Mauhana; Ratiwira Paeroa	Waitekaha 3	36	3	29	193
Raniera Kawhia; Hati Houkamau	Hurakia 5	248			923
Raniera Kawhia; Renata Paaka	Hurakia 4	1132			4217
Rawini Waikare	Kotore	2	2		10
Rawinia te Aungira	Rotokautuku 3	243	1	18	2063
Rawinia te Aungira; Keita Horowai; Mihi Kotukatahi	Tapuwaeroa 1B	19			94
Rawinia te Aungira; Pipeka Paeawa	Rotokautuku 5a	59		6	299
Rawiri Katea; Eruera Moeke	Mangawhariki 4	355			1799
Rawiri Waikare	Pipiwharauroa	5	2	4	25
Reedy Thomas	Te Rahui Pt. C	5	2		375
Riwai Tomas; Hirini Tuahine	Mangawhariki 6	350			252
Ruira Houteepa	Te Rahui Pt. E	6		30	28
Ruira Travers; Herini Tuahine; Benj McClutchie	Mangawhariki 2	875			1827
Ruira Travers; Ruta Tangitati; Hirini Tuahine	Mangawhariki 3	977			3427
Tangiwai Kawenga; Ihimaera Kawenga	Rotokautuku 5C	8	5	29	36
Tuhere Maraki	Wairongomai Bk V Waipiro	158			801
Watene Paekura; Mita Haenga	Honokawa 4B	43	1	29	22
Watene Te Whareponga; Wi Taotu Amiria Kapekape	Taitai 1D	17	1	16	93
Whare Matenga	Taitai 1F	8	2	28	45
TOTAL		**36,216**		**16**	**171,100**

Waipiro Riding					
Occupier	**land description**	**A**	**R**	**P**	**rateable value**
East Coast Commissioner T.A. Coleman	Mangaokura No.1	2027			646
Harai Taukarangi	Waipiro 4, 5, 6, 7 Bk VIII	5	3	28	130
Hatara Matehe	Waipiro Sec. 19 VI	3	3	35	46
Hatara Matehe	Waipiro Sec5. Bk IX	15	1	24	463
Hone Potaka	Waipiro Sec. 17 Bk VI	6	3	36	79
Kereopa Potaka	Waipiro Sec.6 Bk I			32	175
Koreniria Te Ana	Waipiro Sec. 8 Bk VIII	3		16	64
Pene Tipuna; Keita te Owai	Pahiitaua 3	23	2		58
Pene Waipapa; Aperana Pahina	Puketiti	60			490
Peta Parata	Waipiro Sec.2 Bk IX	17	1	13	191
Piripi Waipapa	Te Ngaere 1	15	3	12	54
Piripi Waipapa	Waipiro 2	2566	2	38	18619
Piripi Waipapa	Waipiro 9, 10, 11 Bk VII	18	3	38	244
Piripi Waipapa	Waipiro 1, 2, 3, 9 BK VIII	5	2	22	109
Props. Ohineakai No.2 per Tuhaka Fox	Ohineakai No. 2	529	1		3226
Props. Ohineakai per Tuhaka Fox	Ohineakai 1	22			94
Ratimira te Puni	Waipiro Sec.1 Bk IX	5		1	57

Renata Tamepo	See Pt. 12 or 12F Waipiro Blk	56	1	24	463
Retimana Parata	Waipiro 1, 2, 3, 4 Bk VII	4	1	25	88
Ripeka Tawhio	Waipiro Sec16 Bk. VI	10	2	15	114
Taiawahio Matehe	Waipiro Sec. 10 Bk. 2	2		21	1203
Tairawhiti D.M. Ld. Bd.	Maangawaru Part 4	594			119
Waipapa Piripi	Sec. 10 Bk IV Waipiro Native township	1		18	390
Wi Kanoa	Waipiro Sec. 18 Bk VI	3	1	8	35
TOTAL		**5,998**	**2**	**6**	**27,157**

Tokomaru Riding					
Occupier	**land description**	**A**	**R**	**P**	**rateable value**
Ferris Atarini Matariki	Anaura G	387		4	1822
Ferris Chas Wm Jnr	Anaura Lot 2; 4	907			3911
Ferris Chas Wm Jnr	Anaura B	416			1077
Ferris Hirini Kani	Anaura Lot 3	464			1303
Ferris Tauatui	Anaura Pt. 3; Pt. A	774	1		2850
Harae Houtapa; Rorihana Huataui	Tawhiti No. 1C	37			162
Harata Aratapu; Houpara Kinohi	Tokomaru K4C	1114		27	7071
Harata Aratapu; Kawa Matahiki	Tokomaru G1	193	1		879
Harata Poiwa	Mangahauini 6E	2	1	26	22
Harewaha Porter	Tawhiti 1D; 2A	139		26	179
Heni Patara; Harete Hori	Tokomaru G2	326			1454
Himiona Pahina; Aparana te Waimotu	Tawhiti Pt. B8	74	1	6	511
Hone Paerata	Anaura D	208	3	17	1360
Hone Paerata	Motu Orei Island	30			10
Hori Waititi	Mangahauini 6A	2	1	26	45
Horomona te Hai; Koriana Harini	Mangahauini 13	2	3		117
Lockwood Katere (Mrs)	Anaura Lot 3	794			4025
Merearihi Potae	Mangahauini 6D	2	1	26	22
Mikaera Pewhairangi	Tokomaru K5	819	1	13	6175
Moana Tautau; Tamati Tautau	Anaura C	970	1	23	4589
Peti Komaru Raniera Komaru	Anaura Lot 3	67		35	640
Piper W.	Tawhiti B7	10			245
Piripi Waipapa	Ihi o te Kora	8			16
Potae W H	Anaura Lot 5	463	2		2786
Potae W H	Anaura H or Pt. 5	100	2		825
Props. Houtanoa per Piripi Waipapa	Hautanoa Bk & Islands	100	3		97
Props. Mangahauini per Hori Paerena	Mangahauini 7; 7A; 7B; 10; 10A; 10C; 11; 12; 14; 15; 16; 17;	5747	1	29	33113
Props. Mangahauini per W H Potae	Mangahauini No. 1; Tawhiti 1F; Pt. 2; 2D	3791	1	6	12728
Props. Tauwhareparae per HW Potae	Tauwhareparae 1A	453	2	16	941
Props. Tawhiti 2C	Tawhiti 2C	50			122
Props. Tokomaru K6 per Himiona Awanui	Tokomaru Pt. K	69			794

Props. Tokomaru K7 per Hira Paewa	Tokomaru K7	55	1	3	443
Raniera Komaru; Peta Komaru	Anaura F	253	1	12	1591
Rawhiti Paerata	Anaura Lot 1	801			5232
Rawhiti Paerata; Terei Raerina	Mangahauini 10B	27	1	15	168
Ritihia Tahuna	Mangahauini 6B	1		33	11
Ruira Hauteepa; Harawiri Whakataha	Tawhiti 2B	90			45
Solomon te Hai	Tawhiti Pt. 1A	25		31	323
Taare Winiata	Anaura Lot 3	923			4290
Tairawhiti DM Ld.Bd	Anaura Lot 1/2 of Pt. 3; Pt A	13		20	152
Tairawhiti DM Ld.Bd - Papakainga reserve	Anaura Lot 1	17	3	5	214
Te Hau Kareti	Anaura 6	33			344
Te Kina Potae	Tokomaru G3	1047	1	16	5811
Te Raana Tuako	Mangahauini 6C	2	1	26	22
Wi Potae	Part Mangahauini		1		110
Wi Potae	Tokomaru K3	360	2	14	2063
Wi Potae	Tuatini Tn	1	3		750
Wi Potae		3	1	39	231
Wi Potae		6	1	32	273
Wi Potae		1	1	15	110
Wiremu Kaipu Ratapu	Tokomaru H	100			477
Wiremu Potae	Tokomaru 1 of E	350			1992
TOTAL		**22,639**	**3**	**21**	**114,543**

Appendix 4: Waiapu County Council List of Ratepayers, 1926-27

General rates set for period 1 April 1926 to 31 March 1927 to be paid in one instalment by 1 September 1926, Waiapu County Council General Rates Books, 1926-27, GDC, Te Puia Service Centre.

Within the rates books for each riding, separate lists were kept for "European" and "Natives", which is replicated in the lists below.

The number of votes each occupier was entitled to has been calculated on the value of the land under the prevailing legislation (1 vote for property less than £1000; 2 votes for property worth £1,000-£2,000; 3 votes for property valued more than £2,000).

The status column refers to whether rates were paid (P), late (L), compromised (C), or defaulted (D), based on the payment details recorded in the rates books. As explained in the report, only those ratepayers who were fully paid up by 28 March 1927 were entitled to vote in the county election in May 1927. As the rates compromise with Waiapu County Council was made in August 1927, those disqualified from the 1927 election included ratepayers whose rates were paid late or compromised.

Awanui Riding: Pakeha							
Occupier	**land description**	**A**	**P**	**R**	**rateable value**	**no. votes**	**status**
Bach John JJ	Hauponui 1,2 ; Okurawehoa 1; Te Hae pt	914	1	4	10840	3	P
Bach John JJ	Waiapu Blk I	135	2		1125		P
Bach John JJ	Wharekirauponga 4	188	2		1628		P
Barry D J & co	Awanui township	4	2		100	1	P
Barry D.J & co	Awanui township	26	3	25	550		P
Barry D.J & co	pt foreshore			20	200		P
Gudgeon Herman	Mangaoporo Blk VIII	306	1		2480	3	P
Gudgeon Mr Q & H.W	Wharekirauponga 1	756	1	19	7100	3	P
Gudgeon WE per MJ	Waiapu Blk V	459	2		5300	3	P
Gudgeon, Walter E	Pt. Wairoro 2	409	2	7	3754		P
Hay James	Mangaoporo Blk IV	184	2		1750	2	P
Holcroft Edwd. W	Whakaangiangi pt 3	474			4597	3	P
Hughes Mabel	Omaoroa 1B; 1c; 2A	3	2	14	65	1	L
Hughes Mrs Mabel	Awanui township	1		13	65		L
Hughes Nigel CR	Omaoroa 1A1 pt	1			20	1	L
Hughes Nigel CR	Omaroa 1C2	2	2	16	60		L
Hyland Michael	Awanui township	5	3	20	266	2	P
Hyland Michael	Awanui township	3	1	4	46		P

Hyland Michael	Awanui township		3	34	1480		P
Hyland Michael	pt foreshore			10	270		P
Kirk Annie L	Te Herenga I; 3K	44		20	1522	3	P
Kirk Annie L	Tikitiki Pt.		1		500		P
Manning L C K L + ors	Mangaoporo blk IV	73	3	23	660	3	P
Manning L C K L; DM Williams	Okuriwehoa 2	351			3036		P
Manning Llewellyn E	Mangaoporo Blk IV; VIII; Waiapu Blk V	740	2		7440		P
McNeil John H.	Te Wharau 1	130	1		1022	3	P
McNeil, John H	Arataha 2A	212			1845		P
McNeil, John H	Waiapu Blk.V	478			5375		P
McNeil, John H	Waihoaru 1B	53			377		P
McNeil, John H	Waihuka B3	87		17	675		P
Port Awanui Dumping Co	pt foreshore		1		550		P
Rickard Vioniu	Pt. Hahau 2		1		355	1	P
Rickard Vioniu	Pt Hahau 2		1		55		P
Sherlock John E.J	Whakaangiangi pt 4	449			4254	3	L
Simmons Wm Hy	Awanui township		1	37	50	1	L
Tikitiki Hall and Motor Co.	Tikitiki Pt.	1			2500		P
Waiapu Farmers Coop Co	Herupara pt 2A	5		17	72		P
Waiapu Farmers Coop Co	Herupara pt 2B1	4		6	54		P
Waiapu Farmers Coop Co	Lot 1 Herupara 2D	14	3	8	4000		P
Waiapu Farmers Coop Co	Lot 5 Herupara 2D	2	1	3	972		P
Waiapu Farmers Coop Co	Tikitiki Pt.	2			1250		P
Waiapu Farmers Coop Co	Herenga 4, 3A1	1			322		P
Walmouth, Henry	Awanui township	7	1	21	373	1	P
TOTAL		**6,536**	**1**	**18**	**79,095**	**37**	

Awanui Riding: Maori

Occupier	land description	A	P	R	rateable value	no. votes	status
Collier Sam	Awanui township			20	25	1	L
Goldsmith Tete	Marangairoa 1C6A	349		29	2015	3	L
Goldsmith Tete & George	Marangairoa 1C pt. 6C2	861			4479		P
Haenga Aniti	Poroporo 5pt	100			390	2	P
Haenga Aniti	Pukemanuka C2	95	2		1185		P
Haenga Kani	Poroporo 5pt	90	2		388	1	D
Haenga Makarita & others	Pouhautoa 2	15			190	1	C
Haenga Nopera	Tikapa a Hinekopeka 1	32			450	1	L
Haenga Paora & others	Marangairoa 1D18	25			1160	2	L
Haenga Paora & others	Taumata o te Whatiri North	35			200		C
Haenga Te Huihi	Waihuka B1B	272	3	3	2020	3	P
Haerewa Hauahawhi	Marangairoa 1c1A	607	1		1910	2	L
Haerewa Hihi	Pukemanuhiri 1	90		15	345	2	P
Haerewa Hihi & others	Aruhemokopuna 5C	5		22	34		P
Haerewa Hihi & others	Whakaari	60			735		P
Haerewa Matahaere & others	Maraehara F3	30		10	265	2	L
Haerewa Matahaere & others	Maraehara A6	93	1	28	770		L
Haerewa Whare	Maraehara A1	113		21	738	3	L

Haerewa Whare	Maraehara A5	64		23	545		L
Haerewa Whare	Marangairoa 1D 20	250			1685		L
Haerewa Whare & others	Maraehara A13	34	1	37	173		L
Haerewa Whare & others	Maraehara F2	16	1	37	146		L
Haki Henerieta	Waiapu BkI	1017			11707	3	L
Hanoa Pirihira & others	Pukemanuhiri 2	15	1	25	60	1	D
Honia Peihi & others	Marangairoa 1D4	300			740	1	L
Houkamau Ripeka & others	Marangairoa 1D 17	2			20	1	L
Huihui Warihi	Te Herenga K	3			70	1	C
Huriwai Hoani	Mangatawhito 1 South B2	107	3	25	888	1	C
Kaa Panikena & others	Marangairoa 1D14.	40			680	2	L
Kahaki Marara	Marangairoa 1C6C	52			127	1	L
Kahaki Te Ao & others	Marangairoa 1C6D	32			228	1	L
Kahawai Apikara	Omaeroa 2C	2	1	35	36	1	P
Kaiwai Tamati	Marangairoa 1D9	280			1825	2	L
Kani Est. of Timoti per Waikohai Koia	Waihuka B2B1	7		3	145		C
Kani Timoti	Poroporo 6pt.	600			2800	3	D
Kani Waiwera & others	Tikapa a Hinekopeka 4F	33	1	30	440	1	P
Kapa Rangi & others	Marangairoa 1D19 pt	320			2180	3	L
Kawhia Raniera & others	Omaeroa 1A2		2	6	10	1	C
Koakoa Mereana	Maraehara A10	2	3	21	20	1	L
Kohere Poihipi & others	Potikitangata	143			1873	3	C
Kohere Poihipi & others	Hahau 2pt.	801	2	15	12131		L
Kohere Poihipi & others	Hahau 1	130			1040		L
Kohere Rev. Poihipi & others	Aruhemokopuna 5A	8	2	55	146		P
Kohere Rev. Poihipi & others	Maraehara F	19	1	35	124		L
Kohere Reweti & others	Marangairoa 1D7	130			2120	3	L
Koia Waikohai	Pukemanuka pt A2	49	2		454		D
Kopuku Neho & others	Maraehara F1	6	3	6	74	1	L
Koromiti Tete & others	Marangairoa 1D1 pt.	1800			12300	3	P
Koromiti Tete & others	Marangairoa 1D3.	270			1685		P
Lima Thom M	Aruhemokopuna 6A & 6C	4	1	39	64	3	P
Lima Thomas & Edith May	Pouhautoa 1	278	3	20	2000		P
Lima Thomas M	Aruhemokopuna 1	17	2		170		P
Lima Thomas M	Aruhemokopuna 2	13	3	33	155		P
Lima Thomas M; Edith May	Aruhemokopuna 3 & 4	72	1	26	2270		P
Mahuika Hamana	Poroporo 3	300			2460	3	D
Mahuika Hamana	Whakarei 1	120			1054		C
Mahuika Hamana	Te Wharau 2B	206			2636		P
Mahuika Hamana	Paraauma 3pt.	274	2	10	2602		C
Makari Paratene & others	Maraehara A7	18	2	14	190	1	L
Manuel Est. of Ropata per R&B Manuera	Waihuka B4B	72	2	7	600		D
Manuel Frank	Poroporo 6pt.	800			3638	3	D
Manuel Frank	Tikapa a Hinekopeka 4B	29	2	30	310		P
Manuel Frank	Waihuka B2B2A	28		15	280		P
Manuel Frank	Waihuka B2B2B	105	1	2	835		P
Manuel Frank	Waihuka B5	94	1	13	692		P
Manuel Karaitiana	Marangairoa 1C6B	273	2	16	1150	3	L
Manuel Karaitiana & others	Marangairoa 1D1 pt.	400			2290		L

Manuel Robert	Waihuka B6B	43	2	4	302	3	D
Manuera Est. of Ropata per R&B Manuera	Waiapu Bk V	81	1		1005		C
Manuera Est. of Ropata per R&B Manuera	Te Waihoonu 2B2	25		26	555		D
Manuera Ropata	Pukemanuka pt A2	20	3		200		C
Manuera Ropata & others	Marangairoa 1D1 pt.	650			8300	1	L
Manuera Wm Tira	Te Waihoonu 2B1	18	2	18	140		D
Matanuku Henare	Herupara No. 1	429			3500	3	L
Matanuku Henare & others	Marangairoa 1D20	550			2200		L
Matirei Harata & others	Tikapa a Hinekopeka 3A1	34			340	1	L
Matirei Harata & others	Tikapa a Hinekopeka 4D1	23	1	19	217		L
Mauheni Rihore & others	Aruhemokopuna 6B	2			26	1	L
Mete Marara	Pukekaahu 1	127	3		1340	2	P
Mete Marara	Pukekaahu 3	63	3	20	530		P
Mokonui Mata & others	Maraehara A3	30	3	35	215	1	L
Moreti Heni	Herupara No. 2D	50	3	20	1310	2	L
Natives	Tikitiki pt	6094		29	76713		L
Nepia Atareta	Te Herenga F2	18	3		80	1	C
Ngakohu Arihia; Mokonui Mata	Maraehara A9	11	2		65	1	L
Ngakoko Mere	Poroporo pt.2	950			4530	3	L
Ngata Hone & Hopa Hourera	Waiapu BkI	1019			9774	3	P
Ngata Paratene	Awanui township			20	30	1	C
Ngata Paratene & Tuatara Hoki	Kai Inanga 1 & 2	130			770		C
Ngata Paratene (Jnr)	Maraehara B	1067	1		11450	3	P
Ngata Parearau	Herenga I3A2	2			76	1	P
Ngata Renata	Marangairoa 1B4	842			4190	3	L
Ngata Renata	Marangairoa 2A	385			2484		L
Ngata Renata	Marangairoa 2B1	340	3	33	2570		L
Ngata Renata	Marangairoa 2B2	149		7	1214		L
Ngata Renata & others	Poroporo No.1	1050			3675		L
Ngata Te Rua	Maraehara C	20	2	14	165	1	L
Ngata Te Rua	Maraehara D	21	2	33	177		L
Ngerengere Mita	Herupara No. 2A pt.	20	1	7	330	1	D
Oreore Tuta	Kuratau C2	105	2		345	1	C
Paati Wi & others	Tikapa a Hinekopeka 4D2	12	2	35	125	1	L
Paenga Hamiora	Poroporo 6pt.	2033	1	38	2568	3	D
Paipa Horomona Tio	Te Herenga A1	15	2		60	3	C
Paipa Horomona Tio	Te Herenga A2	278			2720		L
Paipa Horomona Tio	Te Herenga B1	8	3		90		C
Paipa Horomona Tio	Te Herenga B2	114			930		C
Paipa Horomona Tio	Te Herenga C	63			504		L
Paipa Horomona Tio	Te Herenga D1	18		21	190		C
Paipa Horomona Tio	Te Herenga L1 pt. to 3	161	3		1620		C
Paku Tamaio ahipene	Tikapa a Hinekopeka 3A2	88	2	21	1010	2	P
Paputene Hone	Paraauma pt.1						C
Paputene Hone	Poroporo pt.2	1420	3	37	6220	3	L

