Kei mua i Te Rōpu Whakamana i Te Tiriti o Waitangi **Wai 2180**

Taihape: Rangitīkei ki Rangipō Inquiry

I te take o Te Ture o Te Tiriti o Waitangi 1975

Ā

I te take o the Taihape: Rangitīkei ki Rangipō Inquiry

Presentation Summary of Generic Claimant Closing Submissions on Issue C(7): Land Boards and the Native/Māori Trustee

Dated Tuesday 20th October 2020

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May it please the Tribunal

1. Taihape Māori in the 19th century aspired to maintain control and dominion over their broad land base, that was starting to be subject to large-scale alienations due to the operation of the Native Land Court regime.

2. This gave Taihape Māori an impetus to petition the Crown to implement a land management regime to consolidate their land interests and most importantly create mechanisms that would enable Rangatira to maintain control of the whenua in their rohe.

3. The Crown had a duty to uphold the principles of partnership under Te Tiriti by working with Taihape Māori to establish a framework that enabled the exercise of tino rangatiratanga. Instead, the Crown through legislation, policy and practices usurped control over Taihape Lands under the guise of land improvements, land utilisation and settlement. This consequently burdened Taihape Māori with excessive liens, loans and mortgages over their land which were in some instances not possible to service, which eventually led to further loss of lands within their rohe.

4. The Crown passed legislation to create these land administration mechanisms:

    a. Land boards to control and administer Māori land; and
    b. Māori Trustee to act on behalf of Taihape Māori concerning Māori Land, often without the knowledge of those who owned the land.

5. Many issues experienced by Taihape Māori were a direct consequence of the influence and decisions of these Crown entities over Māori land during this period which collectively served to enable alienation of Māori land, and did so without a mandate from Taihape Māori to hold or administer Māori land.[1]

6. The actions taken by these statutory entities during the course of the twentieth century had a significant effect in the rohe, leading to a 40% reduction of remaining land holdings between 1910 and 1930, most significantly through private purchases enabled under the 1909 Act (27 per cent), through the gifting of lands for soldier settlement post-World War I (7.5 per cent) and through Crown purchasing (5.9 per cent).[2]

7. The evidence shows numerous instances when the actions of the Māori Trustee and land boards were from Treaty-compliant acting to the detriment of Taihape Māori. Transactions were undertaken without consultation with, or against the wishes of, the Māori land owners. The land board did not play an effective enforcement function in collecting of lease income, leaving Māori responsible for payment of rates, even when a lease was in place, which lead to a rating burden on the land. The Crown in one instance can be seen falsifying documentation in order to enable land sales.[3] The land boards acted as both the confirmer of land alienations and also the reciever in situations when funds needed to be claimed back from Māori landowners. The Māori

[1] Wai 2180, #1.4.3, *Tribunal Statement of Issues*, 28.
[2] Wai 2180, #A046, T Walzl, *Twentieth Century Overview*, 75.
[3] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect*, 101-103.

Trustee acted on behalf of land owners but could also be appointed as receiver over those same lands.

8. The cumulative effect of the Crown's twentieth century legislation of this kind was that Taihape Māori suffered prejudice both in the loss of control and the actual loss of their lands, from which they have not been able to recover.

9. Those requests of the rangatira were ignored, and in no way acted on, and still to this day their economic aspirations have not been fulfilled.[4]

Northern blocks

10. The entirety of the northern sub-district of the inquiry was caught up in the colonial project of land alienation through the twentieth century land administration procedures that were put in place by the Crown. These blocks include Rangipo Waiu, Ōruamatua-Kaimanawa, Mangaohane, Timahanga, Kaweka, Ranga a Tawhao and Ōwhāoko.

11. In the early twentieth century, much of the Ōruamatua–Kaimanawa block was partitioned and then privately purchased, under the auspices of the local Māori Land Board.[5]

12. Informal leasing existed on the Timahanga block before its belated title investigation in 1894, and continued formally until the Crown purchased five out of six subdivisions from 1911–1915.[6]

13. The leasing and alienation of the Ōwhāoko block partitions was facilitated by the Māori Land Board in the twentieth century, using its "streamlined" processes.[7]

Central blocks

14. The land blocks in the central sub-region include Motukawa, Te Kapua, Awarua, Te Koau and Awarua o Hinemanu.

15. The evidence demonstrates that the streamlined bureaucratic procedures of land boards enabled rapid transfer of almost half of the remaining Māori land in the central blocks of Motukawa 2 and Awarua, during which almost 40,000 acres was sold under the Māori Trustee and Māori Land Board's oversight. The Crown offered no protection from further alienation, the statutory boards served to carry out the Crown's underlying policy and intentions.[8]

Southern blocks

16. These same Crown entities were utilised for alienations in the southern sub-regional blocks including Waitapu, Mangoira, Otamakapua, Otairi, Ohaumoko, Taraketi, Rangatira and Waitapu.[9]

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[4] Wai 2180, #A046, T Walzl, *Twentieth Century Overview*, 610.
[5] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect*, 5.
[6] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect*, 5.
[7] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect*, 5.
[8] Wai 2180, #A8, E Subasic and B Stirling, *The Sub-district Block Study – Central Aspect*, 199.
[9] Wai 2180, #A007, TJ Hearn, *The Sub-district Block Study – Southern Aspect*, 1 Nov 12, 282.

17. While the evidence presented in the block narratives indicates that with respect to Paraekaretu, Otamakapua, and Otairi the owners, or more accurately, some of them, offered the lands to the Crown, nevertheless the Crown employed methods – notably pre-title advances, selective payments, and notifications – to draw all owners into the sale and to exercise a large measure of control over the prices which the original owners received.[10]

18. In summary, the legislation gave the land boards and Māori Trustee highly effective mechanisms, practices and procedures to reduce Mōkai Pātea land base, in breach of the Treaty duties of active protection, partnership and consultation.

The Crown's duties generally

19. In summary, the previous findings of the Waitangi Tribunal can be deduced to a number of considerations to determine whether the Crown has sufficiently upheld its duties under Te Tiriti. Did the Crown:

    a. Establish a land administration legislative scheme that enabled Taihape Māori to effectively control and manage their lands and resources?[11]
    b. Adequately support Native/Māori District Councils to support Māori aspirations?[12]
    c. Effectively consult with Māori on:
        i. Changes to the land administration system?[13]
        ii. Land was vested in the Māori Trustee and District Māori Land Boards?[14]
    d. Did the operation of the Māori Trustee and District Māori Land Boards ensure that Taihape Māori retained a sufficient land base for their needs?[15]

Issue One: The Role of the Māori Trustee, and District Māori Land Boards

20. The Māori Trustee and District Māori Land Boards played numerous roles within the Taihape inquiry district.[16] The evidence demonstrates that these entities failed to provide effective oversight and protection of Taihape Māori land.[17]