Paputene Hone	Poroporo 4pt.	259	3		910		L
Peihana Wiremu	Paraauma No.2	86			518	1	C
Pepere Wi	Arataka 3	30			270	3	P
Pepere Wi	Tapuaehikitea 2	186			1650		P
Pepere Wi	Te Wharau 3	148			1530		P
Pepere Wi & others	Te Wharau 2A	42	1	7	328		P
Poananga Henare & others	Marangairoa 1D1 pt.	30			170	1	L
Poananga Henare & others	Marangairoa 1D8	20			185		L
Pohatu Renata	Herupara No. 2B2	12	1	24	266	1	D
Pohatu Renata	Herupara No. 2D	43	3	20	710		L
Poi Hune	Pukemanuka B2	232		29	2274	3	P
Poi Pani	Tutu 2	285	2		1450	2	P
Pokonoi Eruoti	Omaeroa 1A1 pt		1	2	5	1	C
Props Ahikouka 2B per P Heihi	Ahikouka 2A	285			2065	3	P
Props. Ahikouka 1A per AT Ngata	Ahikouka 1A	78			846	3	C
Props. Ahikouka 1B per AT Ngata	Ahikouka 1B	157			675		C
Props. Ahikouka 1C per AT Ngata	Ahikouka 1C pt.	2012			28245		C
Props. Ahikouka 2B per P Heihi	Ahikouka 2B; Kuritau B & Wairoa 1B	3724	3	9	37002		P
Props. Ahikouka 2B per Pene Heihi	Wairoa 2A	30	1	15	290		P
Props. Haronga a te Kahu per A.T. Ngata	Haronga a te Kohu A/E	448	3	5	3320		C
Props. Kai Inanga per AT Ngata	Kai Inanga 3	551	2	20	4590		C
Props. Marangairoa 1C1B	Marangairoa 1C1B	1060	1	28	5290		L
Props. Marangairoa 1C1B per Panikena Kaa	Marangairoa 1C1Bpt	96			288		L
Props. Marangairoa 1C6F1 per Taau Koromiti	Marangairoa 1C6E1	1106	2	24	6948	3	L
Props. Waiomatatini & other blocks per AT Ngata	Te Herenga G; H; Herupara 2; Pukekaahu 2; Putiki; Te Hingaukaruai; Turitaka 1&2; Tutarawananga 1/2; Waihuka A; Waiomatatini	1666	3	33	21146		C
Props. Whakaamua per M Hyland	Taumata o te Whatiri Nth 3	33	3		266		P
Props. Whakaaumu per M Hyland	Taumata o te Whatiri 1A; 1D; 2A; 2B; 2C; Tikapa o Hine Kopeka 5; pt 6; 7; Whakaumu A; B	834	1	26	9203	3	P
Rairi Piripi & others	Marangairoa 1D19 pt	800			5540	3	L
Rairi Rahera	Marangairoa 1B4;	774			3432	3	P
Rairi Rahera & others	Marangairoa 1D16	7			1060		P
Rairi Rahera & others	Marangairoa 1B4	112			336		P
Raroa Henare	Tikapa a Hinekopeka 3B	88	2	19	905	2	L
Raroa Henare	Tikapa a Hinekopeka 4A	37		10	444		L

Raroa Henare & others	Aruhemokopuna 5D	4	3	26	35		D
Raroa Hoani & others	Marangairoa 1D 15pt	6			225	1	L
Raroa Pare & others	Marangairoa 1D10	390			2080	3	L
Rawiri Piripi & others	Marangairoa 1D5	1350			6265	3	L
Rawiri Piripi & others	Marangairoa 1D6	280			1930		L
Rima Mrs Peti	Mangaoporo Blk VIII & XII	843	3	10	7020	3	L
Rima Peti & others	Tikapa a Hinekopeka 4C	24	1	20	203		
Roki Ani Kani	Te Angaanga 2	20	2		84	3	L
Roki Ani Kani & others	Maraehara A4	4	3	8	255		L
Roki Ani Kani & Tuhiwai Potene	Hinetiaha	346			4374		L
Rukuata Enoka	Poroporo 5pt	400			2420	3	L
Rukuata Enoka	Marangairoa 1D11 pt.	190			1220		L
Rukuata Enoka	Marangairoa 1D11	350			1865		L
Rukuata Enoka & others	Marangairoa 1D12 pt.	60			420		L
Rukuata Enoka & others	Marangairoa 1D15	340			3475		L
Rukuata Enoka & others	Tarata	74	2		1041		L
Tairawhiti DM Land Bd	Tangihanga pt	1173	2	12	3030		D
Tawhiaohi Rauhuia	Maraehara A2	11		24	40	1	L
Te Herenga Station per Wi Pepere	Te Herenga L3A3 to 3A4	129	3	29	874	3	C
Te Herenga Station per Wi Pepere	Te Herenga L3B	184	2		830		C
Te Herenga Station per Wi Pepere	Te Herenga L3C	48			336		C
Te Herenga Station per Wi Pepere	Te Herenga L3D	196			1647		C
Te Herenga Station per Wi Pepere	Te Herenga L3E	642			4840		C
Te Herenga Station per Wi Pepere	Te Herenga L3F	48			454		C
Te Herenga Station per Wi Pepere	Te Herenga L3G	412			2710		C
Te Herenga Station per Wi Pepere	Te Herenga L3H	281	1	39	3290		C
Te Herenga Station per Wi Pepere	Te Herenga L3J	13	2		120		C
Te Herenga Station per Wi Pepere	Te Herenga L3L	18			162		C
Te Herenga Station per Wi Pepere	Te Herenga L3M	14	3	15	633		C
Te Hiwa Matiu	Marangairoa 1D12pt	110			650	1	L
Te Kawa Netana	Pouhautea pt 2	14	3	20	190	1	P
Te Kawe Irimana & others	Omaeroa 1D	8	1	7	84	1	P
Te Maro Herewini & others	Tikapa a Hinekopeka 4D3	23	3	26	238	1	P
Te Moana Aporo; Takauwhenua	Maraehara A8	17		5	157	1	L
Te Pumi Ratimira	Arataka 1	26			230	3	L
Te Pumi Ratimira; Pitiroi	Arataka 2B	440			3310		L
Te Pumi Ratimera	Whakarei 2	120			1040		L
Te Pumi Ratimera & others	Marangairoa 1D13	130			1315		L

Te Whare Horiana & others	Maraehara A11	28		10	192	1	L
Tihema Kereama & others	Tikapa a Hinekopeka 2	54			652	1	L
Tikitiki Hall & Motor Co	Tikitiki pt	1					
Totorewa Reweti	Awanui township		1		90	3	P
Totorewa Reweti & others	Marangairoa 1B4	1304			6265		P
Tuhaka Kaahu	Maraehara A12	8	2	30	60	1	L
Tuhaka Paratene	Te Herenga D2	132		12	1456	2	L
Tuhore Raniera	Te Angaanga 1C	66		10	390	1	P
Tupaoa Wi & others	Maraehara F4	10	2	27	75	1	L
Turei Dick	Te Angaanga 2A	6			44	2	D
Turei Dick	Marangairoa 1D1 pt.	130			1040		L
Turei Dick & others	Te Angaanga 1A	10	2		52		D
Turei Kararaina & others	Omaeroa 2B	8	1	7	105	1	C
Turei Kararaina & others	Omaeroa 2D	5		14	66		C
Turei Te Huihui	Wharekirauponga 2B	1	2	26	10	1	D
Waiaka Hemi; Haenga Kani & others	Te Angaanga 1B	29		20	102	1	L
Waiaka Hemi; Kani Haenga	Aruhemokopuna 5B	9	1	22	142		D
Waikare Hori & others	Marangairoa 1D 19 pt.	700			5000	3	L
Waikare Wi	Marangairoa 1B4	48			1325	3	L
Waikare Wi	Marangairoa 1B4	1040			2560		L
Wanoa Ngatai	Marangairoa 1B3	347			1090	2	P
TOTAL		**59,087**	**2**	**13**	**469,831**	**198**	

Piritarau Riding: Pakeha							
Occupier	**land description**	**A**	**P**	**R**	**rateable value**	**no. votes**	**status**
Barrett PW	Mangaoporo	577			2250	3	P
Barry DJ & Co	Manutahi 1A	1		24	4690	3	P
Barry DJ & Co	Manutahi 1A pt	8		34	150		P
Barry DJ & Co	Piritarau A & 1C	1		13	305		P
Barry DJ & Co	Piritarau pt.B		1	6	95		P
Barry DJ & Co	Piritarau 1A		1	34	80		P
Barry DJ & Co	Piritarau 1B	1	3	37	3810		P
Barry DJ & Co	Piritarau 1D	4		15	380		P
Barry DJ & Co	Manutahi No. 1A	1	2	18	70		P
Barry DJ & Co	Manutahi 1B1 pt.		1	32	50		P
Barry DJ & co	Manutahi 1A pt	1		14	25		P
Beach Herbert C	Mangaharei 1A	15	1	14	180	3	L
Beach Herbert C	Mangaharei 1B	76	2	26	600		L
Beach Herbert C	Manutahi 1A pt	61	2	27	935		L
Beach Herbert C	Manutahi 1B1 pt.	84	2	8	585		L
Beach Herbert C	Manutahi 1D	29	3	20	220		L
Beach Herbert C	Manutahi 2A4			22	125		L
Beach Herbert C	Rotokautuku 6K2A pt.	9	1	19	96		L
Beach Herbert C	Rotokautuku 6K2A pt.	6	3	32	711		L
Burnett Mrs Eva T	Ngamoe 2	210	3	20	2860		P

Burnett Mrs Eva T	Ngamoe 3B1A	69	2	28	1025		P
Burnett Mrs Eva T	Ngamoe 3B1B	49	3		785		P
Burnett Mrs Eva T	Ngamoe 3B1C/F, 5B1	168	3	39	2320	3	P
Clarke Josh	Mangawhariki 1F1	79		13	383		P
Clarke Josh	Mangawhariki 1F2	268	1	24	1449		P
Clarke Josh	Mangawhariki 1G	290	1	24	1872		P
Clarke Josh	Mangawhariki 1H	175		36	1270	3	P
Cotterill Geoffrey E	Makarika B pt.	30	2	11	4595		P
Cotterill Geoffrey E	Makarika C pt.	14	3	3	370		P
Cotterill Geoffrey E	Makarika 1 pt.	485	2	26	5335	3	P
Dalgairus Ivor S C	Manutahi 2A1			22	36	3	P
Ford Rangi W	Mangaoporo	1046	3		4010	3	P
Foser Leonard	Mangaoporo Blk XVI lot 1	2	1	11	40	1	P
Griffeths Harry	Rahui C10	49	1		1600	2	D
Hale Mrs Sylvia J Sherwood	Sec 1 Blk I Mata SD	1150			6000	3	P
Hale Mrs Sylvia J Sherwood	Taoroa 2D6	386	1	10	3100		P
Hale Mrs Sylvia J Sherwood	Taoroa 2D5B	118			900		P
Hills John F	Mangaoporo	533			2050	3	P
Hills John F	Mangaoporo Sec.7	4		13	45		P
Hogan Mrs	Ngawhakatutu pt. 5B	3	3		70	1	P
Hohnberg Cast M	Mangaoporo lot 4	1	2	22	700	1	P
Jackson Herbert M	Sec.8 Blk X Maungaoporo	90	3	10	215	2	P
Jackson Herbert M	Mangaoporo	504			1650		P
Johnston Wm. H O	Manutahi 2A7A pt.			11	40	1	P
Johnston Wm. H O	Mangaoporo lot 3	1		21	860		P
Kemp Athel L	Rotokautuku No. 1	798			7318	3	P
Kemp Athel L	Rotokautuku 2C2	38	3	13	410		P
Kemp Athel L	Rotokautuku 2F3A pt.	12	1	21	115		P
Kemp Athel L	Rotokautuku 2F3A pt.	35	1	35	295		P
Kemp Athel L	Rotokautuku 3A pt.	113	2		1795		P
Kemp Athel L	Rotokautuku 3A pt.	10	1	11	140		P
Kemp Athel L	Rotokautuku 2A2	52		39	490		P
Kemp Ralph	Pakira	1604			8310	3	P
Kemp Ralph	Rotokautuku No. 1	798			7317		P
Kemp Ralph	Rotokautuku 4	5	1	29	70		P
Kemp Ralph	Rotokautuku 5A pt.	49		19	390		P
Kemp Ralph	Rotokautuku 5A pt.	25	1	33	242		P
Kemp Ralph	Rotokautuku 5B	8	3	29	70		P
Kemp Ralph	Rotokautuku 5C	118		15	944		P
Kemp Ralph	Rotokautuku 5D2	16	3	17	135		P
Kemp Ralph	Rotokautuku 5D1	30			1050		P
Kirk Arthur W	Mangaroa pt. 2	110	2	25	955	3	P
Kirk Arthur W	Mangawhariki 3B	73	2	5	508		P
Kirk Arthur W	Manutahi 2A5			22	65		P
Kirk Arthur W	Manutahi 2A6			22	570		P
Kirk Arthur W	Matarau L6	1		26	100		P
Kirk Arthur W	Matarau L7		2	26	40		P
Kirk Arthur W	Matarau 1A3A	22		3	220		P
Kirk Arthur W	Matarau 1A3B	20	2	5	210		P
Kirk Arthur W	Matarau 1A4A	94	2		729		P
Kirk Arthur W	Matarau 1A4B pt.	2	3	26	22		P

Kirk Arthur W	Matarau 1A4B pt.	13	3	7	102		P
Kirk Arthur W	Matarau 1A4C	4	3	2	32		P
Kirk Arthur W	Matarau 1A4D	14	2	15	112		P
Kirk Arthur W	Matarau 1A4E		3	36	7		P
Kirk Arthur W	Matarau 1A6B		1	12	4		P
Kirk Arthur W	Matarau 1A6C	1		38	17		P
Kirk Arthur W	Matarau 1A6D	1		7	8		P
Kirk Arthur W	Matarau 1A7A	15	3	15	165		P
Kirk Arthur W	Matarau 1A7B	10	2	16	116		P
Kirk Arthur W	Matarau 1A8	21	1	26	270		P
Kirk Arthur W	Matarau 1A9A	5	3	1	44		P
Kirk Arthur W	Matarau 1A9B	15	1	16	90		P
Kirk Arthur W	Matarau 1B1 West 1B2	28			252		P
Kirk Arthur W	Matarau 1C pt.	2			18		P
Kirk Arthur W	Matarau 5B	84	2	18	768		P
Kirk Mrs Alice	Piritarau pt.B			11	675	1	P
Ludbrook Edw. R	Waiorongomai pt	4011			19470	3	P
Ludbrook Wm W	Waiorongomai pt	6822	3		11990	3	P
Ludbrook Wm W	Waiorongomai pt	2879			26245		P
Ludbrook Wm W	Waiorongomai pt	98			515		P
Ludbrook Helen W	Mangawhariki 5A	602		23	4238	3	P
McCork Samuel	Mangawhariki 1D	511	2	36	2548	3	L
McMememson WR	Mangaoporo	421			2150	3	P
McMillan Duncan	Crown land in Hikurangi IV	89	2		20	3	L
McMillan Duncan	Tapuwaeroa 2A2A	55	1	10	212		L
McMillan Duncan	Tapuwaeroa 2A2B	34	2		130		L
McMillan Duncan	Tapuwaeroa 2A2C	1258		30	5964		L
McRave James	Mangaoporo Sec.8	11	3	9	40	1	L
Neels Randell C	Mangaoporo Sec 9	5	1	22	35	1	L
Oakden Wm	Mangawhariki 7C	354	2	26	3290	3	L
O'Sullivan Michael F	Mangaharei 2A	144		27	1264	3	L
O'Sullivan Michael F	Ngawhakatutu pt.1	360			3600		L
O'Sullivan Michael F	Waitekoha 2	95	3	11	1200		L
Runciman Reo & Adam	Ahi o te Atua pt. 1	365		13	4235	3	L
Smythe Fred	Manutahi 1A pt		2		470	1	P
Smythe Fred	Mangaoporo lot 5	2	2	21	100		P
Smythe Fred	Mangaoporo Sec 10	4	3	12	35		P
Sommerville Arthur F	Taoroa 1 pt.	970	1	34	9630	3	P
Sommerville Arthur F	Taoroa 2A pt.	93	1	25	1160		P
Sommerville Arthur F	Taoroa 2C	407			3955		P
Sommerville Arthur F	Taoroa 2D ….	773	2	17	6125		P
Sommerville Arthur F	Taoroa 2D2	297			2335		P
Sommerville Arthur F	Taoroa 2D3A; 2D6 pt.	413	1	23	2915		P
Sommerville Arthur F	Taoroa 2D7 pt; 2D9 pt.	717			6115		P
Sommerville Mrs Ellen	Ahi o te Atua pt. B	725			6770	3	P
Sommerville Mrs Ellen	Makarika A, D, E, F, G, H, J, K, L, M	736	3	11	11380		L
Spratt James J	Matahiia No. 2 lot2	812			8237	3	P
Teplin James H	Tapuwaeroa lot 3 1B2	673			6493	3	P
Teplin Sarah C	Tapuwaeroa pt. 1A eastern	2610			19290	3	P
Tikitiki Hall & Motor Co.	Manutahi 1B1 pt.		1		1020		P

Travers George	Matarau D	4	2	39	1023	3	L
Travers George	Matarau J		2	26	330		L
Travers George	Matarau K	1	3	39	180		L
Travers George	Matarau 1A1B	10	2	15	105		L
Travers George	Matarau A2	1			18		L
Travers George	Matarau 1A6A	6	2	34	78		L
Travers George	Matarau 1B pt.11	11		17	130		L
Travers George	Matarau 1C pt.	10			90		L
Travers George	Rahui E	6		30	50		L
Travers George	Matarau 5B2A	3			30		L
Tuparoa Trading Co.	Manutahi 1A pt			5	20		P
Tuparoa Trading Co. per Dalgavios	Matarau 3 (of 2)	49	3	7	3480		P
Waiapu Board of Diocesan Trustees	Mangaoporo Sec 1 Blk XVI		1	35	10		P
Waiapu Farmers Coop Co	Manutahi 1A pt	4		20	620		P
Waiapu Racing Club per WH Johnston	Ngawhakatutu pt.4	121	3	28	1877	3	L
Waiapu Racing Club per WH Johnston	Ngawhakatutu A15	121	3	28	4545		P
Watkins Bertrand C	Ohinepoutea lot 4	4827	3	14	22770	3	P
Watkins Elizabeth M	Ohinepoutea lot 5	200			1970	2	P
Wicksteed Bertha	Rotokautuku 2A2	47		21	459	2	P
Wicksteed Bertha	Rotokautuku 2M2A	97			786		P
Wicksteed Bertha	Rotokautuku 2N2A	10	1	33	88		P
Wicksteed Bertha	Rotokautuku 2R1	99			570		P
Wicksteed Eliza M	Rotokautuku (many)	326		28	2821	3	P
Wicksteed Eliza M	Rotokautuku 2K pt.	21	2		225		P
Wicksteed Eliza M	Rotokautuku 2I pt.	22	2		332		P
Wicksteed Eliza M	Rotokautuku 6K4B	9	1	34	77		P
Wicksteed Robert H	Opoupawhero	237		38	2460	3	P
Wicksteed Rober H	Rotokautuku (many)	1271	3	38	9926		P
Wicksteed Rober H	Rotokautuku 2C1	33		37	380		P
Wicksteed Rober H	Rotokautuku 2G pt.	249		24	1882		P
Wicksteed Rober H	Rotokautuku 2G pt.	27		26	222		P
Wicksteed Rober H	Rotokautuku 2H pt.	124	1	8	252		P
Wicksteed Rober H	Rotokautuku 2H pt.	63	2	31	619		P
Wicksteed Rober H	Rotokautuku 2K pt.	8			64		P
Wicksteed Rober H	Rotokautuku 6A	15			1452		P
Wicksteed Rober H	Rotokautuku 6D	15	1	30	136		P
Wicksteed Rober H	Rotokautuku 6H	12	2	31	100		P
Wicksteed Robert H	Rotokautuku 6K1A	2	3	24	24		P
Wicksteed Robert H	Takamore 1	320			2080		P
Wicksteed Robert H	Takamore 2	54	2		520		P
Wicksteed Robert H	Takamore 3	622			4320		L
Wicksteed Robert H	Rotokautuku 2M1	59	3	7	534		P
Williams D John W	Tapuwaeroa 1B2 pt.	1494	2		11145	3	P
Williams Est of Ferard T per KS Williams	Tapuwaeroa pt. 1A1	3934			31066	3	P
Williams Harold E	Ngamoe 3A, 3B9A/F	349	1	30	5845	3	P
Williams Harold E	Raparapaririki	205	2	26	1210		P
Williams Harold E	Honokawa No. 2; Mangaparahi;	6036	3	7	34356		P

	Raparapaririki no. 4						
Williams Kenneth S	Aorangimaunga, no.1; Taitai 1A; and Sec. 1 Blk XVII Hikurangi	5136	1	32	44790		P
Williams Kenneth S	Taitai 1B, 1E	190	3	21	1297		P
Williams Kenneth S	Waiaranga 2	210	3	21	1760		P
Williams Kenneth S	Waiaranga 3	59		19	1170		P
Williams Kenneth S	Taoroa	129	2	6	1340		P
Williams Lilian M	Taitai 1C	52			325	3	P
Williams Lilian M	Taitai 1G	17	1	16	118		P
Williams Mrs Lilian M.	Matahiia No. 2 lot 1	1000			11935		P
Williams Mrs Violet L	Raparapaririki 2	3190			3420	3	P
Williams Oswald T	Raparapaririki 1; 6	1992	1		17170	3	P
Williams Oswald T	Raparapaririki	209		21	1240		P
Williams Thom. S	Tapuwaeroa 2B, 2C, 2D, Honokawa 1B; 2pt.	8060	2	33	49859	3	P
Williams Thom. S	Honokawa 3 & 5	7290			15088		P
Williams Thom. S	Matarau 4(of2)	2			920		P
Williams Thom. S	Raukumara East Sec.1blk XVII	264			1092		P
Williams Thom. S	Waikohu 2	775			6140		P
Willoughby Percy T	Mangaoporo	1		6	25	1	L
TOTAL		**87,969**	**3**	**35**	**571,573**	**134**	

Piritarau Riding: Maori							
Occupier	**land description**	**A**	**P**	**R**	**rateable value**	**no. votes**	**status**
Akena Hori	Rotokautuku 6K5B	6	3		90	1	P
Akena Hori	Rotokautuku 6K3C1A	1	2	21	20		P
Apuai Henare	Manutahi 2B1L pt.	5	1		95	3	L
Apuai Henare	Manutahi 2B2Z1	30			250		C
Apuai Henare	Ngawhakatutu A16	101			1750		P
Awatere Pehikura	Manutahi 2B2B pt.	12			280	2	C
Awatere Pehikura	Ngawhakatutu A11A	6	1	2	111		C
Beach Henrietta	Mangaoporo Blk XVI sec 12	4		3	140	1	C
Fox Tuhaka	Mataahu	4	1		300	1	P
Gerrard Harry	Matarau 1A1A	6	1	1	110	1	L
Grace Wi	Mangawhariki 7A	288	3	33	1646	3	P
Grace Wi	Matarau C pt.	1			413		P
Grace Wi	Matarau 1A5B	1	3	28	170		L
Grace Wi	Rotokautuku 6B	15			217		P
Haenga Korau	Waitekaha 5B5	110	2		1195	2	P
Haenga Korea & Te Hui Poneha	Manutahi 2B2T	2		10	30		P
Haenga Ruku	Rahui D2	15	3		275	1	C
Haenga Wiremu	Manutahi 2B2N	5	1	20	110	1	C
Haerenoa Areta & others	Rotokautuku 6K3C1B	1	1	24	20	1	C
Haerenoa Hakopa	Rotokautuku 6K3A	16			10	1	C
Haerenoa Hera	Ngamoe 1D2C pt.	166	3		1470	2	L

Haerereoa Hihi	Tutuwhinau 1C	258	1	13	1960	2	C
Haerereoa Raniera	Matehiia 1 pt.	701	3	32	7493	3	C
Haerewa Hohepa	Mangaharei 2B4	53			806	1	C
Hauraki Hamuera	Mangawhariki 5D	75	1		225	1	L
Hauraki Hamuera	Mangawhariki 5C	143	2		610		L
Heihi Pene	Reporua 2	360		39	2924	3	P
Hikitapua Tahina	Matarau 1A5A	1	3	1	310	1	L
Hoerara Renata	Ngawhakatutu A5C	46	1	9	658	1	C
Honia Rota T	Tokaroa 1A	121		20	905	3	C
Honia Rota T	Tokaroa 1B pt.	155	2		1340		C
Honia Rota T	Tokaroa 2A	135	1	24	1014		C
Honia Rota T	Tokaroa 2B pt.	103	3		785		C
Honia Rota T	Tokaroa 3B pt.	51		6	300		C
Honia Rota T	Tokaroa 4B2pt.	23	1	1	106		C
Honia Rota T	Waitekaha 4B pt.	33	2	22	255		C
Horowai Matiri & others	Totaranui 3B1	25	1	26	265	2	C
Horowai Matiri & others	Totaranui 6B1	96		31	785		C
Houkamau Tamati	Mangawhariki 5B	83	1		658	1	L
Iri Piki & others	Totaranui 2 no.7	403			3860	3	C
Kahawai Hakopa	Waitekaha 5B4	210			1855	3	C
Kahawai Hakopa	Matarau 5B6	50			478		L
Kahoki Tai & others	Totaranui 3A	38	2		277	2	C
Kahoki Tai & others	Totaranui 3B3	139	1	17	1165		C
Kaiwai Hera & others	Reporua 1	29	1	6	270	1	C
Kaiwai Hore	Manutahi 2B2S	24			395	1	L
Kaiwai Hori	Waitekaha 5B2	55			515		L
Kaiwai Timoti	Ngamoe 3B8A	11	2	2	137	1	L
Kaiwai Timoti	Manutahi 1B2	18	1	37	240		L
Kaiwai Timoti	Manutahi 1B3	18	1	37	280		L
Kaiwai Timoti	Manutahi 2B2X	3			30		L
Kaiwai Timoti	Matarau 5B2B	3			30		L
Kaiwai Timoti	Ngamoe 3B5B	12	3	25	90		L
Karaka te Ra & others	Ahi o te Atua 1	112		8	1120	2	C
Katia Rawiri	Ngamoe 3B4	8	3	15	1705	2	L
Katia Rawiri	Waitangi	35	3	9	230		C
Kauri Mere	Ngawhakatutu A5D	6	2		68	1	C
Kauru Mere & others	Waitekaha 5B1 pt.	18			125		C
Kawhia Raniera	Ngamoe 1B	494	3	12	3950	3	P
Kawhia Raniera E	Mangaharei 2B6	56			486		C
Kawhia Raniera E	Mangawhariki 5F	26	1	17	40		C
Koia Rawiri	Ngamoe 1A2C pt.	185		22	1400	2	L
Kotukutuku Mihi	Mangaharei 2B5	17			146	1	C
Maki Keita	Mangawhariki 5E	160	2		400	1	C
Maki Turei	Mangaoporo blk VI sec.1	1095			5725	3	P
Makinare Keti & others	Matarau 5B8	5	3	15	50	1	L
Makinare Kopi & Ihipera	Mangawhariki 1E	315	1	30	2100	3	L
Mamokare Hone & Ngarimu Tuta	Ngawhakatutu 5A	5	2	20	105	1	P
Manuel Te Oti & Kaupa Apirana	Whareponga 3Bpt	1098		30	8820	3	C
Maru Piniha	Ngamoe 1E2B pt.	460			4060	3	P
Matenga Whare	Taitai 1F	8	2	28	60	1	C
Matuakore Keita & others	Rotokautuku 6K3C1C	13	1	19	138	1	L

Matuakore Maraea	Rotokautuku 2O1	8		4	76	1	P
Mauwhare Hone	Ngawhakatutu A9	24	3	26	750	1	C
McClutchie Ben W	Mangaoporo blkX sec.1	1012			5855	3	L
McClutchie Ben W	Mangaroa pt. 1	134	1	15	1010		C
McClutchie Ben W	Mangaroa pt. 2	178	1		1350		C
McClutchie Ben W	Mangaroa pt.3	123	1		940		C
McClutchie Ben W	Manutahi 2B2C	1			100		C
McClutchie Ben W	Rahui C1	45	2	32	446		C
McClutchie Ben W	Rahui C2	75	3	15	630		C
McClutchie Ben W	Rahui C4	4	2		50		C
McClutchie Ben W	Rahui C5	43			398		C
McClutchie Ben W	Rahui C6	78			590		C
McClutchie Ben W	Rahui C8	20	1	8	120		C
McClutchie Ben W	Rahui D1	13	2		200		C
McClutchie Ben W	Rahui D4	6		30	66		C
McClutchie Ben W	Rahui D5	6			50		C
McClutchie Ben W	Rahui D6	21	2	30	165		C
McClutchie Ben W	Rahui D7	17	3		130		C
McClutchie Ben W	Waitekaha 1	49	2	30	1570		L
McClutchie Ben W	Waitekaha 3	36	3	29	308		C
McClutchie Ben W	Waitekaha 4A	65		37	455		C
McClutchie Ben W	Waitekaha 5A pt	131		12	1305		L
McClutchie Ben W	Waitekaha 5B6 pt	54		32	500		C
McClutchie Ben W	Mangaoporo Blk XVI sec 11	5	2	25	35		L
McClutchie Henare	Rotokautuku 6C2	3			40	1	C
McClutchie Josh W	Rahui C3	4			46	1	C
McClutchie Wm	Mangawhariki 1A	706	3	37	4940	3	C
McClutchie Wm	Mangawhariki 2A	328	1	23	1170		L
McClutchie Wm	Mangawhariki 6	347	2		520		L
Mihi Est. of Keita per Mihi Rire	Manutahi 2C1		3	20	20	1	P
Milner Hera Matakino	Mangaoporo blk XI sec.2	802	1		4425	3	P
Moana Wi	Manutahi 2B2R	6	1		125	1	C
Moeke Eru & others	Totaranui 2 no.2	35			450	3	C
Moeke Eru & others	Totaranui 2 no.4	3		34	430		C
Moeke Eru & others	Totaranui 2 no.8	201	1	15	1855		C
Moeke Eruera	Ngamoe 1D2D	395		12	3669		L
Moeke Eruera	Whareponga 1Bpt	171	1	8	1460		C
Moeke Eruera & others	Totaranui 4B	66	1		580		C
Moeke Peta	Mangawhariki 3A	76	3	39	634	3	C
Moeke Peta	Mangawhariki 4B	265	2	26	2770		C
Moki Makere	Ngamoe 3B3B pt.	47	3	27	470	1	L
Monika Ropata	Taikatiki	899			7160	3	P
Monika Ropata	Waiaranga 1	738	1	16	5925		C
Mu Turi	Waitekaha 5B7 pt	88			900	1	C
Nahu Ihaia	Ngawhakatutu A5E	59	2	30	594	1	P
Ngarimu Hamuera & others	Kokai 2	1233			13170	3	C
Ngarimu Makere	Ngamoe 1D2A	505	3		4400	3	L
Ngarimu Makere	Ngamoe 1E2A pt.	300			2612		L
Ngarimu Makere	Waitangi	130		24	1910		C
Ngarimu Makere & others	Matarau 5B10	9		20	80		L
Ngarimu Materoa	Manutahi 2A2			22	35	3	P

Ngarimu Materoa	Tapuwaeroa	322			3828		P
Ngarimu Tuta	Manutahi 2A3			22	40	3	L
Ngarimu Tuta	Totaranui 1	300			2500		L
Ngarimu Tuta	Tutuwhinau 1A	372	3	9	2720		L
Ngarimu Tuta	Tutuwhinau 1B	46	5	5	250		L
Ngarimu Tuta	Tutuwhinau 3	99			520		L
Ngarimu Tuta	Waiorongomai Waipiro 5	158			1205		L
Ngarimu Tuta & others	Totaranui 2 No.1	36	2	24	400		L
Ngatoto Hone	Manutahi 2B2U	9			125	1	P
Ngatoto Hone	Manutahi 2B2Z No.3	61	2		425		C
Ngawahi Est. of Hera per BC Watkins	Ohinepoutea lot 6	50			470	1	P
Ngawati Kararaina	Mangaharei 2B3 pt.	10			126	1	C
Pahau Peta	Rahui C7	9	2		90	1	C
Pahuru Pekama & others	Totaranui 2 no.6	69	2	2	770	3	C
Pahuru Pekama & others	Waihuka 2	565		14	4678		C
Pakaroa Hati	Matarau F		3	36	160		L
Pakaroa Hati	Matarau L8	1		29	110		L
Pakaroa Hati	Ngamoe 3B8B pt	54	1		506		L
Pakaroa Hati	Mangaharei 2B1 pt.	206	2	12	1865		C
Pakaroa Hati	Ngamoe 1C1	379	2		2957	3	P
Pakaroa Hati & others	Tapuaeroa 1B2 lot 2	486			3840		C
Pakaroa Hati & others	Matarau 5B7	5	3	10	50		L
Pakaroa or Wairama Apikara & others	Turangarahui	508			4233	3	C
Pakatai Ehau	Manutahi 2B2A	12	2		406	3	P
Pakatai Ehau	Manutahi 2B2Z2	65	1		395		C
Pakatai Ehau	Tapuaeroa 1B2 lot 4	87			800		P
Pakatai Mrs Ehau	Mangawhariki 2B	41	1	22	60	1	L
Pakau Hokianga	Manutahi 2B1P	19			390	1	L
Paraone Rawhiti	Mangaoporo Blk XI Sec. 2/3	1138			10420	3	C
Patara Tu & others	Matarau 5B4	3	2		40	1	L
Pepere Keita & others	Ahi o te Atua 2	636	1	32	6960	3	P
Pokai Henare & Tawhiorangi Rutu	Mangaoporo Blk XV sec. 1	772	3		6765	3	P
Pokai Pani	Ngamoe 3B7B pt.	10	3	16	95	2	L
Pokai Pani & others	Ngamoe 3B7B pt.	72	3	35	847		L
Pokai Pani (Tokena)	Ngamoe 3B7A	17	1	8	110		L
Pokeno Heni	Manutahi 1B4	18	1	36	174	1	C
Porourangi Rota	Waitekaha 5B3	70			600	1	C
Props. Ahi o te Atua per Ropata Mahuika	Ahi o te Atua pt. B	195			4110	3	C
Props. Ahikouka 2B per Pene Heihi	Reporua 3 pt.	681		29	6560		P
Props. Kahuitera per S. Ferris	Puhunga	791	2	28	5616	3	L
Props. Ngawhakatutu A1 per Hore Kaiwai	Ngawhakatutu A1pt	348	3	6	4800	3	L
Props. Ngawhakatutu A10A per Hokianga Pahua	Ngawhakatutu A10A	1463	3	15	3300	3	C
Props. Ngawhakatutu A10B per Wharepapa	Ngawhakatutu A10B	289	1	25	4460	3	P

Props. Ngawhakatutu A13 per Ehau Pakatai	Ngawhakatutu A13	12	3	10	705		L
Props. Ngawhakatutu A14 per Ehau Pakatai	Ngawhakatutu A14	252	1	20	2810		P
Props. Ngawhakatutu A15 per Kateraina Wahi	Ngawhakatutu A15pt.	83		12	1676	2	L
Props. Ngawhakatutu A18	Ngawhakatutu A18						P
Props. Ngawhakatutu A3 per Rutu Tawhiorangi	Ngawhakatutu A3	150	2	5	1400	2	P
Props. Ngawhakatutu A4 per Pehikura Awatere	Ngawhakatutu A4	1	2		1112		C
Props. Ngawhakatutu A45A per Hakopa Haereroa	Ngawhakatutu A5A	103	2		985		P
Props. Ngawhakatutu A6 per Horiana Atahira	Ngawhakatutu A6	101			1654	2	P
Props. of Ngawhakatutu A5B per Hemi Whakarara	Ngawhakatutu A5B	166	2	24	1305		C
Props. of Waipiro A6 per AT Ngata	Tutuwhinau 4	53	2		680	3	C
Props. Puhunga No. 2 per S. Ferris	Puhunga No.2	1232		12	16794		C
Props. Puhunga No. 2 per S. Ferris	Puhunga No.1	108	3		395		C
Props. Waikohu No. 1 per AT Ngata	Whareponga 2A	15		25	122		C
Props. Waikohu No.1 per AT Ngata	Tutuwhinau 1F	769	2	15	5460	3	C
Props. Waitangi 1 per Arnold Reedy	Waitangi 1	555			5400	3	P
Puhata Eparaima & others	Totaranui 6B2	473	3	9	3880	3	P
Pukata Henerietta	Totaranui 6A	19	1	8	180	1	C
Rakerake Horiana	Matarau G		1	14	210	3	L
Rakerake Horiana	Ngamoe 1A2B	429			3762		L
Rapana Maaka	Mangaoporo blk XV sec.3	13		38	195	1	C
Reedy John	Manutahi 2C3	3	2	30	110	1	P
Reedy Mataroa	Ngamoe 4B2 pt.	282	3		2791	3	L
Reedy Materoa	Mangawhariki 7B	474	1	21	2650		P
Reilly Est. of Josh	Matarau E		3	12	92		L
Rewarewa Hekiera	Ngamoe 1D2B	284	3		2448	3	C
Rewarewa Hekiera	Ngamoe 3B5 pt.	7	3	11	750		L
Rewarewa Hekiera	Ngamoe 3B6	48	1	20	682		L
Rewarewa Hekiera	Tapuaeroa 1B1	19			150		P
Rewarewa Hekiera	Tapuaeroa 1B2 lot 1	548			4010		P
Rire Hemi	Ngawhakatutu A8	6	1	10	155		L
Rire Hemi & Pine	Manutahi 2A7B pt			11	200	1	C
Rire Mihi	Manutahi 2C2	2	2	22	130		C
Rire Oine & others	Ngawhakatutu A7	8		37	234	1	P
Rui Hanara Ohaki & A Wairama & others	Kokai 1	87			870	1	C
Ruihi Maraea & others	Honokawa 4B	43	1	29	86	1	C
Ruirui Horiana & others	Waitekaha 5B6A	37	3	8	365	1	C
Tahuru Watene & others	Totaranui 2 no.3	261	2		2665	3	C

Tairua Mereana & others	Totaranui 3B1	398		37	4695	3	C
Tako Warihi	Mangawhariki 1B	540	3		3775	3	L
Tako Warihi	Mangawhariki 1C	2			225		L
Tamahore Pine	Matarau L4		1	10	40	1	L
Tamahore Pine	Matarau L9 pt.		2	33	40		L
Tamahore Pine	Matarau L9 pt.		1		15		L
Tamanahi Pinika	Manutahi 2B1Bpt.		2		495	1	P
Tamati Timi & others	Tutuwhinau 1E	106	3	1	655	1	C
Tamawhi Piniha	Matarau L5		2	6	50	1	L
Tamawhi Piniha	Ngawhakatutu A12	1	2	2	554		C
Tamihere Roka	Rotokautuku 2C2	7		23	60	1	C
Tangi Maora	Manutahi 2B2W	1	1		22	1	C
Tangitutu Peta	Manutahi 2B2E	1	2		60	1	L
Taotu Wi & Amiria Kapakapa	Taitai 1D	17	1	16	127	1	C
Tarewai Hamuera & others	Ngawhakatutu A2pt	213	1	32	1455	2	C
Tatae Wirihana	Rahui C9	11			110	1	C
Taukamo Keni	Ngawhakatutu A17						C
Tautahi Tahaka & others	Totaranui 4A	66	2	20	585	2	P
Tautahi Tuhaka	Waihuka 1	67	1	23	530		P
Tautahi Wi	Matarau L2			9	10	1	L
Tautuhi Tuhere & others	Paritutata	36	1	12	380	1	C
Tawhioarangi Rutu	Manutahi 2B2M	14	2		290		L
Tawhiorangi Rutu	Rahui D3	24			324		C
Te Atahaia Horiana	Manutahi 2B2K pt.	3			55	1	C
Te Atahaia Horiana	Manutahi 2B2Z5	6	2		40		C
Te Iri Haeriata	Mangaharei 2B3 pt.	20			262	1	C
Te Iri Tapita	Ngamoe 1E2C	75			648	1	L
Te Piri Reremoana & others	Ahi o te Atua 3	1111			595	1	P
Te Ra Mere Karaka & others	Totaranui 2 no.5	186	3	30	1750	2	P
Te Rapu Hami	Rotokautuku 3B	87			1286	3	P
Te Rapu Hami	Rotokautuku 6G	8	1	25	96		P
Te Rapu Hami	Rotokautuku 6K1B	3	3	6	50		P
Te Rapu Hami	Rotokautuku 6K1C	22		22	414		P
Te Rapu Hami	Rotokautuku 6K2C2	39	3	32	518		P
Te Rapu Hami & others	Manutahi 2B1D	1			60		P
Te Rapu Hami & others	Matarau 5B9	12	3	20	110		L
Te Rapu Hami Te Raiwa	Rotokautuku 2F1A	27	3	10	200	2	P
Te Rapu Hami Te Raiwa	Rotokautuku 2F1B	27	3	10	240		P
Te Rapu Hami Te Raiwa	Rotokautuku 2F2	30	1	6	240		P
Te Rapu Hami Te Raiwa	Rotokautuku 2F3B pt.	17	3	4	134		P
Te Rapu Hami Te Raiwa	Rotokautuku 2F3B pt.	26		6	235		P
Te Rapu Hami Te Raiwa	Rotokautuku 6K2B	26		15	309		P
Te Rapu Hami Te Raiwa	Rotokautuku 6K3C	45		37	585		P
Te Rapu Hami Te Raiwa	Rotokautuku 6C1	10	1		115		P
Travers Est. of Ruira	Matarau 1A5D	5	1	16	52	3	L
Travers Est. of Ruira per ISC Dalgarious	Mangawhariki 3D	402	3	26	3010	3	C
Travers Est. of Ruira per ISC Dalgarious	Mangawhariki 3E	79	2	24	346		C
Travers Est. of Ruira per ISC Dalgarious	Mangawhariki 2C	420		35	840		C
Tuahine Hirini	Waiorongomai pt	50			625	1	P