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[10] Wai 2180, #A007, TJ Hearn, *The Sub-district Block Study – Southern Aspect*, 1 Nov 12, 282.
[11] Waitangi Tribunal, *Te Urewera, Volume II* (2017), 999-1001 ; Waitangi Tribunal, *He Maunga Rongo: Report on Central North Island Claims, Stage One, Volume II* (2008), 203, 681-682, 692; ; Waitangi Tribunal, *Te Kāhui Maunga: The National Park District Inquiry Report, Volume II* (2013), 557.
[12] Waitangi Tribunal, *Te Mana Whatu Ahuru, Volume III* (2018), 26.
[13] Waitangi Tribunal, *He Maunga Rongo: Report on Central North Island Claims, Stage One, Volume II* (2008), 681-682, 692; Waitangi Tribunal, *Te Mana Whatu Ahuru, Volume III* (2018), 51.
[14] Waitangi Tribunal, *He Maunga Rongo: Report on Central North Island Claims, Stage One, Volume III* (2008), 1038; Waitangi Tribunal, *He Maunga Rongo: Report on Central North Island Claims, Stage One, Volume II* (2008), 484.
[15] Waitangi Tribunal, *Report of the Waitangi Tribunal on the Ōrākei Claim* (1996), 235; Waitangi Tribunal, *Te Mana Whatu Ahuru, Volume III* (2018), 367.
[16] Wai 2180, #1.4.3, *Tribunal Statement of Issues*, 29.
[17] Wai 2180, #1.4.3, *Tribunal Statement of Issues*, 29.

The Māori Lands Administration Act 1900

21. Māori Land Councils were established under the Māori Lands Administration Act 1900 (1909 Act).[18] There were a a number of mechanisms in place under the 1900 Act to ensure that Māori land was protected, and not alienated. During this period, Māori owners were concerned about permanently losing control of their lands so were reluctant to vest land in the councils.[19] No land in the Taihape inquiry district was vested in the Māori Council under the 1900 Act,[20] and nor was there any request by Taihape Māori for this kind of paternalistic "protection" or intervention by the Crown in their rohe.

22. The role and capacity of the Māori Councils demonstrated a paternalism over the interests of Māori and a commitment to the broader economic needs of the country, rather than a commitment to the Crown's Treaty duties or protection of all the whenua/taonga still held by Taihape Māori.

The Māori Land Settlement Act 1905

23. Māori Councils were disestablished under the Māori Land Settlement Act 1905 (1905 Act), and replaced by land boards.[21]

24. The Aotea and Maniapoto-Tuwharetoa Māori Land Boards operated within the Taihape Inquiry district.[22]

25. The Native Trustee, followed by the Māori Trustee (from 1947), was appointed to assist with the administration of Māori reserve lands, and the estates and funds of Māori where necessary.[23]

26. Land boards were appointed by the Governor and were constituted of two appointed, not elected, members, only one of whom had to be Māori,[24] and a President. Only one member, with the President, had to be present for the signing of orders and other instruments made by the land boards.[25]

27. This resulted in Māori losing control or influence over the composition of land boards.[26] Decisions regarding the development and use of any land already vested in the Councils or to be vested under the Board would be made by officials."[27]

The Operation of District Māori Land Boards

28. Walzl summarised the role of land boards as being "*the conduit through which private leases and sales were given approval. In addition, the 1905 and 1909*

[18] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 184.
[19] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 184.
[20] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District*, 184 referencing Wai 2180, #A046, T Walzl, *Twentieth Century Overview*, 169.
[21] Section 2, Māori Land Settlement Act 1905.
[22] Wai 2180, #1.4.3, *Tribunal Statement of Issues*, 28.
[23] Wai 2180, #1.4.3, *Tribunal Statement of Issues*, 28.
[24] Section 2, Māori Land Settlement Act 1905.
[25] Section 5, Māori Land Settlement Act 1905.
[26] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 184.
[27] Donald M. Loveridge, *Māori Land Councils and Māori Land Boards: a historical overview 1900 to 1952*, vii, 6.

Acts respectively identified the land board's role in respect of leases and sales:[28]

29. The 1905 Act increased the powers to administer Māori land and the land available for settlement, through investigating the Native Minister could apply under to the Native Land Court to investigate title and ascertain owners of a block,[29] and then if the Native Minister then deemed that Māori Land to be not required or not suitable for occupation by the Māori owners, the land could be vested (by the Governor by Order in Council) in the land board,[30] to be held and administered for the benefit of the Māori owners.[31] The remaining surplus land was then able to be classified, surveyed and then subdivided into allotments, and then ultimately disposed of by the land board by way of lease for any term or terms not exceeding 50 years and could offer them for public auction or tender.[32]

Crown agency

30. The evidence demonstrates that Māori Land Boards effectively acted as agents of the Crown. This was echoed by Fisher and Stirling, describing the boards as "essentially another arm of the Crown trying to facilitate alienations".[33]

31. Bassett affirmed under cross examination that "*it's my strong opinion that they were acting as the Crown". The Māori Trustee and the Aotea Māori Land Board were acting not just under legislative authority but with the desire to implement Crown policy as opposed to acting in the best interests of the Māori landowners. If the owners have a query or the owners are seeking something, if that's contrary to Crown policy, the Crown policy was given preference.*

32. Land boards also set aside allotments for use of Māori owners of the land, [34] and raised mortgage finance on security of the land to deal with existing incumbrances, charges, liens on the land or title improvement issues designed to prepare the land for leasing.[35]

33. The Colonial Treasurer could, with the consent of the Native Minister at his discretion, authorise advances to be made to the land boards out of moneys to be appropriated by Parliament out of the Public Works Fund.[36]

34. In both cases, repayments, interest, and administration fees were to be paid out of income from the land.[37]

35. Whanau faced many difficulties when dealing with the land board in relation to monies from land sales held back by land boards. An example that demonstrates the preparedness of land board officials to heavily criticise any

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[28] Wai 2180, #A046, T Walzl, *Twentieth Century Overview*, 174.
[29] Section 8, Māori Land Settlement Act 1905.
[30] Section 8(a), Māori Land Settlement Act 1905.
[31] Sections 8-9, Māori Land Settlement Act 1905.
[32] Sections 8-9, Māori Land Settlement Act 1905.
[33] Wai 2180, #4.1.10, *Hearing Week Transcript*, 393-394.
[34] Section 8, Māori Land Settlement Act 1905.
[35] Section 10, Māori Land Settlement Act 1905.
[36] Section 11, Māori Land Settlement Act 1905.
[37] Sections 11-13, Māori Land Settlement Act 1905.

'difficult' landowner who insisted on claiming to be paid out their money from the land board, through the narrative of Tutunui Roroa and her whanau.[38]

36. All restrictions relating to the disposition and administration of any land vested in the Māori Land Court be removed so as to carry into effect the purposes of the legislation.[39]

37. For Māori land retained by Māori for their own use, the Minister of Lands could authorise loans by way of mortgage to the owners up to one third of the value of the land for the purpose of stocking, improving, or farming it, provided that all restrictions affecting the land were removed.[40]

38. It appears that Māori had the opportunity to give input on the decision of whether to raise finance and accepted the risks associated with it, but this was a process that was ultimately controlled by the Minister, and the view of the Māori owners was not necessarily needed, or deferred to, as part of the process.