Tuahine Hirini	Waiorongomai pt	8			196		P
Tuheke Roka	Matarau 5B3	6			60	1	P
Tuheke Ropata	Matarau H	2		26	410	1	P
Tuheke Ropata	Matarau 5B1	1			15		L
Tuheke Ropata	Matarau 5B5	6	2		60		L
Urupa Apirana & others	Tutuwhinau 1D	90	3	2	540	1	C
Utu Turi	Manutahi 2B1V	13	3		190	1	C
Wairama Apikara	Matarau L3			18	20	2	L
Wairama Apikara	Ngamoe 1A2A	208			1618		P
Walker Raana	Mangaoporo Blk XII Sec.1	1220			12135	3	C
Warihi Tako	Ahi o te Atua 1	145	3	37	1430		C
Warihi Were	Manutahi 2B2F	3			120	1	C
Warihi Were & Te Rapu Hami	Rotokautuku 3E	25			10		C
Whakarara Hemi	Manutahi 2B2H pt.	5	2		76	2	C
Whakarara Tanera	Manutahi 2B2Z4	32	1	13	200	2	C
Whangapirita Eruera	Tutuwhinau 1H	39	3	4	200	3	L
Whangapirita Eruera & others	Tutuwhinau 1G	25			125		L
Whangapirita Eruera & others	Tutuwhinau 2	251			1970		C
Whangapirita Eruera & others	Totaranui 2 no.9	271	2	16	2475		L
Whangapirita Hati	Matarau C pt.	1			612	2	L
Whangapirita Hati	Matarau 1A5C	2	1	37	50		L
Whangapirita Te Hati	Mangawhariki 4A	112	2	14	835		L
Wharehuia Keepa	Mangaharei 2B3 pt.	10			126	1	C
Wharepapa Tarati	Ngamoe 2 lot 3	20			270		L
Wharepapa Tarati	Ngamoe 3B3A	15	1	20	220		L
Wharepapa Te Ao	Ngawhakatutu A11B	4	3	20	150	1	C
Wharepapa Wi Rangi	Mangaharei 2B2	25			246	1	C
TOTAL		**41,944**	**3**	**6**	**355,500**	**262**	

Waipiro Riding: Pakeha							
Occupier	**land description**	**A**	**P**	**R**	**rateable value**	**no. votes**	**status**
Allen Thom.W	Waipiro N/T			4	375	2	P
Allen Thom.W	Waipiro N/T	1	3	26	635		P
Allen Thom.W	Waipiro T/p	4		11	120		P
Beale AM Stevenson R & Tuckwell A	Waipiro N/T		2		1240	3	P
Beale AMS R & Tuckwell A	pt. foreshore Waipiro Bay			5	120		P
Beale Arthur M	Waipiro N/T	1	1	7	550		P
Beale Arthur M	Waipiro N/T			23	385		P
Beale Arthur M	Waipiro N/T		1	12	490		P
Beale Arthur M & Tuckwell A	Waipiro N/T	12		24	1350		P

Boyce Amy	Waipiro T/p	16	1	24	236	1	P
Boyce James	Waipiro T/p	19	1	13	295	1	P
Bruce David	Te Puia Suburbs	3	2	17	72	1	P
Claire James E	Te Puia secs. 15/22 suburbs	8		20	474	1	P
Cotterill Est. of LE per RJ Stephens	Hauturu pt.	2780			22297	3	D
Cotterill Geoffrey E	Orua 1	501			4405	3	P
Cotterill Geoffrey E	Orua 2	32	1	16	3015		P
Cotterill Geoffrey E	Orua 3	23		17	725		P
Cotterill Geoffrey E	Orua 4	100	1	15	1110		P
Cotterill L & G	Hikurangi sec.1 blk XIV	2000			15260	3	P
Cotterill L & G	Hikurangi sec.5 blk XV	1000			10270		P
Cotterill Mrs Elvina	Hikurangi sec.4 Blk XV	1000			7450	3	P
Doherty Christine	Tuakau Pirauau 1A3	1007	2	32	8398	3	P
Doherty John	Tuakau Pirauau 1A1	1095	2	16	9725	3	P
Doherty John	Tuakau Pirauau 1A2	1367	2	32	11780		P
Donet Archibald H	Paraeroa 2	700			5340	3	P
East Coast Commissioner	Mangaokura 1	2027			3040	3	P
Ersus Huxley D	Mata SD sec.1 blk V	1955			14575	3	P
Fox Francis WJ	Mata Sec.2 blk XIV; Waipiro SD sec.1 blk XIII	2642			4000	3	P
Garranton Wm	Waipiro T/p	11	2	36	320	1	P
Gibson Edward	Te Puia Suburbs	27	3	12	345	1	L
Gilmour Andrew K	Te Puia sec.1-2 pt. 3/6 blk II	1	1	28	240	1	P
Gilmour Andrew K	Te Puia Suburbs	16		37	180		P
Hale Robert G S	Tokomaru SD sec.1 Blk III	900			6300	3	P
Hale Robert G Sherwood	Mata SD sec.2 blk I; 2 blk V	1525			8625		P
Hale Robert G Sherwood	Mata SD sec.5 blk V	100			775		P
Hallier Wm	Te Puia Suburbs	18	3	13	250	1	P
Harris George T	Waipiro A18	176		32	1730	2	P
Hawera Parata	Waipiro T/p	6	1	12	265	1	D
Hewson Edith M	Waipiro N/T		2	37	300	1	P
Hill Henry	Te Puia sec. 9&11 blk IV	1	2	23	150	1	L
Hill Henry	Te Puia Suburbs	2			40		P
Hoberoft Elizabeth	Te Puia T/p		1	33	10	1	P
Huest Charles E	Waipiro N/T	44	2	23	1940	2	P
Hughes Nigil	Waipiro T/p	2	2	34	390	1	L
Ihungia Farming Co.	Kotorepaia 1	80			560		P
Ihungia Farming Co.	Kotorepaia 2pt.	213			1556		P
Ihungia Farming Co.	Paekawa 1A	450	2	21	2700		P
Ihungia Farming Co.	Paekawa 1B	275	2		1750		P
Ihungia Farming Co.	Paekawa 2	528			4024		P
Ihungia Farming Co.	Paekawa 3	935			7126		P
Ihungia Farming Co.	Paekawa 3	791			6001		P
Ihungia Farming Co.	Puketiti 3 lot 1	25		34	296		P
Ihungia Farming Co.	Puketiti pt.	2225	2	21	21365		P
Ihungia Farming Co.	Rangikohua 1A pt.	377			2922		P
Ihungia Farming Co.	Rangikohua 1B	118	1		874		P
Ihungia Farming Co.	Rangikohua 4A; 4B1; 4B2	1279	1	30	10555		P
Ihungia Farming Co.	Rangikohua 4B3	1197	2	10	10710		P
Ihungia Farming Co.	Rangikohua 5A	230			1772		P
Ihungia Farming Co.	Rangikohua 5B	26			193		P
Ihungia Farming Co.	Rangikohua 6	157			1160		P

Ihungia Farming Co.	Rangikohua 7/8	3221			26400		P
Ihungia Farming Co.	Ruangarehu 3	51	1	24	435		P
Ihungia Farming Co.	Ruangarehu 5	62	3		610		P
Ihungia Farming Co.	Waipiro A2 & A10	1121	2	7	8968		P
Irving Edward L	Waipiro N/T	5	1	10	70	2	L
Irving Edward L	Waipiro N/T	5		17	70		L
Irving Edward L	Waipiro N/T	13	2	32	250		L
Irving Edward L	Waipiro T/p	20	3		192		P
Irving Edward L	Waipiro T/p sec.6/7	42	2	33	930		P
Jamieson Est. of John per D McRae	Hikurangi sec.2 blk XVI	1507	2	16	13904	3	P
Jamieson Est. of John per D McRae	Hikurangi sec.7 blk XVI	34			300		P
Jamieson Mrs Alice L	Hikurangi sec.4 blk XVI	745			6230	3	P
Joblin Ernest N	Mata Sec.1 blk V	1197	1	39	8375	3	P
Johnson James R	Te Puia sec.3/4 blk III		2		130		P
Johnson James R	Te Puia sec.5/6 blk III		2	19	110	2	P
Johnson James R	Te Puia sec.7/9 bk III	1			240		P
Johnson James R	Te Puia Suburbs	2	1	13	40		P
Johnson James R	Te Puia Suburbs	33		33	546		P
Johnson James R	Te Puia Suburbs	1	2	19	40		P
Johnson JR	Te Puia sec.7/9 blk II		3		180		P
Jones Eli A	Te Puia sec. 2/5 suburbs	20	1	34	385	1	P
Kemp Est. of RW per H. Heald	Hikurangi pt. sec 5 Blk XIV	556			3480		P
Kemp Est. of RW per H. Heald	Hikurangi sec 3 blk XIV	2000			14610		P
Kemp Est. of RW per H. Heald	Hikurangi sec.2 blk XIV	2000			16940	3	P
Kirk Annie L	Waipiro N/T			14	600	1	P
Lomas Albert	SGR 96	5289			11620	3	P
Luck James F	Waipiro N/T	1		15	270	1	L
Luck James F	Waipiro N/T	5	2	12	100		L
Macpherson Murdo	Mata Sec.1 blk XI	672			4700	3	P
Maiver Charles E	Waipiro N/T		1	25	560	1	P
Maiver Charles E	Waipiro N/T	4	1	35	295		P
Mathison Oscar F	Te Puia Suburbs	1	1	16	40	1	P
McCracken Chas H	Te Puia sec. 8/14 suburbs	7	3	23	130	2	P
McCracken Chas H	Te Puia Suburbs	12	3	14	760		P
McCracken Chas H	Te Puia Suburbs	51	3		700		P
McCracken Thelma C	Te Puia Suburbs	6		2	80	1	P
McCullough Isabella	Waipiro 2G	1	1	24	25	1	L
McFarlane Hector A	Waipiro N/T		1	12	480	1	P
McGhee John	Te Puia Suburbs	20		4	260	1	P
Nugent John S	Waipiro A27	371	1	5	2260	3	P
Oates Wm	Te Puia Suburbs	1	1	1	20	1	P
O'Ryan W	Te Puia Suburbs	5			104	1	P
Pettie John F	Waipiro N/T	2		15	330	3	P
Pettie John F	Waipiro N/T	34	1	39	4532		P
Richards Percy E	Waipiro N/T	1	1	25	490	1	P
Roddick Andrew F	Te Puia T/p		2		10	1	P
Roddick John	Te Puia sec.6/8 sec. IV		3		45	1	P
Runciman Kenneth G	Mata Sec.2 blk XI	760	1	18	5320	3	L

Smith Catherine C	Te Puia T/p		3	2	25	1	P
Somerville Harold F	Hauana B	262			2285	3	P
Somerville Harold F	Orua %C1	38	2		260		P
Somerville Harold F	Orua 5C2	1459	1	8	12565		P
Southern Wm	SGR 92	2478			16544	3	P
Stevens Henry	Mata Sec.3 blk V	711	2	17	4975	3	P
Stevenson Richard	Waipiro N/T		1	7	480	1	P
Stock Ernest JM	Mata Sec.1 blk XIV	837		16	5855	3	L
Temple Arthur L	Te Puia T/p		2		100	1	P
Thompson Waldo S	Waipiro N/T		2	26	455	1	P
Verity Geo.H	Mata Sec.2 blk V	682	3	20	4770	3	P
Waiapu Board of Diocesan Trustees	Waipiro N/T		3	8	685		P
Waipiro Trading Co.	Waipiro N/T			29	3500		P
Wallis Arthur H	Hikurangi sec.2 blk VIII; 1 blk XII	1889			12874	3	P
Wallis Arthur H	Hikurangi sec.3 blk VIII; 2 blk XII	1167			7360		P
Wallis Arthur H	Mata SD sec.4 blkV	1095			8060		P
Wicksteed Fred	Hikurangi pt. sec 5 Blk XIV	1072			8458	3	P
Williams Arnold B	Hikurangi Paraeroa	308	3		2590		P
Williams Arnold B	Hikurangi sec 1 blk VI ….	1868			11248	3	P
Williams Arnold B	Hikurangi sec 1 blk VII; 2 blk XI	1775			11418		P
Williams Arnold B	Hikurangi sec.1 blk XI; 3 blk XII; 4 Blk VIII	1550			10742		P
Williams Arnold B	Hikurangi sec.1 blk XV; 5 blk XI	1286			9160		P
Williams Arnold B	Hikurangi sec.2 blk VII; 3 blk X	1850			11805		P
Williams Arnold B	Kotorepaia 2pt.	581			4430		P
Williams Arnold B	Pahiitaua 2	46			360		P
Williams Arnold B	Poroikamoana pt	803	1	11	10055		P
Williams Arnold B	Pouturu 2	2206	3		18610		P
Williams Arnold B	Puketiti pt.	3162			26855		P
Williams Arnold B	Puketoro	360			4090		P
Williams Arnold B	Rakautautini A	119	2	34	1252		P
Williams Arnold B	Rakautautini B	554	1	16	6300		P
Williams Arnold B	Rangikohua 1A pt.	1042	3		7823		P
Williams Arnold B	Ruangarehu 2	71	2		284		P
Williams Arnold B	Ruangarehu 6	2330			19850		P
Williams Arnold B	Te Waka 1	11	2	33	95		P
Williams Arnold B	Te Waka 2	41			353		P
Williams Arnold B	Waipiro 1D	46	2	37			P
Williams Arnold B	Waipiro A12 pt.	161	3	34	1295		P
Williams Arnold B	Waipiro A12 pt.	118			864		P
Williams Arnold B	Waipiro A12 pt.	129			1032		P
Williams Arnold B	Waipiro N/T		1	13	520		P
Williams Arnold B	Waipiro N/T	2			130		P
Williams Arnold B	Waipiro T/p	36	3	16	7500		P
Williams Arnold B	Whakamaratuna 1	283	2		2170		P
Williams Arnold B	Whakamaratuna 2	255			1800		P
Williams Denys WW	Puketiti 3 lot 2	30	3	19	296	3	P

Williams Denys WW	Ruangarehu & Puketiti lot 5	2549		20	23925		P
Williams Harry	Waipiro N/T		1	18	480	1	P
Williams Heathcote B	Hikurangi sec.4 blk XVI	13	3		40	1	P
Williams Meynek	Ruangarehu & Puketiti lot 1	993	2		9250	3	P
Williams Miss Mona C	Hauana A	970			7790	3	P
Williams Miss Mona C	Orua 5A	71			585		P
Williams Miss Zoe	Ruangarehu & Puketiti	382		36	3560	3	P
Williams Mona C	Orua 5B	36			260		P
Williams Quentin	Ruangarehu & Puketiti lot 2	617	2		5745	3	P
Willis Wm per Wall	Hikurangi sec 2 blk XV	1230			11972	3	P
Willis Wm per Wall	Hikurangi sec 3 blk XVI	640			4930		P
Willis Wm per Wall	Hikurangi sec.3 Blk XV	761			5730		P
Willis Wm per Wall	Puateroku 1	80			466		P
Wilson Mrs Jean SH	Mata SD sec.1 blk XVI	226	1	33	2035	3	D
Wilson Robert L	Te Puia Suburbs	16		33	342	1	D
Woodford Josh	Mata SD sec.1 blk VII	185			1570	3	P
Woodford Josh	Waipiro sec.1 blk IX	131			1110		P
Woodford Josh	Waipiro sec.1 blk V	69			580		P
TOTAL		**91,642**	**2**	**31**	**703,032**	**157**	

Waipiro Riding: Maori							
Occupier	**land description**	**A**	**P**	**R**	**rateable value**	**no. votes**	**status**
[…] Te Ao	Akuaku East 3A pt.	32	1		1320	2	P
[unreadable] per Rakau …	Waipiro A39	6			102	1	P
Fox Heki & others	Akuaku West 4B5	290	3	23	2650	3	P
Fox Tuhaka	Akuaku East no.1	12	1		330	3	P
Fox Tuhaka & others	Akuaku West 4B6	683	1	19	6150		P
Hikitapua Kawa	Waipiro A40	83	3	8	615	1	P
Hikitapua Mereana & others	Waipiro A33A	160	2	20	990	1	P
Hikitapua Ngarimu & others	Waipiro A42	53	2	33	1055	2	P
Huka Ema & others	Waipiro A15	422	2		3630	3	P
Kahu Matenga & others	Akuaku West 4B1C	550	1	23	6510		P
Kahu Matenga & others	Ohineakai 2F	133		26	1175	3	P
Kamara Paratene & others	Waipiro A26C	39	3	21	320	1	C
Kanoa Materoa	Waipiro 2Z5			20	5	3	P
Kanoa Materoa & others	Waipiro A22B	942	2	33	7536		P
Kanoa Materoa & others	Waipiro A46	146			332		L
Korohina Maraea & others	Akuaku West 4A	45	3	20	790	1	P
Korohina Maraea & others	Akuaku West 4B2	13		26	110		P
Kururangi Turingaro & others	Akuaku West 4B1A	6			300	1	P
Makemake Mihi	Waipiro A38	11	3	1	170	1	L
Maraki Tu[…]	Akuaku West 4B3	341	1	17	3065	3	P
Marikena Tio & others	Waipiro A35	148		23	1184	2	C
Matehe Hatara	Waipiro N/T		1	21	90	3	P
Matehe Hatara	Waipiro N/T	10	2	15	150		P
Matehe Hatara	Waipiro N/T	6	3	36	90		P
Matehe Hatara	Waipiro N/T	3	1	8	40		P

Matehe Hatara	Waipiro N/T	3	3	35	46		P
Matehe Hatara	Waipiro N/T	18	3	8	270		P
Matehe Hatara	Waipiro N/T	5	2	22	135		P
Matehe Hatara	Waipiro N/T	5	3	28	160		P
Matehe Hatara	Waipiro N/T	3		16	75		P
Matehe Hatara	Waipiro N/T	5		1	80		P
Matehe Hatara	Waipiro N/T	17	1	13	220		P
Matehe Hatara	Waipiro N/T	15	1		715		P
Matehe Hatara & others	Waipiro A16	1300	1	23	9948		P
Matehe Hatara & others	Waipiro N/T	1	3	36	2660		C
Matehe Taiawhio & others	Waipiro A21	521	3	26	4352	3	P
McThey Tuhaka & others	Ohineakai 2B	6	3	32	125	1	P
Morehu Haira te Rongo	Ohineakai 2A	13		4	145		P
Morehu Haira te Rongo	Ohineakai No.1	20	2		185	1	P
Nawaia Aomarama & others	Waipiro A33C	221	2	15	1375	3	C
Nawaia Mangaone & others	Waipiro A33B	293	2	20	1845		P
Nehu Tamati & others	Waipiro A34	942	3	8	4160	3	P
Nepia Atareta	Waipiro A25A	318	1	12	2544	3	P
Ngarimu Tuta & others	Akuaku West 1	204			1650	2	P
Nikamu Mere & others	Akuaku East 3D	494	3	29	3747	3	P
Omerangi Ripeka per Native Trustee	Waipiro A22A	190			1520		L
Pahoi Rahai & others	Akuaku West 4B4	143	1	35	1275	2	P
Parata Hare for Props. Waipiro A24	Waipiro A24	98	3	32	794	3	P
Parata Retimana	Waipiro A3A	618	3	26	5130		P
Parata Retimana	Waipiro N/T	4	1	25	400	3	P
Parata Retimana & others	Waipiro A4	886		16	6580		P
Pepere Keita & others	Pahiitawa 1A	38	3	15	460	1	P
Potae te Uranga	Waipiro A26A	197	3	14	1896	2	P
Potaka Hirini	Waipiro A23A		2		5	1	L
Potaka Hone	Waipiro A20	605	3	36	3804	3	P
Potaka Kereopa	Waipiro A23A	473		21	3704		L
Potaka Kereopa	Waipiro N/T			32	190	3	C
Props Waipiro A1 per Timihira Makemake	Waipiro A1	1088			8242	3	P
Props. Waipiro A21 per Pine Tamahori	Waipiro A29	1055	3		8460	3	P
Props. Waipiro A31 per Wi Potae	Waipiro A31	854	2	7	7899	3	P
Props. Waipiro A5 per Hare Parata	Waipiro A5	1186			9452		P
Props. Waipiro A6 per AT Ngata	Pahiitawa 1B	176	2	31	1975		L
Props. Waipiro A6 per AT Ngata	Pahiitawa 3	23	2		155	3	C
Props. Waipiro A6 per AT Ngata	Pahiitawa 4C	279	1	20	2770		C
Props. Waipiro A6 per AT Ngata	Waipiro A6	130			1036		C
Props. Waipiro A8 per Harai Taukairangi	Waipiro A8	1063	3	20	9000	3	P
Puakakau Riwai	Waipiro A14	198	2	38	1700	2	P
Raerena Ripeka	Pahiitawa 4A	127	3	3	970	1	C
Rare Wiremu & others	Ohineakai 2C	72	1	30	895	1	P
Rukuata Enoka & others	Pahiitawa 4B	100		17	750	1	C
Tairawhiti DM Land Bd	Pt. Maungawaru no.4	594					

Tako Manihi	Waipiro A25B	1022		38	8176	3	L
Tamepo Keti T	Waipiro A30	814	2	17	6573	3	P
Tamepo Renata	Waipiro A26B	845	1	5	6760	3	P
Taukairangi Harai & others	Waipiro A7	227	1	21	4720	3	P
Te Aua Koroniria	Waipiro N/T		1	7	50	1	P
Te Piri Heneti & others	Akuaku East 3B; 3C	839		11	6909	3	P
Te Reo Hohepa	Waipiro A32	162	2	30	1590	2	L
Tuhou Te Wera & others	Akuaku West 4B1B	212	3	15	1930	2	P
Waeroa Poti	Waipiro A40	103	2	16	1126	2	P
Waipapa Piripi	Waipiro A37	14		6	108	1	L
Wharehinga Potene & others	Waipiro A3B	528	1	37	3950	3	L
Wharekoto Hohepa	Waipiro A28	403	1	10	4063	3	C
Wharekoto Hohepa & others	Ohineakai 2E	127		35	1090		P
Wharepapa Henen	Waipiro A41	66	3	35	560	1	P
Wharepapa Mere	Waipiro A13	615	1	13	5676		L
Wharepapa Mere & others	Ohineakai 2D	164	2	3	2345	3	P
TOTAL		**24,917**		**35**	**207,589**	**124**	

Tokomaru Riding: Pakeha							
Occupier	**land description**	**A**	**P**	**R**	**rateable value**	**no. votes**	**status**
Arthurs Francis	Huiarua 3	4044			30000	3	P
Baker HC	Tawhiti 1C	38	2		380	1	D
Banes David	SGR 56	3656			29440	3	P
Bank of New South Wales	Tuatini N/T lot 1 of Blk 5			22	180		P
Bank of New South Wales	Tuatini N/T			27	900		P
Bank of New Zealand	Tuatini N/T pt. lot 6; lot 1 Blk IV		1	4	550		P
Barry DJ & Co.	Mangahauini 2A	13		34	11670	3	P
Barry DJ & Co.	Mangahauini 2B pt	25	3	3	720		P
Barry DJ & Co.	Mangahauini 2B pt	7	1	3	210		P
Bennett Hugh P & Mrs DVE	SGR 54	6300			57535	3	L
Brotherstone Emma J	Tokomaru 22		1		85	1	P
Brotherstone Emma J	Tuatini N/T lot 2 blk IV			12	500		P
Bruce David	Tokomaru A Lots pt. 4 pt. 2	7	1	21	1764	3	P
Bruce David	Tokomaru A lot 7	3	3	11	1190		P
Buniler Josh JR	Tuatini N/T	4		39	980	1	P
Burdett Clement H	Tokomaru B8pt.	9	1	10	130	1	L
Burdett Clement H	Tokomaru B8; B9E No. 1&2	15	2	27	240		L
Burdett Lilian G	Tuatini N/T		3	18	2180	3	P
Burdett Mrs Lilian G	Tuatini N/T	1		7	487		P
Burke Mrs Winifred	Tokomaru K6C2	324			3186	3	D
Burke Mrs Winifred	Tokomaru K8 pt.	285		31	2900		P
Busby Est. of Mrs MC	Tokomaru B4 A pt	12	2	18	3195	3	P
Busby Geo A	Tokomaru Lot 1		1	21	80	3	P
Busby Geo A	Tokomaru Pt. B2	93		27	1380		P
Busby Geo A	Tokomaru Pt. B2	57	3	5	722		P

Busby Geo A	Tokomaru B3; C; pt.D; Pt E; F	2787	1	13	35625		P
Busby Geo A	Tokomaru B4A pt	422	1	2	5544		P
Busby James	SGR 55	5049			41995	3	P
Busby Miss Agnes	Tokomaru D & I lot 4	1050			11112	3	P
Busby Miss Elsie	Tokomaru I/J lot 3	1002	3	15	10290	3	P
Canoll Peter A	Tokomaru B6B lot 1		1	31	270	1	P
Chaffey Geo	Tokomaru A lot 9	2	1	9	600	1	L
Conoli Thom J	Tokomaru A lot 8		3	34	580	1	L
Doig Sydney G	Tokomaru 16		1		70	2	P
Doig Sydney G	Tokomaru 17		1		70		P
Doig Sydney G	Tokomaru A Lots 26; 27		3	12	160		P
Doig Sydney G	Tuatini N/T pt. sec 5 Blk IV; lot 2 of Blk V			19	330		P
Doig Sydney G	Tuatini N/T pt. lot 5; pt. 7; lot 3 of 5 Blk IV			30	605		P
Dunne Wm	Tauwhareparae 1A1	59			760	1	P
Fairlie Hasbert H	Tawhiti 1B2	22		16	546	1	P
Fraser, Robert H	Anaura lot E	923			7844	3	P
Fraser, Robert H	Taumata Patiti 1B1; 1B2	669		17	5415		P
Fraser, Robert H	Taumata Patiti 2B No.1	59			420		P
Fraser, Robert H	Taumata Patiti 2B No. 2	164			2190		P
Fraser, Robert H	Taumata Patiti 2B No.3 pt	30	2		175		P
Gisborne Sheepfarmers Frozen Meat Co.	Tawhiti 1A2 pt	11	2	11	824		P
Gisborne Sheepfarmers Frozen Meat Co.	Tawhiti 1A pt; 1F pt	67		34	87230		P
Gisborne Sheepfarmers Frozen Meat Co.	Tokomaru A pt lot 7	27		31	1720		P
Gottwolly Manau	Tuatini N/T	1		14	35	1	P
Graham James G	Tokomaru 23; 25		2		700	1	L
Grant John P	Tawhiti 1B1L			31	35	1	L
Hall, Fred	Anaura lot 1	801			6900	3	P
Hall, Fred	Anaura lot 2	419			4190		P
Hall, Fred	Anaura lot 4	794			6660		P
Hall, Fred	Anaura lot B	416			3722		P
Hall, Fred	Anaura lot C	970	1	23	10115		P
Hall, Fred	Anaura lot D	208	3	19	1960		P
Hall, Fred	Anaura lot E pt	464			3836		P
Hall, Fred	Anaura lot G	387		4	3230		P
Hall, Fred	Nuhiti H2	647	3	13	11372		P
Hall, Fred	Waihoa 1A	23	2		166		P
Hall, Fred	Waihoa 1B	140			1017		P
Hall, Fred	Waihoa 2A	106	3	7	538		P
Hall, Fred	Waihoa 2B	64		19	434		P
Hanlon Mrs E	Tuatini N/T		1		660	1	P
Hollever Edward W	Tokomaru B6C	8	1	37	266	1	D
Hollever Edward W	Tokomaru B6D1	6	1	37	178		P
Hollever Edward W	Tokomaru B6B lot 2	20		17	150		P
Jefferd Chas G	Tokomaru I/J lot 1	1063		18	10815	3	P
Jefferd Mrs Eleanor	Tokomaru I, J & K3 lot pt. 5	1019	1	3	10580	3	P
Jefferd Mrs. Beatrice	Tokomaru I/J lot 2	1034			10744	3	P
Johnson Henry W	Tokomaru A Lot 24		1		710	1	P

Kelley Mary A	Tuatini N/T sec 1. blk I		3	20	610	1	D
Kettle Nathaniel	Tuatini N/T sec 4 Blk IV		1		490	1	P
King Robert E Gillau BM & King K.G	Nuhiti C1B	822	2		3707	3	P
King, Robt. E	Anaura lot E pt	67		35	940		P
King, Robt. E	Anaura lot F	253	1	12	2135		P
King, Robt. E	Nuhiti A2	315	2	8	2287		P
Law John	Tuatini N/T	3	1	28	300	1	P
Leigh Roderick F	Tokomaru K6B2	66	1		956	1	L
Lincoln Arthur G	Tauwhareparae 1A6 pt.	5		10	65	1	L
Lockwood Katere	Anaura lot 3	794			7832	3	P
Lockwood Katere	Nuhiti B2	433	2	1	3574		P
Lockwood Katere	Nuhiti L	10			40		P
Lockwood Wm	Nuhiti C2	615	2	30	4413	3	P
Loriel Mrs Jane E	Nuhiti H1A H1B	204	2	25	1204	2	P
Malyon Mrs Minnie	Tokomaru K6B1	143	1		1282	2	P
Masonic Lodge Trustees	Tuatini N/T			12	1100		P
Matson Mrs Minnie	Tauwhareparae 1B 1/4	540			4510	3	P
McCullock Wm	Tuatini N/T		1	6	360	1	P
McKee Sam	Waima T/p			27	255	1	D
McLeod miss Constance	Nuhiti E	293	3	5	1535	3	P
McLeod miss Constance	Nuhiti F1; F2	736	3	1	3515		P
Mill Wm B	Hikurangi Blk XVI	261	2		2172	3	P
Mill Wm B	SGR 57	4230			37020		P
Mill Wm B	Tuatini N/T	30	3		240		P
Moose Daniel P	Ongaruru lot 1		1		360	1	L
Moose Daniel P	Ongaruru lot 2			27	40		L
Murphy Edward R	Tauwhareparae 1A5A	37	3	21	110	3	P
Murphy Edward R	Tauwhareparae 2B	4083			35432		P
Murphy Edward R	Tokomaru B6Bpt.	14	2	31	530		P
Murphy Grace E	Tokomaru K2	377		10	4270	3	P
Murphy John R	Tokomaru K1	772		10	8168	3	L
Murphy John R	Tokomaru K4B2 pt; K4B3; K4B4 pt.	558		35	5400		L
Murphy Mrs Grace	Tauwhareparae 2A	1042			7480		P
Murphy Mrs Grace	Tokomaru K7B pt.	619			10464		P
Murphy Mrs Madeline M	Tokomaru K4A; K4B 1/2; K4B 4/5	1940	2	20	18580	3	L
Murphy Robert K	Tauwhareparae pt lot 1	13092			101755	3	P
New Zealand Shipping Co	Waima T/p			31	35		P
NZ Shipping Co.	Tawhiti 1F lot 1	2		32	10390		P
NZ Shipping Co.	Tokomaru 8; 9; 10; 11	1			1150		P
Oates Geo	Tuatini N/T		2		260	2	P
Oates Geo	Tokomaru A lot 1 of 1	1	2		1065		P
Oates Josh	Tokomaru A Lot 32	1	2		305	3	P
Oates Josh	Tokomaru A lot 5	2			850		P
Oates Josh	Tokomaru B4B1	43	3	36	780		P
Oates Josh	Tokomaru B4B2A	21	3	27	368		P
Oates Mrs Judith	Tokomaru A lot 1 of 1	1	1	4	720	1	P
Oates Norman B	Tokomaru 15		1		620	1	P
Oates Wm	Tokomaru B4B2B	65	3	1	1040	3	P
Oates Wm	Tuatini N/T		1		200		P
Oates Wm	Tuatini N/T	1	2		1220		P

Oates Wm	Tuatini N/T	1	3	36	2200		P
Oates Wm	Tuatini N/T	6		8	1020		P
Oates Wm	Tuatini N/T	2	2	18	550		P
Oates Wm Sam Wm	Mangahauini 4C	2	3	30	220	1	P
Oates Wm Sn; Wm Jnr & Geo	Waima T/p sec. 8			35	255	1	P
Oates Wm Snr Wm Jnr	Tuatini N/T		1		100		P
Peach Jas L	Tokomaru B6A	1		17	300	1	P
Piper W	Tokomaru B7	10			519	1	P
Pollock Wm	Tuatini N/T		1		460	1	L
Pollock Wm & Emery A	Tokomaru 14		1		440		L
Poppet Geo J	Tuatini N/T		1		1460	2	P
Preysbyterian Church Property per W Conerie	Tuatini N/T		1	3	260	1	P
Redstone J H	Mangahauini 7		1	1	190	1	P
Reynolds GM & Est of R	Tauwhareparae lot 2	2101			17880	3	P
Reynolds GM & Est of R	Tauwhareparae 1 of 1; 1 of 3	907			10475		P
Reynolds GM & Est of R	Tauwhareparae 3A lot 1	156	1	24	1360		P
Reynolds GM & Est of R	Tokomaru K6C1	324	2	14	3186		P
Roberts John J	Mangahauini 7		1		430	1	P
Sampey Leonard E	Tokomaru B5D	35	1	5	465	1	P
Savage John J S	Tokomaru 12; 13		2		206	3	L
Savage John J S	Tokomaru A Lots 5/6; 29; 30; 31		1	14	80		D
Savage John J S	Tokomaru B4B3	11			177		D
Savage John J S	Tokomaru B5E no.3	137		6	1570		D
Shepherd Arthur	Tokomaru G2A No.2A	47	3	7	300	3	P
Shepherd Arthur	Tokomaru G2A1	95	1	6	645		P
Shepherd Arthur	Tokomaru G2A No.2A	49	2	23	325		P
Shepherd Arthur	Tokomaru G2B	129	2	29	660		P
Shepherd Arthur	Tokomaru Hpt.	96		29	1424		P
Shepherd Arthur	Tokomaru G2A1	95	1	22	648		P
Smith Arthur H	Tawhiti 1E1A; 1E2; 1E5A	113	3	39	1018	3	L
Smith Arthur H	Tawhiti 1E1B1; 1E1B2; 1E3; 1E4B;	434	1	31	3800		L
Smith Arthur H	Tawhiti 1E4A	20	2		150		L
Smith Madeline	Waimihia 1	14	2	34	148	2	L
Smith Madeline	Waimihia 2	99	2	4	1530		L
Spencer Chas C	Tauwhareparae 1E	252			1780	3	P
Spencer Chas C	Tauwhareparae 1F	918			7957		P
Spencer Samuel K	Tokomaru L/M	200			160	1	P
Steed Lynn A	Tuatini N/T		1	10	280	1	P
Steed Lynn A	Tuatini N/T		1		100		P
Thompson Frank	Tokomaru 18/19		2		620	1	P
Tokomaru Farmers Coop	Mangahauini pt 7			5	350		P
Tokomaru Farmers Coop	Tawhiti 1B1R; 1B1S			29	230		P
Tokomaru Farmers Coop	Tawhiti 1B1T			19	66		P
Tokomaru Farmers Coop	Tokomaru A Lot 28	1			730		P
Tokomaru Farmers Coop	Tokomaru Lot 1 B4A	1	2	16	100		P
Tokomaru Farmers Coop	Tuatini N/T Sec 3; 4A1pt.; 4A2 pt; 4B; 4C2 of II	1		21	6930		P
Tokomaru Farmers Coop	Tuatini N/T secs. 1/4 Blk III	3		36	834		P
Tokomaru Farmers Coop	Tuatini N/T secs. 1/3; 8 blk	1	1	37	2620		P

	IV						
Tokomaru Farmers Coop	Tuatini N/T	1	2		610		P
Tokomaru Farmers Coop	Waima T/p			21	190		P
Tunnicliffe Bernard K	Mangahauini 7		1	1	190	1	L
Waiapu Bd of Diocesan Trustees	Tokomaru Lot 1		2	18	190		P
Waiapu Bd of Diocesan Trustees	Tokomaru Lots 2 & 4		3	12	280		P
Wallis Arthur H	Piranau 1	80			255	3	P
Wallis Arthur H	SGR 53	3259			29628		P
Wallis Arthur H	Tokomaru Blk I Sec.1	186			1305		P
Wallis Jane	Tuakau Pirauau 1B2	310			1950	2	P
Watt Mary J	Tauwhareparae 1A2	141	3		610	2	P
Watt Mary J	Tauwhareparae 1A3	49	3	12	175		P
Watt Mary J	Tauwhareparae 1A4	50	3	15	220		P
Watt Mary J	Tauwhareparae 1A5B pt	37	3	8	114		P
Watt Mary J	Tauwhareparae 1A5B pt	76	2	12	570		P
Wickens Frank	Tuatini N/T	2	1	22	250	1	P
Wilkins Alfred K	Mangahauini pt. 7	6		8	110	1	L
Williams and Kettle	Tokomaru Lots 3; 5; 6; 7	1			350	1	P
Williams Booder S	Nuhiti A1	24		15	195	1	P
Williams Boran S	Taumata Patiti 3A	71	1	4	522	1	P
Williams Francis J	Taumata Patiti 1A	211	1	31	860	3	P
Williams Francis J	Taumata Patiti 4	4516			27100		P
Williams Francis J	Tauwhareparae pt. 1 lot 2	25	1	16	552		P
Williams Francis J	Tauwhareparae Pt. 1 lot 1	9	2	36	750		P
Williams Francis J	Tokomaru Pt. 1 BlkXV	17	3	21	213		P
Williams Francis J	Taumata Patiti 2B3 pt.	8	2		35		P
Williams Heathcote B	Huiarua 2	19436			108000	3	P
Williams Mrs E F	Tauwhareparae 2 of 3A	5187	3	7	36262	3	P
Willow John	Tokomaru BD2 lots 1/3	2	3	2	500	1	P
TOTAL		**108,355**	**2**	**14**	**1,027,610**	**177**	

Tokomaru Riding: Maori							
Occupier	**land description**	**A**	**P**	**R**	**rateable value**	**no. votes**	**status**
Ana Iritana & others	Mangahauini 1A25		1	7	30	1	L
Aratapu Harata & others	Tokomaru G1B	160	1		1322	3	P
Aratapu Hareta	Tokomaru K4C2B	901		26	8737		P
Babbington John	Tokomaru B6D2	40	2	15	1210	2	P
Fairlie Peti	Waima T/p Sec 57		1	17	55	1	P
Ferris Chas Wm & others	Nuhiti M	43	3		1032	2	L
Forrester Peti	Mangahauini 1A33			32	70	1	P
Gerard Wharo & others	Tokomaru B9D	94	1	11	2096	3	C
Hautapu Haterei	Mangahauini 1A5			39	20	1	C
Hautapu Ropehana	Mangahauini 1A7			37	20	1	C
Hautapu Tamati	Tawhiti 2B	89	2		495	2	C
Hautapu Tamati & others	Tawhiti 1A1	8	3		370		C

Hautapu Tamati & others	Waima T/p Sec.11&12		1	33	200		C
Hautapu Tamati & others	Waima T/p Sec 28		1	3	30		C
Huhu Naupa	Mangahauini 1A41		1	5	50	1	C
Huhu Rutene & others	Tawhiti 1E5B	209	1	16	800	1	C
Huhu Urupa	Mangahauini 1A31		1		20	1	C
Hutana Peia	Mangahauini 1A34		1	21	320	1	L
Ka Tunua	Mangahauini 7 lot 8		1	1	405	1	L
Ka Tunua	Mangahauini 7 lot 9		1	1	90		L
Kanoa Hemi	Waima T/p Sec 52		1		50	1	C
Kanoa Hemi	Waima T/p Sec.21&22		2	16	50		C
Kanoa Hemi & Materoa	Waima T/p Sec 53		1		50		C
Kanoa Materoa	Waima T/p Sec 54		1		50	2	C
Kanoa Materoa	Mangahauini 7 lot 10		1	32	770		P
Kanoa Materoa	Waima T/p Sec.19&20		1	8	60		C
Kanoa Materoa & others	Mangahauini 1A9			36	20		C
Karaka Hohua	Nuhiti C1A	127	2		575	1	C
Karaka Hohua	Nuhiti N	17			380		C
Kawena Mikaere	Mangahauini 1A50		1	8	105	1	L
Kawena Mikaere	Waima T/p Sec.17			24	20		L
Kawena Mikaere & others	Mangahauini 1A49		1	8	100		L
Ketokete Eruera & others	Mangahauini 1A30			31	30	1	C
Kiakai Horena & others	Mangahauini 1A54	1	3	33	220	1	C
Kilbarow More & others	Mangahauini 4A	2	3	25	180	1	C
Kirituri Hami	Nuhiti B1	28		16	86	1	P
Komara Mere K	Waima T/p Sec 36			38	30	1	C
Kopua Patari & others	Mangahauini 1A3		1	1	20	1	C
Kopua Whakamau	Waima T/p Sec 45, 46		2		120	1	C
Kopua Whakamau & others	Mangahauini 1A58		2		20		C
Koria Poia	Mangahauini 1A12			37	20	1	P
Koria Timi	Mangahauini 1A11			37	20	1	P
Kouka Wiremu	Tokomaru B9B	26	2	4	745	3	P
Kouka Wiremu	Tokomaru B9C	5	1	38	1020		P
Kouka Wiremu	Tokomaru B9F	11	3		200		P
Kouka Wiremu	Tokomaru B9G	29		13	360		P
Kouka Wiremu	Tokomaru B9H	2		36	20		P
Kouka Wiremu	Tokomaru B10A pt.	5	3	16	80		P
Kouka Wiremu	Tokomaru B10A pt.	13	1	35	170		P
Kouka Wiremu	Tokomaru B10B	30	1	9	400		P
Kouka Wiremu	Tokomaru B10C	52	2	23	810		P
Kouka Wiremu	Tokomaru B10D	181			1140		P
Marokena Paui	Mangahauini 1A18		1		50	1	C
Marutu Hera	Waima T/p Sec 56		1		40	1	L
Matekino Harata & others	Waima T/p Sec 41		1	13	30	1	C
Mauaponu Whatahoro & others	Mangahauini 4F	2	3	19	160	1	C
Maukau Neni	Waima T/p Sec 31		1		30	1	C
Mawhata Harata	Mangahauini 1A57		2	22	20	1	L
Mawhata Maora & others	Mangahauini 1A17			39	50	1	L
Mawhata Ripeka & others	Mangahauini 1A44		2	7	20	1	C
Mawhata Te Awaroa & others	Mangahauini 1A16			39	30	1	C
McClutchie Cecelia	Nuhiti D2	664	3	39	2765	3	C
McClutchie Wm	Nuhiti N3	18			240	1	C