39. The Act required land boards to revest any lands in the original Māori owners upon the expiry of 50 years and upon discharge of all incumbrances affecting the land.[41]

40. Upon revesting, the land board was required, upon request in writing by the Māori owners possessing a majority of the interests in the lands vested in them, to have the title to the land board annulled, which was executed by the Governor by Order in Council.[42]

41. The 1905 Act reactivated Crown purchase, but sufficient land was to be reserved for the owners' use. The 1905 Act also enabled Māori land to be leased, removing all existing titular and statutory restrictions against alienation by lease. In this rohe the land board acted to confirm leases.[43]

42. According to Loveridge, this legislation arose largely from pressure that the government faced from Pākehā who were impatient and frustrated by the system's failure to provide land for settlement purposes.[44]

43. Taihape Māori entered into a number of new leases as a method of land utilisation. According to Cleaver, these arrangements appear to show a growing preference of Māori for leasing land rather than Māori attempting to utilise it themselves in the face of substantial obstacles.[45]

44. Throughout his report, Walzl provides detail of Taihape Māori establishing lease agreements themselves, which were subsequently confirmed by the land boards.

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[38] Wai 2180, #A046, T Walzl, *Twentieth Century Overview*, 491.
[39] Section 15, Māori Land Settlement Act 1905.
[40] Section 18, Māori Land Settlement Act 1905.
[41] Section 14, Māori Land Settlement Act 1905.
[42] Section 14, Māori Land Settlement Act 1905.
[43] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District*, 185.
[44] Donald M. Loveridge, *Māori Land Councils and Māori Land Boards: a historical overview 1900 to 1952*, 8-19.
[45] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 207.

Crown responsibility for land boards and the Māori Trustee

45. The Crown has denied responsibility for how land boards and the Māori Trustee exercised their powers. The Crown submits that the Tribunal has previously found that the Māori Trustee and Public Trustee are not Crown bodies,[46] and that as "Māori Land Boards held a similar role to the Māori Trustee…[t]he same reasoning can be applied to Māori Land Boards, which were statutorily required to act in the interests of the Māori owners. The Māori Land Boards were not under the control of the Crown."[47]

46. The evidence of Stirling shows the blurring of lines between the judiciary and parliament, as often the roles of head of the Native Department, Chief Judge and Māori Trustee were the very same person. He responds:[48]

> *I know it's been accepted as a general legal principle, that the Court is part of the judiciary in the same way I think it's accepted by the Tribunal that the Māori Trustee is not part of the Crown. The Courts are not part of the Crown. But that's not really how things work in practise, so it's a legal fiction. It's not a historical reality particularly in the 19th and early 20th Century. …the head of the Native Department was the Chief Judge and the Native Trustee, more than once right up to the 1940's. Shepherd filled all three roles simultaneously, so the Court is very much seen as part of the administrative arm of the Government. I think you see that in the report of the 1886 Committee on Ōwhāoko where they say, "Well you can't really expect judicial standards from something like the Land Court," we don't expect that. It wasn't really seen as part of the true judiciary or a properly independent Court."*

Extensive private purchasing post-1900

47. The evidence shows that the processes of Land Boards assisted in the facilitation of proviate purchasing following the amendment of the functions of land boards in 1905, beginning the streamlining of the purchase process that saw so much Māori land alienated after 1905 and especially after 1909.[49]

48. For example:

    a. Most of the Ōruamatua–Kaimanawa block (788,447 acres) was lost to private purchasing by 1920.[50]

Issues with consultation

49. The Crown employed questionable notification and consultation practices in the operation of the land boards in this rohe.

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[46] Wai 2180, #3.3.1, *Opening Comments and Submissions of the Crown,* 45.
[47] Wai 2180, #3.3.1, *Opening Comments and Submissions of the Crown,* 45.
[48] Hearing Week Transcript (#4.1.10) at p 497.
[49] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect,* 159.
[50] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect,* 159.

50. For example:

    a. Mangaohane 1F block – the land board called meetings of owners to decide upon the sale of the block. Although only about a quarter of the 44 owners were in attendance, and all except one agreed to sell the land block. [51]

    b. Motukawa 2A4 - the Aotea Māori Land Board decided to consent to a sale of Māori-owned land without consulting with the Māori owners at all.

51. This shows a lack of adequate consultation of Māori land owners in the sale of their land, in contravention of the Crown's Treaty duty to consult.[52]

Māori Land Settlement Amendment Act 1906

52. In 1906, the Māori Land Settlement Act Amendment Act 1906 provided for the compulsory vesting in the Māori Trustee of any Māori land infested with noxious weeds, or 'not properly occupied by the Māori owners' but 'suitable for Māori settlement', which was in addition to compulsory vesting provisions introduced which only applied to Māori land with unpaid rates, mortgage, or survey debt.[53]

53. In 1906, the Native Department took over responsibility for administering both land boards and the Native Land Court, and provided a uniform set of guidelines for dealing with applications for approval of leases and various other procedures.[54]

Native Land Settlement Act 1907

54. The Crown was provided authority under the Native Land Settlement Act 1907 (1907 Act) to vest lands in land boards if determined by the Native Land Commission to "not [be] required for occupation by the Māori owners, and is available for sale or leasing." Māori land owners did not have any power of disposition in this process.[55]

55. Under the 1907 Act, land boards were to divide vested lands into two approximately equal portions, one for sale by public auction by the Māori Land Board and the other to be leased subject to conditions imposed by the land board.[56] Lessees of more than 10 years could be compensated from revenue of the land for any chattels on the land.[57] The Crown was not required to reserve land for Māori occupation, but the option was there to do so. There was no way to appeal decisions of the Native Land Commission, removing any autonomy that Mari had over their lands.

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[51] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect,* 236.
[52] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect,* 236.
[53] Richard Boast, *Buying the Land, Selling the Land: Governments and Māori Land in the North Island, 1865–1921* (Wellington : Victoria University Press, 2009), 225.
[54] Richard Boast, *Buying the Land, Selling the Land: Governments and Māori Land in the North Island, 1865–1921* (Wellington : Victoria University Press, 2009), 225.
[55] Sections 11-12, Native Land Settlement Act 1907 Act.
[56] Section 11, Native Land Settlement Act 1907 Act.
[57] Sections 11-12, Native Land Settlement Act 1907 Act.

Stout-Ngata Commission

56. The Stout-Ngata Commission of 1907 created an inventory of Māori lands to assist the government's objective of ensuring that any Māori land suitable for Pakeha settlement and not being utilised by Māori was made available.