McClutchie Wm	Nuhiti D1	60			166		C
Moa Pani	Waima T/p Sec 29		1	21	45	1	P
Morua Wi Pakau	Waima T/p Sec 49, 50, 51		3	24	390	1	C
Mulligan Tori	Tawhiti 1B3pt.	64	3	23	1230	2	C
Mulligan Tori	Tawhiti 1B3 pt.		2		250		C
Murua Wi Pahau	Mangahauini 1A8			36	20	1	C
Nepia Tana	Mangahauini 1A48		1	8	80	1	L
Ngata Paratene	Waima T/p Sec 33		1		30	1	L
Ngatoto Hone	Waima T/p Sec 34		1		55	1	C
Paaka Pokama	Tuatini N/T			20	160	1	C
Paea Erena & others	Tokomaru K7B pt.	14	2		130	1	P
Paerata Rawhiti	Ongaruru T/p			27	40	2	L
Paerata Rawhiti	Ongaruru T/p	2		11	1840		L
Paerata Tuikena	Waima T/p Sec 42		1	8	30	1	C
Paheroa Hera	Mangahauini 1A36			35	80	1	P
Pahewa Apirana	Mangahauini 1A40		1	11	80	1	L
Pahewa Rev. Hakaraia	Waima T/p Sec 55		1		40	1	L
Pahina Himiora	Tokomaru B8; B9 no.4	75	2	38	1885	2	P
Pahito Mate	Mangahauini 1A27		1	5	30	1	C
Parekohai Rawinia	Mangahauini 1A51		1	8	80	1	L
Parfitt Clare R	Waima T/p Sec.10			31	50	1	L
Patapu Pani	Nuhiti G1; K1	144	1	19	890	1	L
Peneti Keepa	Mangahauini 1A14			38	20	1	C
Peneti Neri	Waima T/p Sec.6A			12	20	1	C
Peneti Neri	Mangahauini 1A13			38	20		C
Pewhairangi Mikaera	Tokomaru B1	101	1	22	1183	3	P
Pewhairangi Mikaera	Tokomaru K5	817	1	13	8085		L
Poai Rawiri	Mangahauini 1A6			38	20	1	C
Ponoa Harete	Mangahauini 6E	1		15	190	1	L
Porter Thomas R & Donald K	Tawhiti 2A	92	2		92	1	C
Porter Thr R & Donald K	Tawhiti 1D	46	2	24	200		C
Potae Enoka	Nuhiti G2; K2	712	2	22	4638	3	L
Potae Mere Arihia	Mangahauini 4E	2	3	32	160	1	P
Potae Mere Arihia	Mangahauini 6D	1		15	540		L
Potae Te Keanga	Tokomaru K4C2A	108		4	695	1	P
Potae Te Rina	Tokomaru G3A	47	1	22	353	3	P
Potae Te Rina	Tokomaru G3B	847		2	9110		P
Potae Te Rina	Tokomaru G3C	60	1	26	570		P
Potae Te Rina	Tokomaru G3D	35		21	374		P
Potae Te Rina	Tokomaru G3E	60		22	450		P
Potae Te Uranga & Roka	Tokomaru K4C1	81	2	14	794	1	P
Potae W. H	Tokomaru E	369	1	22	4045	3	P
Potae Wi H	Anaura pt. lot 4; lot 5	1051	3	9	9494		P
Potae Wi H	Mangahauini 4B	2	3	25	160		P
Potae Wi H	Tuatini N/T	1	2	18	3170		P
Potae Wi H	Tuatini N/T		1		610		C
Potae Wi H	Tuatini N/T		2		315		C
Potae Wiremu	Tokomaru 1 of E	350			5234		P
Potaka Hone & others	Mangahauini 1A26			33	20	1	C
Potini Peta	Nuhiti N.2	5			100	1	P

Props. Hautonoa per Geo Ryland	Hautonoa & Islands & Tawhiti 2	150	2		400		C
Props. Mangahauini per Geo Ryland	Mangahauini 1B; 1C; 1D; 1E; 1F; 1H; 1J; 1K; 1L; Tawhiti 1F1; 2C; 2D; 2E; 2F; 2G; 2H; 2I; 2K	3910	1	7	15360		P
Props. Mangahauini per J Newton	Mangahauini 7 pt.			10	900		P
Props. Mangahauini per J Newton	Mangahauini 7A2; 7A4; 73/N; 7B; 10A; 10J; 10R; 11A/E; 14/15; 16A/D; 17	5767		23	71800	3	P
Props. Mangahauini per J Newton	Mangahauini 7 A1		3		570		P
Props. Tokomaru B5A per H Fairlie	Tokomaru B5A; B5E1; B5E2A; …	585	3	38	5794	3	P
Raerana Huhau & Peter	Mangahauini 1A52		1	8	80	1	L
Raerena Hori	Waima T/p Sec.3			24	50	1	P
Raerena Taare Tipaeta	Waima T/p Sec 60			22	10	1	P
Raerena Taui	Mangahauini 7 lot 11		1	13	140	1	P
Raerena Taui	Waima T/p Sec.2			24	50		P
Raerena Tipaeta Tracey & others	Waima T/p Sec 30		1		45	1	P
Raeuma Keti	Mangahauini 1A53		1	17	180	1	P
Rangi Renata & others	Mangahauini 6B		2	7	90	1	C
Richards Clare Mere & others	Mangahauini 1A23		1	2	165	1	P
Rongopatahi Raniera & Rangiringa Kerei	Tauwhareparae 1A6 pt.	3		36	35	1	C
Rungarunga Wiremu	Mangahauini 4D	3			160	1	P
Ryland Chas	Mangahauini 1A45&46		2	18	200	1	P
Ryland Geo	Mangahauini 1A56		3	8	25	3	P
Ryland Geo	Mangahauini 1A59		2	32	20		L
Ryland Geo	Waima T/p Sec.15		1	4	210		P
Ryland George	Tawhiti 1B1A		1	39	540		P
Ryland George	Tawhiti 1B1N			31	86		P
Ryland George	Tawhiti 1B1W	16	2	35	353		P
Ryland George	Mangahauini 1A22		1		50		P
Ryland Hariata	Waima T/p Sec.4&5			28	70	1	P
Ryland Hemi Hukarere	Waima T/p Sec 37, 38, 39 40	1		1	120	1	C
Ryland Kete	Tawhiti 1B1H		2	0.5	55	1	P
Ryland Peia & others	Tawhiti 1B1B			31	45	1	P
Segley Mrs Keti	Mangahauini 1A55		2		20	1	C
Taeko Te Raana	Mangahauini 6C	1		15	525	1	C
Tairawhiti DM Land Board	Anaura pt. (Motu Oroi Island	37	2		20		P
Tairawhiti DM Land Board	Anaura pt. lots 1/2	13		20	550		P
Tairawhiti DM Land Board	Anaura pt. lot 1	17	3	5	690		P
Tairawhiti DM Land Board	Tuatini N/T	3	1	37	480		C
Tairawhiti DM Land Board	Tuatini N/T	6	1	32	1180		C
Tairawhiti DM Land Board	Tuatini N/T	1	1	15	400		C

Tairawhiti DM Land Board	Tuatini N/T	3			780		C
Tairawhiti DM Land Board	Tuatini N/T		2	8	300		C
Takurua Hikiora	Mangahauini 1A4		1	8	20	1	C
Tamitere Kawhia	Waima T/p Sec.5a&6b			28	70	1	C
Tamitere Te Keepa	Waima T/p Sec.5B			28	75	1	L
Te Hui Katerina	Mangahauini 1A20		1		50		C
Te Hau Kareti	Anaura pt. lot 6	33			586	1	L
Te Hauru Hiria	Waima T/p Sec 32		1		30	1	C
Te Hui Horomona	Waima T/p Sec 43, 44		2		80	1	L
Te Hui Horomona	Mangahauini 1A 28 & 29		1	30	500		C
Te Hui Horomona & others	Mangahauini 7 I3	2	3		35		P
Te Hui Katerina & others	Waima T/p Sec.14&15		2	32	150	1	P
Te Kanoa Irimana	Waima T/p Sec 25, 26, 27		2	6	75	1	L
Te Ohaere A	Mangahauini 1A38		1	4	170	1	C
Te Rapu Hami	Waima T/p Sec 35		1		30	1	C
Te Rawa Te Araairaua	Mangahauini 1A10			36	20	1	C
Te Rure Hariata	Tokomaru K7A	31	2	15	450	1	P
Te Rure Hone Heke & Harete	Tokomaru K6A	12			175	1	P
Te Whare Horiana	Waima T/p Sec.18			24	16	1	P
Terapuhi Warita & Repa	Mangahauini 1A39		1		100	1	C
Tio Eruera & others	Tokomaru G1A	34			260	1	C
Tipaata (Ryland) Wm	Mangahauini 1A19		1		50	1	L
Tipaata (Ryland) Tare	Mangahauini 1A15			38	30	1	P
Tokaia Hareta	Mangahauini 1A24			39	95	1	C
Wahanui Henare	Mangahauini 1A1		1	5	22	1	L
Wahanui Tio	Mangahauini 1A2		1	3	22	1	C
Wahanui Tio	Waima T/p Sec 47, 48		2		80		L
Wahanui Tio & others	Waima T/p Sec 58	2			50		C
Wahanui Whataki & Karepa	Mangahauini 1A4243		2	21	120	1	L
Waitahae Hemara	Waima T/p Sec.23&24		1	13	40	1	C
Waite Hirini	Tokomaru B94	17	2	25	640	1	L
Waiti Hori	Mangahauini 6A	1		15	140	1	C
Waiti Tamati & others	Waima T/p Sec.9			31	50	1	C
Waiti Tanara P	Mangahauini 7 lot 1		1	2	910	1	L
Wakarara Ianaia	Mangahauini 7 lot 5		1		230	1	L
Wakarara Mere Arihi	Mangahauini 7 lots 3/4		2	1	250	1	L
Warutu Hera	Mangahauini 1A35			35	230	1	L
Whakapoka Pineamine & others	Tokomaru pt. 1 Blk XV	12		19	55	1	C
Wi Potae	Tokomaru G2A no.2A	49	2	23	325		C
Winoi Te Arani & others	Mangahauini 1A21		1		50	1	C
TOTAL		**18,613**	**197**	**2,850**	**199,176**	**154**	

Appendix 5: Table of Waiapu County Constituency, 1926-27

Showing relative Maori/Pakeha population, number of ratepayers, votes, acreage, rateable value per riding, together with the impact of defaulting.

Riding	Population			Rateable Value (£)			Acreage		
	Maori	Pakeha	Total	Maori	Pakeha	Total	Maori	Pakeha	Total
Awanui	1166	159	1325	469,831	79,095	548,926	59,088	6,536	65,624
Piritarau	1125	432	1557	355,500	571,573	927,073	41,945	87,970	129,915
Waipiro	308	394	702	207,589	703,032	910,621	24,917	91,643	116,560
Tokomaru	603	824	1427	199,176	1,027,610	1,226,786	18,680	108,356	127,036
County	3202	1809	5011	1,232,096	2,381,310	3,613,406	144,630	294,505	439,135

Riding	No. Ratepayers			No. Votes			Defaulters								
	M	**P**	**total**	**M**	**P**	**total**	**Maori default**	**default votes**	**Maori late**	**Maori comp.**	**Lost Maori votes**	**Pakeha default**	**default votes**	**Pakeha late**	**Lost Pakeha votes**
Awanui	102	17	119	198	37	235	8	12	54	14	121	0	0	4	6
Piritarau	139	51	190	262	134	396	0	0	35	67	169	1	2	9	20
Waipiro	55	77	132	124	157	281	0	0	8	6	26	4	6	8	11
Tokomaru	125	89	214	154	177	331	0	0	31	56	98	4	6	17	26
County	421	234	655	738	505	1243	8	12	128	143	414	9	14	38	63

Source: Waiapu County Council General Rates Books, 1926-27; *New Zealand Census*, 1926.

Number of votes calculated on land value. Disqualification calculated on date of rates payment. Defaultor statistics calculated to take in net effect on franchise. 1927 councillors elected: G. Kirk; M. Hyland; T. J. Williams; J. Woodford; W. M. Oates; O. T. Williams; S. F. Burdett; J. H. Fairlee.

Appendix 6: Table of Waiapu County Electors, 1944-45

Showing relative Maori/Pakeha electors, rateable value and population per riding

Riding	Population			Rateable Value			Electors				
	Maori	Pakeha	Total	Maori	Pakeha	Total	Ratepayers	No. votes	Residents	Total electors	Total votes
Awanui (2)	1592	166	1758	399,751	65,586	465,337	264	424	77	341	501
Hikuwai	29	108	137	7,555	326,435	333,990	32	76	21	53	97
Mata	57	80	137	-	355,890	355,890	20	57	35	55	92
Piritarau (2)	1412	424	1836	239,885	133,100	372,985	314	454	307	621	761
Tapuaeroa	253	132	385	150,510	188,245	338,755	84	169	66	150	235
Tokomaru (2)	766	496	1262	137,489	260,490	397,979	295	370	163	458	533
Waipiro	232	235	467	60,810	339,390	400,200	71	147	79	150	226
Total	**4,341**	**1,641**	**5,982**	**996,000**	**1,669,136**	**2,665,136**	**1,080**	**1,697**	**748**	**1,828**	**2,445**

Sources: *New Zealand Census*, 1945; Waiapu County Rates book, 1944-45; "Electors' Poll 1944, Ratepayers and Residentials", 7/2 Elections and Polls, GDC, Te Puia Service Centre.

In the 1945 election, only Awanui, Piritarau and Tokomaru Ridings were contested, the other councillors being returned unopposed. Elected councillors are V. G. H. Rickard, S. Haig, F. R. Jefferd, W. H. Jackson, H. Te Rapu, S. McCosh, O.T. Williams, J. Oates, A. Wilkins, D. W. W. Williams.

Appendix 7: Table of Waiapu County Electors 1962

Showing relative Maori/Pakeha electors, rateable value and population per riding

Riding	Population 1961			Rateable value (unimproved)	Electors				
	Maori	Pakeha	Total		Ratepayers	No. rate votes	Residents	Total electors	Total votes
Awanui (2)	1,308	157	1,465	236,655	295	374	81	376	455
Hikuwai	62	61	123	131,860	26	54	25	51	79
Mata	74	89	163	106,990	10	27	15	25	42
Piritarau (2)	1,519	366	1,885	207,885	384	456	325	709	781
Tapuaeroa	293	55	348	143,020	75	124	66	141	190
Tokomaru (2)	848	392	1240	131,560	302	331	53	355	384
Waipiro	266	204	470	153,460	78	132	67	145	199
total	**4,370**	**1,324**	**5,694**	**1,111,430**	**1,170**	**1,498**	**632**	**1,802**	**2,130**

Source: *New Zealand Census 1961*; Waiapu County Rates Book, 1958-59; 1962 Roll of Electors, 7/2/5 Elections and Polls, GDC, Te Puia Service Centre. Rateable value based on 1959 statistics.

Only ridings of Piritarau, Waipiro and Tokomaru were contested. Candidates for Awanui, Tapuaeroa, Mata and Hikuwai elected unopposed. Councillors include S. Burdett, W. Lewis, G. E. Cotterill, B. T. Chaffey, P. Hyland, W. Lewis, T. T. Fox.

Appendix 8: Table of Waiapu County Electors, 1980

Ridings	**Electors**		
	Ratepayers	**Residents**	**Total Electors**
Awanui	169	71	240
Hikuwai	11	9	20
Mata	8	13	21
Oweka	133	81	214
Piritarau	282	252	534
Tapuaeroa	44	26	70
Tokomaru	191	193	384
Waipiro	57	111	168
Whangaokeno	124	87	211
Total	**1,019**	**843**	**1,862**

Source: "Elections 1980", GDC, Te Puia Service Centre.

Only Piritarau Riding was contested. Councillors L. H. Tangaere, C. L. Rau, D.H. Johnstone, D. T. Wirepa, H. T. Fox; W. S. Busby, A. H. Williams, C. F. Rudland returned unopposed.

Appendix 9: Matakaoa County Council List of Ratepayers, 1925/26

(Whangaparaoa Riding 1926/27)

General rates set for period 1 April 1925 to 31 March 1926, to be paid in one instalment by 1 September 1925, Matakaoa County Council General Rates Books, 1925/26.

Within the rates books for each riding, separate lists were kept for "European" and "Natives", which is replicated in the lists below.

The number of votes each occupier was entitled to has been calculated on the value of the land under the prevailing legislation. The status column refers to whether rates were paid (P), late (L), compromised (C), or defaulted (D), based on payment details recorded in the rates books.

Awatere Riding: Pakeha							
Occupier	**land description**	**A**	**R**	**P**	**rateable value**	**no. votes**	**status**
Abraham Rosie	Te Araroa township		1		150	1	P
Abraham Rosie	Te Araroa township		1		150		P
Alfred Wm Hicks	Tihiomanono 4E1	82	1	30	500	1	D
Baker John Lionel	Omaika 1A	50			545	3	D
Baker John Lionel	Omaika 1B	354			4260		D
Baker John Lionel	Omaika 2	260			2780		D
Baker John Lionel	Tihiomanono 4F	296		14	1911		D
Bank of New Zealand	Te Araroa township		1		450		P
Beckett Cecil JB	Matahaoa sec.2 block XV	1126	3	31	10810	3	P
Brooking Duncan	Tihiomanono 4G	34		15	210	1	D
Brooking Tahena & others	Tihiomanono 4H2	34		17	254	1	D
Clarke Charles Henry	Mangaoporo sec 4 blk III	505	2		7400	3	P
Clarke John	SGR 72	2258			12686	3	P
Clarke John	Tihiomanono 1A	142			1005		P
Clarke Lily	Te Araroa township	9	2		230	1	P
Cowan Charles	Whakaangiangi Est. lot Part 1	354			5097	3	P
Cox Josiah G	Te Araroa township	5		33	10	1	D
Cox Josiah G	Te Araroa township	1	3	6	10		P
Davies Henry James	Whetumatarau 7B1A	129	3	17	620	1	D
Davies-Colley JN	Marangairoa 2E2B4	53		32	563	1	D
Dewes Henry John	Whetumatarau 3	73	3	28	259	1	P
Dewes Henry John	Whetumatarau 4	181	3	23	682		P
DJ Barry & co Ltd	Kohukohupaua 1/2	4	1		1580		P
DJ Barry & WF Pettie	Te Araroa township	18	3	24	150	3	D

Down Pineamine	Whetumatarau 7B37	2	1	29	218	1	D
Downey Cecil G	Matakaoa sec 1 blk X	936			1850	3	D
Fagan Wm Sydney	Tapuaeoteao A		2	27	80	1	P
Fagan Wm Sydney	Tapuaeoteao part B			30	15		P
Foote Geo Decd.	Te Araroa township	20			100	1	P
Fraser Gordon	Pahihikura 1	735			7180	3	P
Grieg William	Matakaoa sec 3 blk XIV	1188			2633	3	D
Hallwell Maurice W	Mangaoporo sec 3 blk IV	505			6740	3	P
Hansen Amey (Mrs CL)	Te Araroa township		2		300	1	P
Hansen Carl Ludwig	Te Araroa township	10	1	22	350	1	P
Hanson Edward Carl	Te Araroa township			10	50	1	P
Henderson & EW Reid	Te Araroa township		3	12	2750	3	P
Henderson Arthur W	Tokata 4C	414	1	16	1870		D
Henderson EH	Te Araroa township	9		29	100	1	D
Henderson EH	Te Araroa township		1		480		D
Henderson Everard H per DJ Barry & JF Pettie	Te Araroa township		1		480		D
Henderson Everard H per DJ Barry & JF Pettie	Te Araroa township	1	2		130		D
Heney Lionel	Matakaoa sec 2 blk X	1175			2418	3	D
Hoberoft Edward Wm	Whakaangiangi Est. lot Part 3	10			116	1	P
Hooper Ngatai	Tihiomanono 3	136		22	745	1	D
Hovell Henry K	Te Araroa township	1	1	14	1610	3	P
Hovell Henry K	Tapatu Waitangirua 2A	498	2		1550		P
Hovell Henry K	Whetumatarau 7B41	4	1	17	160		P
Hughes Mable (Mrs NC)	Pahihikura 4	129	1		850	1	P
Hughes Nigel CR	Pahihikura 2	626			7085	3	P
Jackson Horowai	Te Araroa township		1		220	1	
Manuel Mereana	Whetumatarau 7B36	1	2	32	60	1	P
McCullough Andrew	Whakaangiangi Est. lot Part 5	922			8380	3	P
McKeddie Geo McK	Te Araroa township	1		9	480	2	P
McKeddie Geo McK	Te Araroa township		2	39	1330		P
McLaughlan Thomas	Pukeamaru 2	455		29	682	1	D
McLean RD	Papatarata A	155			930	3	P
McLean RD	Papatarata B	483			4120		P
McRae Jas. Hector	Te Araroa township			32	70	1	D
Metcalfe Wallace F	Matahaoa sec.2 block XIV	1348	2	21	12570	3	P
Metcalfe Wallace F	Te Araroa township		1	38	160		P
Mills Samuel	Te Araroa township		2	7	700	1	D
Mullooly J A	Tokata 2C no.1	83			415	2	P
Mullooly James A	Tokata 2C2	252		3	1430		P
Murtagh Thomas	Tokata 2B	1081	1	1	4485	3	P
Norris John B	West part Taumata o manu 2A	470	2		1958	2	P
Oates Joseph	Mautotara 2	734	3	3	6475	3	D
O'Regan Katherine	SGR 70	1598			8277	3	P
Pettie John F	SGR 71	6838	1		14985	3	P
Prince Thomas Cecil	Te Araroa township	8		5	94	1	P

Props. Tihiomanono 1B incorp. Per Taare Korimete	Tihiomanono 1B	193			1445		P
Reed AVS & Kingsford F	Tututohora 2B	1881	1	14	20990	3	P
Reed Guy Dalrymple	Matahaoa sec.1 block XV	1193			9935	3	P
Reid J Matthew and Maxwell Tiri	Pipituangi	116	2		1572	2	D
Reynolds Frederick RA	Mangaoporo sec 4 blk IV	639			7763	3	P
Rowe Leonard B	Te Araroa township		2		450	1	P
Rudland Sydney B	Whakaangiangi Est. lot Part 2	638			8532	3	P
Smith Geo Pawnbroker	Te Araroa township	38	3	32	130	1	D
Tairawhiti DMLd Bd	Pukeamaru 6B	196			490		D
Tairawhiti DMLd Bd	Tapuaeoteao part D 3/4		1	11	250		D
Te Araroa Town Hall Co	Te Araroa township			30	150		P
Te Araroa Trading Co	Te Araroa township	12	3		294		P
Te Araroa Trading Co	Te Araroa township			39	850		P
Te Araroa Trading Co	Te Araroa township			28	510		P
Te Araroa Trading Co	Te Araroa township		3	3	235		P
Te Araroa Trading Co	Te Araroa township	1		1	1775		P
Te Araroa Trading Co	Te Araroa township		1		630		P
Thomson Arthur	Matakaoa sec 5 blk XIV	1126			2494	3	D
Union Bank of Australia	Te Araroa township			9	390		P
Union Bank of Australia	Te Araroa township			28	120		P
Waiapu Bd of Diocesan Trustees	Te Araroa township		1		450		D
Walford BA (Mrs. HT)	Pahihikura 3	63	1		351	1	D
Williamson C McI	Ngatarawa (or Taraponui Oruataua)	1580			11272	3	P
Williamson C McI	Oruataiaha 1	100			662		P
Woodford Joseph	Te Araroa township	53	1	32	170	1	P
TOTAL		**34,651**	**1**	**24**	**231,930**	**122**	

Awatere Riding: Maori							
Occupier	**land description**	**A**	**R**	**P**	**rateable value**	**no. votes**	**status**
Ahipene Poi	Tapatu Waitangirua 2C	445			1370	2	C
Akuhata Kawakawa; Parekura Tureia	Whetumatarau 7B9C	153	1	21	860	1	C
Amiria Turangi & others	Tihiomanono 4K1	18	2	20	162	1	C
Ani Kani Roke	Whetumatarau 7B32	5		23	180	1	C
Ani Waitoa	Whetumatarau 7B19	12	2	23	347	1	C
Arihia Karaka (3); Himiona Kururangi (5); Wi Taotu (7); Hiria Okeroa Tiarete (5)	Marangairoa 2E2B3	18	2	16	245	1	P
Ata Pereto	Tihiomanono 4H no.1	6		37	60	1	P

Ata Wiremu Henihana (AW Henderson)	Whetumatarau 7B23A		3	36	50	1	C
Atareta Mateterangi	Whetumatarau 7B1B1	23	3	17	115	1	C
Boyd AE Mrs wife of AM Boyd	Whetumatarau 7B12C	3	1	31	40	1	P
Erana Tangimatua Merina c/- Pene Heihi	Hauturu no.2	1013			8625	3	D
Estate of Heni Houkamau per Public Trust Office	Te Araroa township			6	355		P
Estate of Heni Houkamau per Public Trust Office	Te Araroa township			6	295		P
Hangahiria Tureia & others	Tokata 1A	78	1		234	1	C
Harata Henihana & others	Whetumatarau 7B48A	35			255	1	P
Hare Tawhiri; Maraea Hurinui Tawhiri; Maraea Ngatoko	Whetumatarau 7B15A	19	3		120	1	P
Harete Parapara (Ngarori)	Tokata 1B 2A	33	2	36	115	1	P
Henare Ahuriri	Tokata 3	103	2	39	508	2	C
Henare Ahuriri	Tokata 5C	16			128		C
Henare Ahuriri	Whetumatarau 1	8			182		C
Henare Ahuriri	Whetumatarau 7B10 pt.	62	2	26	575		C
Henare Pereto	Taumata o manu East part of 2A	470	2		4410	3	C
Henare Pereto	Tihiomanono No.2	717	3	22	4115		C
Henare Pereto & others	Whetumatarau A	243		28	365		C
Henare Pereto & others	Whetumatarau C	291	3	10	292		C
Henare Pereto (Hy Bristow)	Whakaangiangi 5A2 lots 1/2	7	2	20	900		C
Heni Houkamau	Tapuaeteao part C		1		1000	2	C
Heni Taua & others	Tihiomanono 4K2	11	2		108	1	C
Heraina Apatahi; Hareta Ngarari Apatahi; Hariata Wakerori; Wharemuka Tipuna (Wakerori)	Whetumatarau 7B30	5	3	14	240	1	C
Heremia Puha;Hohepa Puha Piri; Manuarihi Puha; Mateapiti Takoko; Waihika Puha	Whetumatarau 7B29	4	2	19	188	1	C
Himiona Kururangi & others	Whetumatarau 7B12B	1	1	10	125	1	C
Hiria Okeroa Tiarete	Tihiomanono 4B	39	3	29	600	1	C
Hiria Okeroa Tiarete	Whetumatarau 7B6	28		33	140		C
Hiria te Ariki & others	Tokata 5A	46	2		320	1	C
Hori Kingi Parapara	Whetumatarau 5A	2	2	11	112	1	C
Hori Kingi Parapara; Manihera Parapara; Pera Hauiti; Raniera Tuhore; Roka Houterangi;	Tokata 1B no.1	124	1	8	440		C
Huripara Huihui & 8 others	Marangairoa 2E2B5A	14	1	11	155	1	C
Huripara Huihui & 8 others	Whetumatarau 7B9A	97		13	245		C
Hutita Waititi; Rapata Huriwai	Whakaangiangi 6A2	230	2	10	1890	2	C
Ka Taomata	Tihiomanono 4J2	70		30	400	1	C
Kararaina Akuhata	Tokata 5D	325	3	29	2580	3	P
Kereama Hoerara; Te Ruakino Hoerara	Whetumatarau 7B22	3		26	173	1	C
Kereama Tauhore; Enoka Tauhore lessees	Tokata 2A2	149	3	18	490	1	C
Maaka Tauranga	Whetumatarau 7B39A	1		22	72	1	C
Manahi Parapara & others	Tokata 1B2B	256	3	17	870	1	C

Manihera Parapara	Whetumatarau 3A	4		11	290	1	C
Maraea Ngatoko per RH Tawhiri	Tokata 4A	43	2	10	210	1	P
Marara Mahue	Whetumatarau 7B21		3	36	85	1	C
Matauru Wanoa	Tihiomanono 4J3	15			90	1	P
Mauhana Houkamau	Whetumatarau 7B17	78	3	6	1445	2	C
Maxwell Tire	Kairapirapi	392			2240	3	P
Mere Huihui	Whetumatarau 7B24	4	1	20	180	1	C
Mere Tangi Tauhore & others	Whetumatarau 7B18	23	1	15	450	1	C
Mereana Lima per HK Hovell	Te Araroa township	4			336	1	P
Mereana Manuera; Peti Manuera; Hana Hirataawhirangi	Whetumatarau 7B35	4	2	35	130	1	P
Mereana Pahina; Raiha Pahina	Whetumatarau 7B27A	1	3	32	80	1	C
Mereana te Araiwini; Huihui & others	Whetumatarau 7B9B	108	2	33	620	1	C
Mihaka Tauhore; Ripeka Korau	Whetumatarau 5B	2	3	27	275	1	C
Mohi Ngatai Trustee for estate of Terei Ngatai	Pariwhero A (or Tangahaha)	278			3500	3	P
Mita Kiwara	Whetumatarau 7B8	7	3	5	285	1	C
Paku Paihia; Maaka Tauranga	Whetumatarau 7B39B	2		39	145	1	C
Pani Potae	Tihiomanono 4C1	24	2	6	140	1	C
Paratene Ngata	Te Araroa township		1	4	220	1	D
Paratene Ngata	Te Araroa township		1	4	350		D
Pare Akapu Patahuri; Henare Ahuriri	Whetumatarau 7B34	2	1	29	110	1	C
Parekura Tureia & Akuwhata Kawakawa per Parekura Turei Native Ld Court	Tihiomanono 4J1	223	3	35	1590	2	C
Parekura Turua Native Land Court	Whetumatarau 7B38	2	3	27	144		C
Pera Hauiti	Tapuaeteao part E	1		23	150	1	C
Peta Papahia	Whetumatarau 7B43	1	3	32	25	1	C
Peti Mahunu	Marangairoa 2E2B5B	36	3	11	405	1	C
Ropata Pariohe; Pare Pariohe; Makoari	Whetumatarau 7B28	6	3	9	276	1	C
Props. Marangairoa 2E2B1A (incorp.) per Taare Korimete	Marangairoa 2E2B no.1 pt.	25	1	17	200	3	C
Props. Marangairoa 2E2B6 (incorp.) per Taare Korimete	Marangairoa 2E2B6	240			2430		C
Props. Taumataomanu 2B incorp. Per Taare Korimete	Taumata o manu 2B	618			3030		C
Props. Tihiomanono 1B per Taare Korimete	Tututohora 2A2	187			1310		P
Props. Tihiomanono 1B per Taare Korimete	Whetumatarau 2	50	2	13	177		P
Props. Tihiomanono 1B per Taare Korimete	Whetumatarau 8	340	1	31	1895		P
Props. Tihiomanono 4D incorp. Per Taare Korimete	Whetumatarau 7B3	342	1	22	1370		C
Props. Tihiomanono 4D incorp. Per Taare Korimete	Whetumatarau 7B4	179	3	32	810		C
Props. Tihiomanono 4D incorp. Per Taare Korimete	Whetumatarau 7B7	49	2	17	300		C
Props. Tihiomanono 4D incorp. Per Taare Korimete	Whetumatarau 7B16A	33	1	6	500		C

Props. Tihiomanono 4D incorp. Per Taare Korimete	Whetumatarau 7B16B	88	1	8	2490		C
Props. Tihiomanono 4D per Taare Korimete	Tihiomanono 4C2B	234		33	1765		C
Props. Tihiomanono 4D per Taare Korimete	Tihiomanono 4D	203	1	36	1220		C
Props. Tihiomanono 4D per Taare Korimete	Tihiomanono 4E2	223		7	1338		C
Props. Tihiomanono 4D per Taare Korimete	Whetumatarau 7B11	176	2	22	770		C
Props. Tihiomanono 4D per Taare Korimete	Whetumatarau 7B12A	19	3	1	225		C
Props. Tihiomanono 4D per Taare Korimete	Whetumatarau 7B13A	48		9	450		C
Props. Tihiomanono 4D per Taare Korimete	Whetumatarau 7B13B	121	1	33	1475		C
Props. Tihiomanono 4D per Taare Korimete	Whetumatarau 7B14	174		18	1170		C
Props. Tihiomanono 4D per Taare Korimete	Whetumatarau 7B48	143	3	32	1085		C
Props. Tihiomanono 4D per Taare Korimete	Whetumatarau 7B12D	45	1		530		C
Props. Tihiomanono 4D per Taare Korimete	Whetumatarau 7B12E	123	3	13	1370		C
Props. Tihiomanono 4D per Taare Korimete	Whetumatarau 7B15B	175	3	2	1095		C
Props. Whetumatarau 7B2 incorp. Per Taare Korimete	Whetumatarau 7B2	103		17	1045		C
Rahera te Rina; Awherata Henihana; Harata Henihana	Whetumatarau 7B42	3	1	25	60	1	P
Ranera Ngatoko; Horowai Henihana; Harata Henihana per Harata Henihana	Tokata 4B	112	1		844	1	P
Rawinia Hauiti; Aperana Hauiti & others	Whetumatarau 7B26	10	2	12	405	1	C
Renata Tamepo	Ahirau no.1	145	2		580	3	P
Renata Tamepo	Ahirau no.2	594			5437		P
Reremoana Korau	Whetumatarau 7B47	24	3	9	125	1	C
Rev. Reweti Kohere; Henare Kohere; Kerenapu Kohere; Poihipi Kohere	Whetumatarau 7B25	2		8	73	1	P
Ripeka Apanui & others	Whetumatarau 7B9D	18	3	13	105	1	C
Ripeka Korau	Tokata 2A1	158	1	18	493	1	C
Riwai Rangihuna	Whetumatarau 8A	5	1	16	312	1	C
Taera Ngatero	Whetumatarau 7B44	2	1	29	32	1	C
Tairawhiti DMLd Bd	Ahomatariki 3B	531			66		D
Tame Kiwara	Ahomatariki 2B	95			20	1	D
Tame Kiwara	Whetumatarau 7B20A	10			125		C
Tame Kiwara & others	Whetumatarau 7B20B	44	1	35	535		C
Tawhai Tamepo	Whetumatarau 7B 1B2	311		38	2450	3	P
Te Aotarewa Tipuna; Peti Ngaroto; Wahapeka Karakia	Tihiomanono 4C2B	7	2	2	75	1	C
Te Heuheu Patahuri; Te Keepa,	Whetumatarau 7B31	4	1	5	148	1	C

Manu, Topuni Patahuri							
Te Paea Hoerara per HW Henderson	Whetumatarau 7B40	2	3	27	136	1	C
Te Rina Pereto; Mereama Keneto; Okeroa Peihana; Meite Okeroa Peihana	Whetumatarau 7B23	3	1	25	173	1	P
Te Whare Kahika & others	Tihiomanono 4J4	36	2	10	220	1	C
Tipiwai Houkamau	Whetumatarau 6A	2	2	11	72	3	C
Tipuwai Houkamau	Whetumatarau 6	70	1	20	390		C
Tipuwai Houkamau & others	Whetumatarau 5	347	2	38	2100		C
Tuterangiwhiu Puha	Marangairoa 2E2B no.7	117		20	872	1	P
Watene Waititi	Pariwhero C part D	579	3		5380	3	P
Wi Pahuru	Whetumatarau 7B27		3	36	45	1	C
Wi Taotu	Tihiomanono 4A	139	2	29	518	2	C
Wi Taotu	Whetumatarau 7B45	1	3	32	45		C
Wi Taotu & others	Whetumatarau 7B5	91	1	29	835		C
Wiremu Akuhata	Tokata 5B	43	2		338	1	P
Wiremu Rore; Wiri Rore Jnr	Whetumatarau 7A	8	2	11	191	1	C
Wiremu Tuakanakore Ngata	Tapatu Waitangirua 2B	695			2125	3	C
Wiri Waaka (Wm Walker); Hoani Huriwai	Whetumatarau 7B46	17		23	100	1	P
TOTAL		**14,664**		**16**	**102,247**	**113**	

Horoera Riding: Pakeha							
Occupier	**land description**	**A**	**R**	**P**	**rateable value**	**no. votes**	**status**
Davies Colley JN	Marangairoa 1A12	513	2		1285	2	P
Walker William & Uruwhina Walker	Marangairoa 1C4C	1331	2	33	4800	3	P
Goldsmith Tete & George	Marangairoa 1C6C no. 2 pt.	224			784	1	C
TOTAL		**2,069**		**33**	**6,869**	**6**	

Horoera Riding: Maori							
Occupier	**land description**	**A**	**R**	**P**	**rateable value**	**no. votes**	**status**
Apirana Turupa Ngata	Marangairoa 1B4 lot 14	21			705	3	C
Ema Mataiterangi; Wikitoria Mataiterangi; Hone Mataiterangi; Hareta Mataiterangi;	Marangairoa 1A11	162	1		425	1	C
Heeni Huriwai; Meri Kohao Karaka	Marangairoa 1B4 lot 15	468	1		1965	2	C
Henare Ahuriri & others	Marangairoa 2E2B15	123		30	340	1	C

Henare Paringatai; Hinua (Wete) Ruwhiu; Kara Ruwhiu	Marangairoa 1C4B	15			145	1	C
Heni Pepe Houkamau (wife of George Brown)	Marangairoa 1A16	30	1		148	1	C
Heremia Puha & others	Marangairoa 1A10	589			1800	2	C
Hore & Marara Mahue (as trustees)	Marangairoa 1B1	40			400	1	C
Hori Korohina; Te Matenga Kahu; Henare Mangumangu; Hohua Kahu per AT Ngata	Marangairoa 1B4 lot 8	1806			5250		C
Maharata te Hui per Horomona te Hui	Marangairoa 1B4 lot 2	1558			4336	3	C
Maraea Ngatoko Mrs RH & others	Marangairoa 1A14C	612	3	32	1730	2	C
Matauru Wanoa & others	Marangairoa 1A17	243	2		640	1	C
Mate & Nihi Tiarete & others per WHO Johnstone	Marangairoa 1A4B	283	2	37	360	1	C
Mere Kohao Karaka & others	Marangairoa 1C3	289		33	722	1	C
Mereana Manuera (Mrs Hovell) & Tiri Manuera	Marangairoa 1A15	1			8	1	P
Mohi Ngatai	Marangairoa 1A7	267			665	3	P
Mohi Ngatai & lessee DC Hawkins	Marangairoa 2C	300			2690		P
Orowia Taotu & others	Marangairoa 1A3	184			600	1	C
Paku Moetu & others	Marangairoa 1C4D	42	2	20	406	1	C
Peehi Wanoa	Marangairoa 1B4 lot 7	2070			4285	3	C
Pehe Rapata Totorewa; Matehaere Te Koia	Marangairoa 1B4	1117			3950	3	P
Peta Marikena; Tamara Toretore Karikoura	Marangairoa 1B4 lot 1	1094			3024	3	P
Peta Marikena	Marangairoa 1C4A	25	1	20	574		P
Peta Marikena (Peter McLean)	Marangairoa 1C4F	246		35	750		C
Pine Taotu	Marangairoa 2E2A	233	1	28	944	3	P
Pine Taotu	Marangairoa 2E2B9	110	2	10	614		P
Pine Taotu	Marangairoa 2E2B10	76	2	33	435		P
Pine Taotu	Marangairoa 2E2B11	59	1		330		C
Pine Taotu	Marangairoa 1A4A	81	3	11	395		C
Poneke Huihui	Marangairoa 2E2B8	112	2		772	1	C
Props. Marangairoa 1A5 & 1A6 incorp per Taare Koromete	Marangairoa 1A5	266			732	3	P
Props. Marangairoa 1A5 & 1A6 incorp per Taare Koromete	Marangairoa 1A6	1008			6320		P
Props. Marangairoa 1B1B incorp per Taare Koromete	Marangairoa 1C1B pt.	96			288		P
Props. Marangairoa 1B1B incorp per Taare Koromete	Marangairoa 1C2 pt	528			2010		P
Props. Marangairoa 1B4 incorp per AT Ngata	Marangairoa 1B4 lot 13	14	3	39	410		C
Props. Marangairoa 1B4 incorp per AT Ngata	Marangairoa 1B4 lot 19	73			100		C
Props. Marangairoa 1B5 incorp per Taare Koromete	Marangairoa 1C5 part	494	3	16	2076		P
Props. Marangairoa 2S2B1A	Marangairoa 2E2B prt	624	2	28	8118		P

incorp per Taare Koromete	1B						
Props. Marangairoa 2S2B1A incorp per Taare Koromete	Marangairoa 2E2B2	560	3	32	2900		P
Props. Marangairoa 2S2B1A incorp per Taare Koromete	Marangairoa 2E2B16	271	1	8	1632		P
Rahera Raire per Geo Kirk	Marangairoa 1B4	776			3430	3	P
Raniera Paringatai & others	Marangairoa 1C4E	302	2	19	550	1	C
Raniera Tihore & others	Marangairoa 1A9	884	2		2000	3	C
Rapata Manuera	Marangairoa 1B4 lot 9	1663			2936	3	P
Rapata Manuera; Hoera Tamatatau	Marangairoa 1B2	721			3620		P
Renata Pereto & others	Marangairoa 1A1	494			4744	3	P
Reweti Kohere (Rev.) & others	Marangairoa 1C6E pt	1106	2	24	6748	3	P
Ripeka Houkamau; Nita Hane & others	Marangairoa 1A2	53	1		316	1	P
Riwai Hiwinui Tauhere	Marangairoa 1A14 part	40			340	1	C
Riwai Tuehu (or Rangihuna)	Marangairoa 1A13	130			338	1	P
Te Roha Huruwai	Marangairoa 1B4 lot 10	936			3646	3	P
Tipiwai Houkamau; Wiremu Hati	Marangairoa 1A8	344	2		892	1	C
Tu Mahue; Irua Paringatai	Marangairoa 1B4	1130			5180	3	C
Watene Waititi	Marangairoa 2D	191			1855	3	P
Watene Waititi	Marangairoa 2E1A	117		10	2135		P
Wi Taotu	Marangairoa 2E2B13	23	2	25	20	1	C
Wi Waikare	Marangairoa 1B4	450			1325	2	P
Wi Waitoa	Marangairoa 2E2B14	3	1	11	20	1	C
TOTAL		**25,568**		**21**	**104,161**	**75**	