57. The commission provided little in the way of general comment on the history of the Mōkai Pātea lands, the aspirations of owners, and land use potential in the district,[58] possibly as Mōkai Pātea lands were split between several counties.[59]

58. However a number of Mōkai Pātea lands were mentioned in an interim report produced in March 1908.[60] A number of blocks were stated as being under lease, [61] or only suitable for grazing (for example, the remaining Ōwhāoko subdivisions), so recommended that lands be vested in the land board. [62]

59. Walzl posits that, "there are strong reasons to believe that the Commission's report was speculative and, therefore, inaccurate…[as the] Commission did not visit Taihape and that hearings in neighbouring towns such as Wanganui, Napier, Taupo or Wellington also did not contain any reference to blocks within the Inquiry District. The Commission's record, it appears, is one of supposition. The Commission's findings…can not be relied on."[63] It is possible that the shortcomings of the commission's investigation of Mōkai Pātea lands may have limited immediate pressure to vest or sell these lands.[64]

60. As for the Ōwhāoko blocks recommended for vesting in the land board, he states there is no evidence that this was picked up on and any attempt made to achieve such a vesting.[65] Given the evidence of how those institutions operated in this rohe, this may have been a minor blessing, leaving Māori land safely where it was, without the pressure of the Crown or Crown agents demanding productivity and those risks that come with it.

The Māori Land Board administering sawmilling leases

61. Land boards also played a role in administering timber leases on Māori land.[66]

62. Under the 1907 Act, informal leases needed to be confirmed by the land board. Only two applications appear to have been made in respect of agreements that related to areas of Māori-owned forest in the Taihape inquiry district. [67]

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[58] Wai 2180, #A046, T Walzl, *Twentieth Century Overview*, 57-62.
[59] Wai 2180, #A046, T Walzl, *Twentieth Century Overview*, 60-61.
[60] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 186.
[61] Owhaoko C6, 7, D5, D6, and D7 as well as subdivisions of the Timahanga and Mangaohane blocks.
[62] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 187.
[63] Wai 2180, #A046, T Walzl, *Twentieth Century Overview*, 995.
[64] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District*, 187.
[65] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 187.
[66] Section 26 of the Māori Land Claims Adjustment and Laws Amendment Act 1907.
[67] Section 26, Māori Land Claims Adjustment and Laws Amendment Act 1907.

Native Land Act 1909

63. The role of land boards changed under the Native Land Act 1909 as they were not required to facilitate the alienation of 'unused' Māori land.[68]

64. This further enabled private purchasing by the lifting of restrictions that otherwise enable the private sale of land. However the 1909 Act continued to enable land to be vested in land boards.[69]

65. According to the 1909 Act, all private alienations needed to be confirmed by the land board, yet alienations to the Crown required confirmation only in cases where a resolution had been passed by a meeting of assembled owners. [70]

66. Prior to confirming an alienation, the land board was required to consider the following criteria:[71]

    a. the instrument of alienation had to be properly executed;
    b. an alienation could not be contrary to equity or good faith or to the
    c. interests of the Natives alienating';
    d. no Native could be made landless by the alienation;
    e. the payment had to be adequate; and
    f. in the case of a sale the purchase money had to have been either paid or sufficiently secured.

Case studies of the Māori Land Board's operation in the District

67. After ceasing Crown purchasing shortly before 1900, rather than protecting the remnants of Taihape Maori that it had left in Māori ownership, the Aotea Māori Land Board actively operated through its 'streamlined, bureaucratic processes" to open up the land to private purchasing.[72]

68. Examples of the operation of the Māori Land Board that assisted in the facilitation of alienation of Māori Land include:

Awaroa

69. In the period from 1900 to 1930, almost half of the Awarua land remaining was alienated through private purchases. A much smaller amount was sold thereafter, with the result that today over 26,000 acres – more than half of the land remaining after Crown purchasing – was lost to private purchases. [73]

70. Awarua 2C – partitions were mortgaged, made subject to leases, interests of minors were purchased while vested in the Public Trustee and sold or vested due to survey liens or non-payment of rates.[74]

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[68] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 187.
[69] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 187.
[70] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 221.
[71] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 221 referring to Section 220, Native Land Act 1909.
[72] Wai 2180, #A8, E Subasic and B Stirling, *The Sub-district Block Study – Central Aspect,* 166.
[73] Wai 2180, #A8, E Subasic and B Stirling, *The Sub-district Block Study – Central Aspect,* 166.
[74] Wai 2180, #A008, E Subasic and B Stirling, *The Sub-district Block Study - Central Aspect*, 117-127.

Motukawa

71. Motukawa 2 - Almost 7,000 acres of Motukawa 2 was privately purchased, which together with Crown purchasing prior to 1900 means that today only about half of Motukawa remains in Māori ownership (18,157 acres). [75]

72. Motukawa 2B15B2– the land board confirmed a lease, but the owners wanted to cancel the lease so land could be sold. Another person applied to purchase the block, but it is unclear whether this lease was authorised by Wi Maihi or the Māori Land Board. After litigation concerning the Certificate of Title, survey liens owed on the land, this block was sold to Percival Gardner in 1919.[76]

Ōruamatua–Kaimanawa

73. Unsold subdivisions were leased, but by 1960s and 1970s remaining sections in Māori ownership were compulsorily acquired by the Crown for defence purposes. [77]

74. Ōruamatua–Kaimanawa 1T - the Aotea Māori Land Board sold lands to the Crown while limiting involvement of the Māori owners in the process, or not including those owners at all.[78]

Ōwhāoko

75. Ōwhāoko C5 - In 1916 Arthur Boyd applied to purchase Ōwhāoko C5. At a meeting of owners the decision was split with 8 owners agreeing to sell but 7 oppposing, despite the narrow margin the motion was carried. The Aotea Māori Land Board however was told that the valuation was too low, as it excluded an area of bush thought to be of considerable value.[79] A further meeting of owners was called, and the Aotea Māori Land Board confirmed the purchase. However Boyd did not complete the purchase, so Ōwhāoko C5 still remains as Māori land today.[80]

76. In summary, the Native Land Act 1909 meant that land boards continued a conflicting dual purpose role; on the one hand, they were required to act as trustee for land which Māori wanted to retain and use themselves; on the other, they had pivotal roles in activities related to transferring land out of Māori control and even ownership for settlement. That these two roles were not always aligned is obvious, that the Crown preferred outcome of alienation of Māori land more often prevailed is the experience of Taihape Māori.

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[75] Wai 2180, #A8, E Subasic and B Stirling, *The Sub-district Block Study – Central Aspect,* 67-68.
[76] Wai 2180, #A8, E Subasic and B Stirling, *The Sub-district Block Study – Central Aspect,* 53.
[77] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect,* 171.
[78] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect,* 171.
[79] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect,* 109.
[80] Acccording to Māori Land Online, this land is still in Māori ownership (Accessed online: https://www.maorilandonline.govt.nz/gis/title/18762.htm?feedback_URL=https%3A%2F%2Fconsultations.justice.govt.nz%2Foperations-service-delivery%2Fmlc-customer-survey&helpDoc_URL=https%3A%2F%2Fmaorilandcourt.govt.nz%2Fabout-mlc%2Fpublications%2F%23other-guides&mlc_URL=https%3A%2F%2Fwww.maorilandcourt.govt.nz&moj_URL=https%3A%2F%2Fwww.justice.govt.nz&nzGovt_URL=http%3A%2F%2Fnewzealand.govt.nz&contactUs_URL=http%3A%2F%2Fwww.maorilandcourt.govt.nz%2Fcontact-us)

Ōwhāoko D61

77. The need of Taihape Māori to access funds for living expenses by selling their land blocks is demonstrated through the attempted sale of Ōwhāoko D61. The owners were in dire need of the purchase money as the Aotea Māori Land Board was restricting their access to the purchase price paid for other lands they had sold; money that was needed to pay for improvements to their farm at Te Reureu and to cover Tutunui Rora's medical bills.[81] Clearly Taihape Māori should not have had to sell their remaining land to cover medical bills in this way.

Timahanga

78. The Aotea Māori Land Board's streamlined processes facilitated the alienation of a number of Timahanga blocks with the loss of 5 of the 6 subdivisions being acquired by the Crown in the short period from 1911 to 1915.[82]

79. Although the Aotea Māori Land Board called a meeting of owners to consider the Crown offer to purchase of Timahanga 2 and Timahanga 6, and those present indicating their approval, there is no evidence that records how many, if any at all, were notified and attended the meeting, or the detailed outcome of the decision to sell.[83]

Native Trustee and land board lending: Mortgages and advances

80. Prior to the Native Trustee Act 1920, Taihape Māori accessed mortgage lending from a number of sources.[84]

81. In the early 1920s, under the Native Trustee Act 1920, the Native Trustee was able to lend to Maori. From 1922 Land Boards were able to advance money on Maori land with the consent of the Native Minister. Only two such loans secured by Mokai Patea Maori from these sources up to 1930 – both mortgages with the Aotea District Maori Land Board.

82. Despite being land-rich, Taihape Māori struggled to gain the kind of finance needed to develop land and farms, which many Taihape were attempting or progressing during this period.

83. Mōkai Pātea Māori mortgaged their land to service debt and to cover living costs, as it was a requirement for Māori lenders to possess income from leased land to service the mortgage.[85] Between 1910 and 1930, Mōkai Pātea Māori raised mortgages against 41 areas of land.[86]

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[81] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect,* 98.
[82] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect,* 256.
[83] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect,* 252-253.
[84] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 221 referencing Walzl, 'Twentieth Century Overview', pp548-551; Armstrong, Environmental Change in the Taihape District, pp32-37.
[85] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 262.
[86] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District*, 261.

84. Examples of mortgages for living costs include:

a. Awarua 2C11 (675 acres), being farmed by the owners, was first mortgaged in 1908 and re-mortgaged in 1912, 1917, 1923, and 1928. After ceasing farming the land board started to distribute the loan as a living allowance to surviving owner Kewa Pine.[87]

b. Awarua 2C16C3 (182 acres) was first mortgaged in 1926, a year after it was leased to a Pākehā for a period of 42 years, and subsequently re-mortgaged every five years through to 1957.

85. Mōkai Pātea Māori continued to raise mortgages against their remaining lands after 1930. A number of mortgages were entered into between 1931 and 1980 over 17 areas of land in Mōkai Pātea ownership. and there is no evidence of mortgages raised after this time.[88] For these mortgages, several cases the mortgaged lands comprised more than a single block, and in three instances more than one mortgage was raised against the land during the period.[89]

86. Between 1931 and 1950, lending sources were the Public Trustee, Māori Trustee, land boards, and private sources. Between 1950 and 1980, a majority were from the Māori Trustee.[90] During this time, farmers were able to access funds from the government focussed on assisting the establishment of new farms and developing areas. Māori didn't get a look in when the land was multiply owned.

87. The decline in the number of areas subject to new mortgages after 1930 would seem to at least partly reflect the diminishing Māori land base – Māori owned less land to secure mortgages against.[91]

Māori Trustee Act 1953

88. The Māori Trustee could, using any funds in the Consolidated Fund allocated for the purpose, advance moneys to individual Māori on the security of a mortgage over any freehold or leasehold interest in land or on the security of any chattels or other property.[92]

89. The evidence of Cleaver shows that in at least one case, the burden of existing mortgage debt appears to have contributed to the alienation of Mōkai Pātea Māori land, resulting in the sales of the Awarua 2C9 (945 acres) and Awarua 2C10A (1,597 acres) blocks. [93]

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[87] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District*, 258.
[88] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 261.
[89] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District*, 261.
[90] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District*, 262.
[91] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 261.
[92] Section 32(1)(a) Māori Trustee Act 1953; Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District*, 261.
[93] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 263.

Native Land Act 1931

90. Under the Native Land Act 1931 land boards maintained significant influence as they were provided with wide discretion to deal with money received and hand it to the Native Trustee, invest it, or use it to buy or lease land.[94]

National Expenditure Commission 1932

91. The National Expediture Commission of 1932 raised a number of concerns about land boards, in that "the administrative machinery was defective and detected shortcomings at all levels in terms of property management."[95] The Commission suggested to abolish land boards with their 'judicial' functions being transferred to the Native Land Court and their other duties being assumed by a re-structured Native Department which also incorporated the Native Trustee.[96]

Native Land Amendment Act 1932

92. Land boards lost their power to confirm alienations under the Native Land Amendment Act 1932 which divulged this power to the Native Land Court, as well as establishing the Native Land Settlement Board which became responsible for overseeing the management of development schemes.

93. The extent of control of Māori Land by the land boards was further lessened as powers were granted to the Board of Native Affairs under the Native Land Amendment Act 1936 to confirm leases.[97] Despite powers only being granted in 1936 the Board of Māori Affairs admitted to issuing leases up to 20 years prior to the Act.

Land Board failure to recover lease payments

94. The Aotea Māori Land Board was responsible for managing the Oruamatua-Kaimanawa 1 and 2 blocks on behalf of the owners, yet inadequately managed a lease on the property which ultimately led to the lands being sold to recover costs.

95. The land board's actions resulted in the confirming of a lease that restricted Taihape Māori from effectively utilising their land, rendering them without a property during the period that it was leased. The owners did not receive any funds from the lease, so were left out of profit as a result of this transaction.

The Abolition of Māori Land Boards

96. A further Royal Commission established in November 1949, led by Sir Robert Stout and Apirana Ngata, expressed concern about land boards, and were heavily criticised as "one person held the dual roles of Judge of the Land Court and President of the land board", highlighting the different skill sets involved in each role: *"it is altogether wrong that those concerned to see to the application of the law should be involved in matters which are purely*

[94] Section 97-213, Native Land Act 1935.
[95] Donald M. Loveridge, *Māori Land Councils and Māori Land Boards: a historical overview 1900 to 1952*, 142.
[96] Donald M. Loveridge, *Māori Land Councils and Māori Land Boards: a historical overview 1900 to 1952*, 142.
[97] Section 16(3), 24(3), Native Land Amendment Act 1936.

administrative". [98] The Under-Secretary of Māori Affairs again called for the abolition of land boards in 1951[99]

97. Legislation was introduced in 1952 to dissolve land boards and abolish Māori land districts, and transfer their rights and duties to the Māori Trustee.[100]

98. At this point in time, land boards collectively held a total of £1,305,500, belonging to their beneficiaries.

99. This is the equivalent of almost $80 million dollars today.[101]

Māori Trustee managing natural resources

100. The Māori Trustee acted on behalf of Māori land owners to negotiate royalty payments for stone extraction from Māori land, such as acting on behalf of the owners of Awarua 4C12A2 to successfully negotiate payment of royalties for the stone extraction.[102]

101. Previous Tribunal findings on Māori Land Administration are elaborated on in the Generic Closing Submissions.[103] Counsel submits that the findings and recommendations of the Te Rohe Pōtae inquiry are applicable to this Inquiry also.