Whangaparaoa Riding: Pakeha

Occupier	land description	A	R	P	rateable value	no. votes	status
Blane James Patrick	Whangaparaoa township		2	27	20	1	D
Chambers Mason	Whangaparaoa 2M pt	816		24	4530	3	P
Chambers Mason; CRE Wood Agent	Whangaparaoa 2L (east & west)	6050	1	32	37715		P
Kemp Alfred Ernest & Heyward F	Whangaparaoa 2C1	1470			9884	3	P
Kemp Alfred Ernest & Heyward F	Whangaparaoa 2C2; 2C3	40			640		P
MacDonald Frank K	Whangaparaoa township		1	39	15	1	P
MacDonald Frank K	Whangaparaoa township	1		39	15		P
MacDonald James	Whangaparaoa township		1		15	1	P
MacDonald James	Whangaparaoa tnshp	1	1	29	15		P
Mander Stella; Graham John L; Evans Richard L; Cranswick Jack; Leonard & Harold F per HN Thomas	Whangaparaoa 2K2	5275			18640	3	D
McLernon Neville	Whangaparaoa 2E2B	3864		32	5480	3	P
Pakira Land Co. Ltd per AL	Waikura lot 2	257	1	36	4844	3	P

Bellaby Manager							
Pakira Land Co. Ltd per AL Bellaby Manager	Waikura 2	9507			49238		P
Potikirua Land Co. Ltd per AF Hindemarsh Manager	Whangaparaoa 2D pt.	3008	2	30	21345	3	P
Reed Alfred VS	Whangaparaoa 2N	1773	3	36	10965	3	P
Reed Daisy (wife of KF)	Whangaparaoa 2P	1075	2	33	3870	3	P
Reed Daisy (wife of KF)	Whangaparaoa 2S	1095			6530		P
Reed Kingsford F	Whangaparaoa 2L pt.	80			2510	3	P
Reed Kingsford F	Whangaparaoa 2E2B	1148			4250		P
Saxby Ronald Gordon	Waikura pt. 1 lot 1 of Whangaparaoa	4716	3	37	42444	3	P
Saxby Wilfred Gordon per RG Saxby	Whangaparaoa 2M pt	2625	2	32	11560		P
Whangaparaoa Settlers Assoc. per CRC Wood	Whangaparaoa 1B pt.	1			310		P
Williamson HC	Whangaparaoa tnshp		2	1	15	3	D
Williamson Hugh C	Whangaparaoa township		1		15		D
Williamson Hugh Caskey c/- ED Holt	Whangaparaoa 1B pt.	3623			8428		P
Williamson Hugh Caskey c/- ED Holt	Whangaparaoa 1B pt.	149	1	12	4115		D
Wood Cecil Richard E	Whangaparaoa 2K1	1834	1	27	15727	3	P
TOTAL		**48,416**	**3**	**26**	**263,135**	**39**	

Whangaparaoa Riding: Maori							
Occupier	**land description**	**A**	**R**	**P**	**rateable value**	**no. votes**	**status**
Ahiwaru Wainga	Whangaparaoa 2E2A	413		22	1520	2	P
Hara Eiehana & Hoani Tangare	Whangaparaoa 2E1	439	3	20	330	1	D
Kuaha Waititi & Hirini Waititi	Whangaparaoa 1A pt	734			1160	2	D
Makarini Tanara Ngata; Mere Katene Waititi	Whangaparaoa 2K pt	3507	2	39	7566	3	D
Manihera Waititi & others	Whangaparaoa 1A pt	31			290	3	D
Manihera Waititi & others	Whangaparaoa 2F	22			280		P
Mihi Tauna Kotukutuku & 3 others Mika & Raki Eruera	Whangaparaoa 2G	686	3		1030	2	D
Props. Whangaparaoa 2B per Te Manihera Waititi	Whangaparaoa 2B pt	550			4568		D
The successors to Takimoana Deed	Whangaparaoa 2H	973			2196		D
Whare te Kani & others	Whangaparaoa 2A	1082			4330	3	D
TOTAL		**8,439**	**2**	**1**	**23,270**	**16**	

Wharekahika Riding: Pakeha							
Occupier	**land description**	**A**	**R**	**P**	**rateable value**	**no. votes**	**status**
Clarke Charles Hy	Wharekahika 6B2	236			1096	2	P
Clarke John	Wharekahika 10A1	354	3		976	1	P
Cornish Mrs Elez c/- Geo Kirk per GR Tucker, Manager	Wharekahika 18J part	1273			8600	3	P
Cornish Mrs Elez c/- Geo Kirk per GR Tucker, Manager	Wharekahika 18F3	87		26	261		P
Cornish Mrs Elez c/- Geo Kirk per GR Tucker, Manager	Wharekahika 18J part	5			256		P
Cornish Mrs Elez c/- Geo Kirk per GR Tucker, Manager	Wharekahika 18L	115			792		P
Downey John Trevor	Wharekahika 2B	73			302	3	P
Downey John Trevor	Wharekahika 2C pt	776	2		2500		P
Gisborne Sheepfarmers FM&M Co per WF Cederwell	Wharekahika 18E	62			117355	3	P
Gisborne Sheepfarmers FM&M Co per WF Cederwell	Wharekahika 18D	5			50		P
Gisborne Sheepfarmers FM&M Co per WF Cederwell	Wharekahika 18K no.3	18	3	8	180		P
Gisborne Sheepfarmers FM&M Co per WF Cederwell	Wharekahika 18K 5A	1	2	20	720		P
Gisborne Sheepfarmers FM&M Co per WF Cederwell	Wharekahika 18E4 part	5			60		P
Graham William & Jas.B	Wharekahika 1B2B part; 1B2A	640			1600	2	D
Hart Chas Arthur	Wharekahika 17A	158			316	3	C
Hart Chas Arthur	Wharekahika 17B	1065			2130		C
Hartgill George L per HW Tocker	Wharekahika 1B1	1148			6805	3	D
Henare McClutchie	Wharekahika 5F	1161			6380	3	P
Hughes Herbert Walter	Part Matakaoa	1908			5636	3	P
Hughes Herbert Walter	Part Matakaoa	380			4000		P
Hughes Herbert Walter	Part Matakaoa	672			3602		P
Hughes Mrs Ramare	Wharekahika 18C pt	93			893	1	P
Kirk Alice EA (wife of AW)	Wharekahika 10A2	373	3		1064	2	P
Kirk Annie L (wife of G Kirk)	Wharekahika 3B1 part	90			136	1	P
Kirk Annie L (wife of G Kirk)	Wharekahika Part 3B no.1	314	2	24	496		P
Kirk Arthur W	Wharekahika 14	473			2090	3	P
Kirk Arthur W	Wharekahika 15A	672			3520		P
Kirk Arthur W	Wharekahika 15B	155	3		625		P
Kirk George	Wharekahika 18K2B pt	13	3	24	150	1	P
Kirk George	Wharekahika 18K2C pt	14	2	9	115		P
Kirk George per GR Tucker, Manager Hicks Bay	Wharekahika 3A	1620			6725		P

Kirk George per GR Tucker, Manager Hicks Bay	Wharekahika 3B2	746	1	16	1865		P
Maddox George H	Wharekahika 9	1618			6980	3	P
Maddox George Henry	Wharekahika 13	685			4550		P
Maori Soldiers Fund per WT Pitt	Wharekahika 8A	1719	2		5285	3	P
Maori Soldiers Fund per WT Pitt	Wharekahika 8C	1053	3		4835		P
Maori Soldiers Fund per WT Pitt	Wharekahika 8D	1027			3324		P
Maori Soldiers Fund per WT Pitt	Wharekahika 18K	1321			3304		P
McClutchie Henare	Wharekahika 6C2B	4	2		20		P
McClutchie Hy Junr.	Wharekahika 18B	37			962	1	C
McGuire David Munro	Wharekahika 8B1	28	2		200	3	P
McGuire David Munro	Wharekahika 8B2	1632	2		6276		P
McMeechin Robert A	Wharekahika 18M pt	1	1	28	50	1	P
McMeechin Winifred	Wharekahika 18M part	1	2		52	1	P
McMeechin Winifred; Spence Francis Laing; Farr Thomas	Wharekahika 18M part			26	20		P
McNivern John H	Wharekahika 1A	1402			6766	3	P
Metcalfe Shirley N	Wharekahika 18H1B	1	1	11	16	1	P
Pasley Gilbert K	Wharekahika 6B1 part	172			503	2	D
Pasley Gilbert K	Wharekahika 18K11	230			690		C
Pasley Gilbert K	Wharekahika 18K12	293			879		C
Tawa Moran	Wharekahika 18K no.7F	6	1	26	86	1	P
William Graham	Wharekahika 18K block 7A	4	2	31	780	1	C
Williams David Morgan	Wharekahika 7	1115			4085	3	P
Wilson James F	Wharekahika part 10B	1101			7300	3	P
Wilson James F	Wharekahika 11	425			1062		P
Wilson James F	Wharekahika 12	374			1074		P
Wood Audrey C	Wharekahika 1B2B part	561			1900	3	P
Wood Audrey C	Wharekahika 2A	19			50		P
Wood Audrey C	Wharekahika 2D part	28	2		30		P
Wood Audrey C & Wood Mrs.Dorothy May	Wharekahika 2C pt	2778			20,000		P
TOTAL		**32,389**	**2**	**9**	**262,347**	**63**	

Wharekahika Riding: Maori							
Occupier	**land description**	**A**	**R**	**P**	**rateable value**	**no. votes**	**status**
Anaru Te Ruapoharau Te Oha; Maaka Tauranga	Wharekahika 6C1D2	23	1	5	90	1	P
Ani Taiapa; Atarangi Pukina; Heni Kahiwa	Wharekahika 18 K2B2	45	2	22	400	1	C
Ani Tarewa	Wharekahika 1B4A	95			182	1	P
Ani Taumutu & others	Wharekahika 18 K8	57	1	13	520	1	P
Ani Taumutu; Tahawhiti Arapata	Wharekahika 6C1B	25	3	37	150		P
Ani Taumutu; Tahawhiti Arapata	Wharekahika 18 K5B4	1	3	20	25		P
Apikara Taketake; Ruakirikiri Karapaina	Wharekahika 18 K5B1	2	1	14	25	1	P

Dr. Tutere Wi Repa	Wharekahika 4	608			3638	3	P
Dr. Tutere Wi Repa	Wharekahika 5A	100			582		P
Dr. Tutere Wi Repa	Wharekahika 5B	3			15		P
Dr. Tutere Wi Repa; Kataraina Houkamau	Wharekahika 18F2	9			27		P
Haki Haweti & others	Wharekahika 1B4D no.1	94	2		50	1	C
Hariata Piko	Wharekahika 18E4 part	137	1	8	812	1	C
Henare Poananga; Hone te Ohaki; Kararaena Tete; Mere Takakino	Wharekahika 10B part	81			162	1	C
Henare Waitaiki	Wharekahika 18 K2A	17	2		120	1	C
Henare Waitaiki; Peti Waitaiki	Wharekahika 18 K5B6	1	3	20	135		C
Heni Houkamau	Wharekahika 18F1	18	3	14	57	1	D
Heni Kahiwa; Maraea Poutu	Wharekahika 18 K5B5	1	3	20	25	1	P
Heuheu Turi	Wharekahika 5E	31	2		185	1	C
Hewa Tihore & Henare [unreadable]	Wharekahika 18H no.4	1		29	10	1	P
Himiona Kururangi; Maraea Poutu	Wharekahika 6C1C	30	3	3	120	1	P
Hiria Ahuriri	Wharekahika 18 K4	4	2	32	80	1	P
Hiria Te Oariki; Rawiri Pereto	Wharekahika 18 K5B3	1	3	20	25	1	D
Hona Hautonga Pereto	Wharekahika 6C3	1	3	14	170	1	P
Hona or Tui Pereto	Wharekahika 18KH5B	28		12	234	1	C
Hone Waititi & others	Wharekahika part 2D	9	2		10	1	C
Hori Akuhata & Kingi Tamihere	Wharekahika 18 K10A	126	2	30	505	1	C
Huna Houkamau	Wharekahika 18A	2320			15760	3	P
Ira Te Kani	Wharekahika 18K no.7B	6	1	25	86	1	P
Maraea Poutu	Wharekahika 18 K6B	12	3	39	125	2	C
Maraea Poutu & others	Wharekahika 6C1D no.3	296	1	18	1,245		C
Matiu Te Hina	Wharekahika 18K no.10B	66	1	16	265	1	C
Matiu Te Hina; Rahera Te Wharau; Roka Houterangi	Wharekahika 6C1A	44	3	11	180		C
Miritene Te Mataku;(decd.) per Nolan & Skeet	Wharekahika 6C2C	634	3	12	2840		C
Ngatai Parapara	Wharekahika 18H no.1	2	2	22	16	1	P
Ngauru Jensen	Wharekahika 18K7D	6	1	25	86	1	P
Paretio Pereto; Rehutai (Te Rahu) Pereto	Wharekahika 18K9A	16	3	4	150	1	C
Patihana Tihore; Hewa Tihore	Wharekahika 18D part	304			2600	3	C
Pehi Wanoa	Wharekahika 18H no.2	3	3	33	32	1	C
Peti Waitaiki	Wharekahika 18 K2C1	18	1	30	115	1	P
Potene Tuhiwai	Wharekahika 18 M pt.	31	2	29	228	1	P
Rahera Wharau; Te Rina Tamihere; Roka Houturangi; Waikohu Houturangi; Whaaka Parahau; per S Jury	Wharekahika 18 K5B8	6		14	117	1	P
Rawiri Pereto & others	Wharekahika 18 K9B	131	2	36	1220	2	C

Rehutai Pereto or Te Rehu Pereto & Riria Pohera	Wharekahika 18H no.5A	9			70	1	C
Riria Taitua; Hohepa Te Kani; Tamoti Horua;Te Warihi Horua; Harete Taitua	Wharekahika 18K1B	114	1	26	627	1	C
Riria Taitua; Wharau Taitua	Wharekahika 18 K5B7	1	3	20	45		P
Roka Houterangi	Wharekahika 18 K6A	9	2	9	85	1	P
Roka Houterangi; Okeroa Maki; Mere Tauranga; Tiwana H. Turei & others	Wharekahika 6C1D1	72	3	20	285		C
Tahanga Wanoa	Wharekahika 1B4D no.2	298	1		1105	2	C
Tamati Tipene	Wharekahika 1B3	110	1		165	1	D
Tangi Tipuna Tipene	Wharekahika 18 K5B2		3	30	13	1	P
Tangitipua Tipene	Wharekahika 1B4C	111			140		C
Tareha Moananui Tipene	Wharekahika 18K7E	6	1	27	86	1	P
Te Ao Potae	Wharekahika 18H no.3	3	3	33	32	1	C
Te Heuheu Turei; Irimana Houterangi; Patahuri; Tiwana Turei	Wharekahika 18E no.1	9	2	20	85		C
Te Ruakirikiri Karapaina	Wharekahika 16	908			2900	3	C
Te Urunga Potae	Wharekahika 18G	1478			2832	3	C
Tieke Tipene	Wharekahika 18K7C	6	1	24	86	1	P
Tipiwai Houkamau	Wharekahika 6A1	1	3		12	1	C
Tipiwai Houkamau	Wharekahika 6A3	5	1		37		C
Tipiwai Houkamau	Wharekahika 18E3	44	3		445		C
Tiwana H Turi; Mihaka Turi	Wharekahika 5D	27			135	1	C
Wharau Taitua; Himiona Te Moana; Huriata Kota; Te Rina Karena; Riria Kota	Wharekahika 18K1A	69	3	24	385	1	C
Wharekahika Pokiha	Wharekahika 5C	390	2		2068	3	C
Wi Ngara Houkamau	Wharekahika 6A2	1	2		12	1	D
Wi Pahuru Sen. & others	Wharekahika 18 K1C	63	2	21	800	1	P
Wi Tupaea	Wharekahika 1B4B	633	3		1740	2	C
Wiremu Te Whare; Waiheke Waenga	Wharekahika 1B4D no.3	965			1285	2	C
TOTAL		**10,807**	**2**	**1**	**48,894**	**70**	

Appendix 10: Table of Matakaoa County Constituency, 1925-26

Showing relative Maori/Pakeha population, ratepayers, votes, acreage, rateable value per riding, together with the impact of defaulting[969]

Riding	Population			Rateable Value (£)			Acreage		
	Maori	Pakeha	Total	Maori	Pakeha	Total	Maori	Pakeha	Total
Awatere	450	275	725	102,247	231,930	334,177	14,664	34,651	49,315
Horoera	190	10	200	104,161	6,869	111,030	25,568	2,069	27,637
Whangaparaoa	75	87	162	23,270	263,135	286,405	8,439	48,417	56,856
Wharekahika	248	167	415	48,894	262,347	311,241	10,808	32,390	43,198
County Total	**963**	**539**	**1,502**	**278,572**	**764,281**	**1,042,853**	**59,479**	**117,527**	**177,006**

Riding	Ratepayers			No. Votes			Defaultors				
	Maori	Pakeha	Total	Maori	Pakeha	Total	Maori defaulters	Maori compromised	Maori votes lost	Pakeha defaulters	Pakeha votes lost
Awatere	84	58	142	113	122	235	7	58	82	21	35
Horoera	39	3	42	75	6	81	2	24	43	1	1
Whangaparaoa	7	15	22	16	39	55	7	0	16	2	4
Wharekahika	52	29	81	70	63	133	8	28	49	6	12
County Total	**182**	**105**	**287**	**274**	**230**	**504**	**24**	**110**	**190**	**30**	**52**

[969] Whangaparaoa Riding statistics for year 1926/27.

Appendix 11: Table of Uawa County Electorate, 1962

Riding	Population (1961)			Electors				Rateable value (unimproved)
	Maori	Pakeha	Total	Ratepayers	Rate votes	Residents	Total electors	
Arakihi	34	48	82	18	48	25	43	78,715
Hauiti	190	74	264	50	72	72	122	157,170
Mangaheia	195	91	286	90	128	82	172	193,915
Mangatuna	253	112	365	90	138	80	170	133,210
Tauwhareparae	134	103	237	32	76	65	97	153,490
Tolaga	217	274	491	133	139	126	259	26,180
County Total	**1023**	**702**	**1725**	**413**	**601**	**450**	**863**	**742,680**

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