102. In a similar to the experience to that of Te Rohe Potae Māori, the Crown failed to have due regard to the positive suggestions made by Taihape Māori to establish an effective land administration system that they desired and would be able to control/influence.

103. Rather, the Crown pursued a policy that elevated the demands of Pākehā settlers for more land over its Treaty obligations, and in doing so, the Crown adopted policies inconsistent with the principle of equity derived from Article 3 of Te Tiriti and failed to fulfil its duties to act honourably and in good faith, and to actively protect Māori land.

104. The Māori Trustee and land boards played an operative role in the Taihape inquiry district to get Māori land owners on side and effectively facilitate the alienation of Māori land through leasing, private purchases and Crown purchases.

105. The land boards and Māori Trustee were charged with protective oversight over Māori land according to the legislation.

106. However while being cross examined by claimant counsel about the extent of effective oversight and protection offered by the Crown of Taihape Māori land" Walzl indicated that the function of the Māori Trustee was limited to a 'low level' of administrative protection, in terms of ensuring that paperwork was not

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[98] Bennion, The Māori Land Court and Land Boards, 70.
[99] Bennion, The Māori Land Court and Land Boards, 70.
[100] Māori Land Amendment Act 1952.
[101] According to the Reserve Bank of New Zealand inflation calculator, the equivalent in today's value is $79,608,955.87 (refer: https://www.rbnz.govt.nz/monetary-policy/inflation-calculator).
[102] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 268.
[103] *Generic Closing Submissions on Māori Land Boards and the Native/Māori Trustee* dated 21 September 2020 (#3.3.48) at 32-34.

fraudulent, however he expressed doubt that this level of protective oversight was enough to fulfil the Crown's obligations of Article Two of Te Tiriti with regards to their duties to act equitably, in good faith and in the interests of owners.[104]

107. The evidence above shows that due to the conflicting statutory duties that the Māori Trustee and land boards held, these entities did not operate effectively to uphold the Crown's duties of equity and active protect to provide effective oversight and protection of Taihape Māori land.

108. As the land boards held a dual role of both confirming leases and then acting as an agent in controlling and managing Māori Land this has adversely impacted Taihape Māori.

109. The evidence shows that land boards both retained the profits from the land and acted as a gatekeeper of those profits relating to any payment being made to the owners of the land. The land boards made decisions on the operation of leases including the distribution of rental profits to pay survey liens, rates and improvements and withheld finances from Māori owners when they came to the land board seeking money at their most vulnerable times, when they needed a living allowance or funds for medical expenses.

110. Māori had to look elsewhere to obtain mortgages and loans from other funding sources due to land boards not distributing profits upon request. This compounded the situation for Taihape Māori who often could not keep up with loan payments, and often this lead to the land being brought before the Māori Land Court where charging orders were issued upon the certificate of title. When these were unable to be paid, the evidence shows that many land blocks were then sold, often to leaseholders, to pay for all monies owing first, with little to no funds being distributed to the original Māori land owners.

111. Land boards and the Māori Trustee, entities had no fiduciary obligation to Taihape Māori land owners to uphold their best interests when managing Māori land.

112. The primary aim of these entities was to develop settlement and industry in the region, and this may have a minor benefit on Māori land owners but when looked at holistically the actions taken by these entities provided little more than the minimum form of protection against loss of lands for rates, and often failed to even provide that kind of protection.

113. By their very definition, as detailed in the purpose of the legislation, these entities were positioned as government and industry facing entities, established by the Crown to carry out certain economic objectives, and therefore the interests that were best served by these entities was the Crown and wider settler community, to the detriment of Taihape Māori.

114. There is a lack of regard for adequate processes and consultation with Māori land owners, and no decision-making authority is afforded to them.

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[104] Wai 2180, #4.1.15, *Hearing Week Transcript,* 271.

115. The Crown has acted inconsistently with their duties under Te Tiriti and as a result Taihape Māori were prejudiced through inadequate consultation, the loss of decision-making authority, inability to develop lands or access development funds, and the inability to utilise their lands.

Issue Two: Māori Trustee Enforcement of Survey Fees and Rates

116. The evidence shows land boards and the Public Trustee played a key role in enforcing the recovery of survey fees and rates of Māori land in the Taihape District. Again this is a dual role – serving the local government authority rather than Māori.

117. Land boards or the Public Trustee were delegated authority under the Rating Amendment Act 1910 (1910 Act), to sell or lease Māori land for the recovery of rates. Ministerial approval was not required.[105]

118. Under the 1910 Act nominated Māori owners could be sued by the land board for the recovery of unpaid rates, and this judgement was '*deemed to be a judgement against all the owners or occupiers'*.[106]

119. Local bodies could apply to the Native Land Court to have rates charge registered for land titles enforced: either by the appointment of the Māori Land Board or Public Trustee or any other person as a receiver of the rents and profits of subject land; or by vesting the affected land in the Māori Land Board or Public Trustee in trust to sell. [107]

120. The Aotea Māori Land Board administered funds received as a result of outstanding rates, and rental costs. Any sums owing to the Native Trustee were paid on to the Native Trustee.

121. Examples of these instances occurred with the following land blocks:

    a. Taraketi 1F pt (70 acres) – consideration paid in full to Aotea Māori Land Board[108], with £653 of this paid to the Native Trustee to services mortgage, rating, rents due in respect of other land blocks[109]

    b. Motukawa 2B116A - Aotea Māori Land Board sold and leased land without consultation with the owners who were struggling to pay rates on the block.[110]

Rating Act 1925

122. Section 104 of the Rating Act 1925 provided a means whereby owners could be exempted from paying rates on Māori land through an Order in Council by the Governor-General but there was no examples of this provision being used

[105] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 31.
[106] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 31 referring to Section 8(2) of the Rating Amendment Act 1910.
[107] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 31.
[108] Section 92, Native Land Amendment Act 1913.
[109] Wai 2180, #A007, TJ Hearn, *The Sub-district Block Study – Southern Aspect*, 1 Nov 12, 190-193.
[110] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 31.

in the Inquiry District, nor were the land boards or Native Trustee active in seeking any exemptions in this rohe.

123. It appears to have been completely unutilised or relied on and shows that these organisations failed to act in the interests of the Māori land owners and protect Māori land ownership. Instead, the land boards and Native Trustee was present to serve the lessees, the local authorities and the government by ensuring Māori land was productive, no matter the cost to Taihape Māori.

Section 105

124. Section 105 of the Rating Act 1925 empowered the land boards and the Native Trustee to pay rates levied on Māori land vested in it out of the revenue of land held by him.[111]

125. This shows that the land boards and Native Trustee had complete control over the rating process, and Māori had no input into this process. Māori were under increasing pressure to pay outstanding rates as the Native Trustee was not obliged to pay for outstanding rates over four years old, so Māori were compelled to find the outstanding rates amount from alternative income sources, or risk that their land be sold for unpaid rates.

Appointment of receivers

126. If rates due on Māori land vested in land boards or the Māori Trustee were not paid within 9 months, these became a debt due on the land block,[112] which enabled the claim for rates to be lodged as an application for a charging order through the Court. It was the land board or public entity that the land was vested in that appeared for the application in court, acting as agent for the Māori owners.[113] If no objections were received, a charge was placed over the land in favour of the local authority for the cost of rates and recovery fee.[114]

127. Again, the control of this process is outside of the control of the owners as the Native Land Court is responsible for the administration of the land.

128. The charge against the land was able to be enforced by the appointment of a Receiver, being the land board or the Public Trustee.[115]

129. If the land had a charge on it, the owners were not allowed to have any dealings with the land without the permission of the court or the relevant local authority.[116]

130. The land board held excessive control over the management of Māori lands by being charged with the statutory power to both administer land vested in it, and also act as the receiver of the property should rates be unable to be paid.

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[111] Section 105(a), Rating Act 1925.
[112] Section 108(1), Rating Act 1925.
[113] Section 108(2), (3), Rating Act 1925.
[114] Section 108(5), Rating Act 1925.
[115] Section 109(1), Rating Act 1925; see also Section 31(3) of the Native Land Act 1909 states "(3.) A Māori Land Board or the Public Trustee may be appointed as a receiver under this section."
[116] Section 108(8), Rating Act 1925.

131. The land board had the power when acting as receiver to sell the "*whole or any part of the land so vested in him either by private contract or by public auction, and either in one or more lots, and subject to such terms and conditions as he shall think fit, including the condition that part of the consideration be left upon mortgage secured upon the said land; or the Native Trustee may, if he thinks it expedient, instead of selling the said land, raise money by way of mortgage upon it for the purpose of liquidating the charg*e."[117]

132. Any payment leftover from the sale was to be paid to the land board who had the power to decide who was entitled who the residual money was paid out to. [118]

133. This period saw the diminishing role of the land board, as the requirement for lands being vested in a local authority in lieu of rates to be confirmed by the land boards was eliminated.[119]

134. If the charges on land remained unpaid for one year after the appointment of the land board/Public/Native Trustee as receiver, the lands could then be vested in the Māori Trustee for the purposes of sale for the payment of that charge.[120]

Native Trustee as Receiver

135. The Native Trustee was appointed receiver under sections 108 and 109 of the 1925 Act for Taraketi 1G2, 1G3, 1G4, 1G5, and 1G6 in February 1947.[121]

136. The Māori Trustee was not discharged as receiver until 21st August 1970. Three of the five blocks remain in Māori ownership, the remaining two were declared to be general land (although they may still remain in Māori ownership).[122]

Māori Land Board as Receiver

137. The evidence shows that the Aotea Māori Land Board actively assisted the Māori Land Court to receive rent under section 281 of the Native Land Act 1931 at the same time as the Court confirmed a lease, so that the land board could pay any outstanding rates or other 'encumbrances' from the initial rental monies.[123]

138. The Aotea Māori Land Board was appointed as receiver under the Rating Act 1925 to receive rents to discharge rates debt owing for the following blocks:

    a. Ōwhāoko D5 No. 3[124]

    b. Motukawa 1B[125]

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[117] Section 109(2), Rating Act 1925.
[118] Section 109(3), Rating Act 1925.
[119] Section 113(2), Rating Act 1925.
[120] Section 108 and 109(1), Rating Act 1925.
[121] Wai 2180, #A007, TJ Hearn, *The Sub-district Block Study – Southern Aspect*, 1 Nov 12, 194.
[122] Wai 2180, #A007, TJ Hearn, *The Sub-district Block Study – Southern Aspect*, 1 Nov 12, 194.
[123] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 161.
[124] Wai 2180, #A006, M Fisher/B Stirling, *The Sub-district Block Study - Northern Aspect*, 81.
[125] Wai 2180, #A008, E Subasic/B Stirling, *The Sub-district Block Study - Central Aspect*, 48;

139. This interplay between Crown agencies ensured that the repayment of rates and survey liens were prioritised over the return of funds to Māori landowners, taking away their ability to administer their own land. There seems to be no evidence in this Inquiry of those Crown agencies seeking rates remissions, more lenient rating standards, or rating waivers on behalf of Taihape Māori landowners.

Māori Land Board and Māori Trustee administering charging orders as receiver

140. Between 1926 and 1945, Woodley records that 353 charging orders were made in respect to around 115 blocks in the inquiry district, making up a total of 170,792 acres (a considerable area of this which was made up of the Owhaoko D7A and D7B blocks comprising over 42,000 acres).[126]

141. The process of lodging receivership orders over the property provided an effective mechanism for non-owners to further extend the extent of property rights held over Mōkai Pātea Māori land. This aligned with the stated aim of the Rangitikei County Council to provide for a formal lease or sale over Māori land. [127]

142. In the first tranche of Receivership Order applications, in the period of 1945 to 1947, the Aotea Māori Land Board was appointed receiver in respect to 13 blocks.[128]

143. Owners of small, 'uneconomic' blocks were expected to pay rates and to have their land utilised in a way acceptable to the Rangitikei County Council, and where they were not, the land was assigned to the Māori Trustee to administer in a way where leases could be implemented.[129]

Receivership orders - late 1950s and late 1960s

144. The Aotea Māori Land Board was appointed receiver for the following blocks:

    a. Taraketi 1G - by order of the Māori Land Court in 1948 to recuperate rates arrears, however rates arrears continued as leasing arrangements fell through.[130]

    b. Awarua 2C13C2A, Awarua 2C13C2B and Awarua 2C13D[131]

145. Interestingly although 14 receivership orders were made in the late 1950s, no receivership orders and few charging orders were recorded in the Whanganui Minute Book again until 1968.[132] The evidence suggests that this is because the Council was told 1958 that "*the Māori Trustee would not accept receivership orders unless all avenues regarding ownership and occupation*

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[126] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 146. These blocks include: including Awarua 213J7; Awarua 2C13L; Awarua 4A3C4A1A; Motukawa 1B; Ōwhāoko D5, 2; Ōwhāoko D5, 3; Ōwhāoko D5, 3; Taraketi 1F part; Taraketi 1G1; Taraketi 1G2; Taraketi 1G3; and Taraketi 1G5.
[127] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 232.
[128] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 146; 234. These blocks include: including Awarua 213J7; Awarua 2C13L; Awarua 4A3C4A1A; Motukawa 1B; Ōwhāoko D5, 2; Ōwhāoko D5, 3; Ōwhāoko D5, 3; Taraketi 1F part; Taraketi 1G1; Taraketi 1G2; Taraketi 1G3; and Taraketi 1G5.
[129] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 147.
[130] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 165.
[131] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 166.
[132] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 167.

had been explored and where there appears to be no other authority who would be in a better position than the Māori Trustee to obtain revenue from the land". [133]

146. The Māori Trustee did not wish to have the role of 'rate collector' back in 1955. District Officers of the Department of Māori Affairs were advised that the Māori Trustee would no longer accept receivership to enforce rates charging orders.[134]

Awarua

147. On 8 February 1968 charging orders were made for a number of Awarua blocks between 1 April 1966 to 31 March 1967, including:[135]

    a. Awarua 4C8A1[136]

    b. Awarua 4C8B [137]

    c. Awarua 4C8A2[138]

148. The Māori Trustee operated as a receiver and enforcer of survey fees and rates that were imposed by the Native/Māori Land Court on Taihape Māori land.

149. The evidence shows the detailed operations of the interplay between the Native/Māori Land Court, the Māori Trustee and local authorities to place various charges, such as survey liens and rates, on Māori land that were difficult for Taihape Māori to repay, and then act as an enforcer once charging orders had been imposed by the Māori Land Court to sell land block and use the consideration to pay back any monies owing, and sometimes not even returning the residual consideration to Māori land owners.

150. Apart from selling the land, leasing was often the only option available to stop rates from accumulating to overwhelming levels and that rates were still expected to be paid despite this. At times, Māori land owners had to turn to the sale of land in order to alleviate the rates debt.

151. The land board and Māori Trustee did not serve to protect Taihape Māori interests or protect their remaining interests in Māori land, but to the contrary, this system operated to the detriment of Taihape Māori by placing land owners placed in a compromised position by the Crown, as it was the Crown process that required land to be surveyed and burdened with liens and rates automatically, which ultimately led to alienation once these debts were unable to be repaid.

152. When these actions are reviewed in light of the previous Tribunal findings in other inquiries, the evidence shows that the Crown has failed Taihape Māori

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[133] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 167.
[134] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 167.
[135] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 167. Refers to Awarua 3B2C1 Pt, Awarua 3B2C3B, Awarua 4C8A1, Awarua 4C8A2, Awarua 4C8B.
[136] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 167.
[137] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 167.
[138] Wai 2180, #A037, S Woodley, Māori Land Rating and Landlocked Blocks Report 1870-2015, 169.

by establishing a land administration system that instead of enabling Taihape Māori to effectively control and manage their lands and resources, took away their ability for decision-making and control over the management of their lands and resources.

Issue 3: The extent of land interests held by the Māori/Native Trustee, and the intent or effect of decisions made by the Māori/Native Trustee to advance Crown interests to the detriment of Māori

153. The evidence shows that the Māori Trustee held interests in land blocks in the Inquiry district. These interests were acquired once land blocks were vested in the Māori Trustee.[139]

154. Subsequent decisions made by the Māori Trustee had both the intent and effect of advancing Crown interests, and these were to the detriment of Taihape Māori interests in the inquiry district. [140]

155. Examples of this in operation include:

    a. Otamakapua 1H3 - acquired by the Crown in March 1915[141]

    b. Otamakapua 1J2 - acquired by the Crown in 1912[142]

    c. Otamakapua 1K

    d. Ohingaiti 6 - Aotea Māori Land Board confirmed a lease of the block in July 1921.[143]

    e. Pouwhakarua 1E - Aotea Māori Land Board actively encouraged owners to sell their interests. By August 1917 the Crown had acquired one quarter of the block. [144]

156. The provision of compensation for public works takings will be addressed in the *Generic Submissions on Public Works*. However it is important to draw reference to the role that the Aotea Māori Land Board played in this process.

157. If no compensation was paid for a public works taking, the owners were entitled to bring the matter before the Native Land Court. If it was determined that the owners were eligible for compensation, the land boards played a role in collecting compensation and distributing this to the owners.

158. The evidence shows that the Māori Trustee had numerous land blocks vested in it on behalf of the owners. The decisions that were made by the Māori Trustee had the effect of advancing Crown interests over Taihape Māori land by effectively rendering Taihape Māori landless during the period that lands were vested, and did not provide Taihape Māori with economic opportunities that were promised under the Act.

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[139] Wai 2180, #1.4.3, *Tribunal Statement of Issues*, 29.
[140] Wai 2180, #1.4.3, *Tribunal Statement of Issues*, 29.
[141] Wai 2180, #A007, TJ Hearn, *The Sub-district Block Study – Southern Aspect*, 1 Nov 12, 123.
[142] Wai 2180, #A007, TJ Hearn, *The Sub-district Block Study – Southern Aspect*, 1 Nov 12, 123.
[143] Wai 2180, #A007, TJ Hearn, *The Sub-district Block Study – Southern Aspect*, 1 Nov 12, 173.
[144] Wai 2180, #A007, TJ Hearn, *The Sub-district Block Study – Southern Aspect*, 1 Nov 12, 178.

159. Even more disturbing is the conduct undertaken by the Māori Trustee during te period that lands were vested in it, not consulting Taihape Māori on decisions relating to the land, and acting in a way that was thought to be not in the best interests of the original landowners, but the Crown. These decisions made by the Māori Trustee inevitably had the effect advancing Crown interests over, and to the detriment of, Taihape Māori interests in the inquiry district by encouraging the vesting of land in the Crown, and alienating Taihape Māori from their lands.

160. These are breaches the Crown's duty to establish a land administration scheme that enabled Taihape Māori to control and manage their lands.

161. Taihape Māori were not effectively consulted with during this process of land administration, and the decisions made did not ensure consideration of protecting the land base of Taihape Māori.

Issue 4: Consultation with Taihape Māori when land was vested in the Native Trustee/Māori Trustee

162. The Crown undertook limited consultation when vesting Taihape Maori land interested in the Maori Trustee, which the claimants have found to be ineffective and inadequate.[145]

163. The legislative powers that enable the vesting of land are void of any statutory power to compel the Native/Māori to consult with owners on the vesting of land.

164. Although the technical evidence does not expand upon the circumstances of every vesting of land in the Māori Trustee, the example of the vesting of Otumore Block is an example that demonstrates that Māori land owners were not consistently consulted by when lands were vested in the Māori Trustee.

165. The Māori Trustee was empowered to:[146]

    a. negotiate with and sell the land to the Forest Service at the highest price that could be agreed upon;

    b. discharge all the expenses and charges incurred by the Māori Trustee;

    c. negotiate a settlement with the Department of Lands and Survey in respect of all survey charges;

    d. pay any balance of the purchase price to the Māori Education Foundation.

166. Negotiations took place between the Director-General of Forests, the Māori Trustee and the Commissioner of Crown Lands, with a view that the lands be purchased by the Department of Lands and Survey however throughout this process, the owners of Otumore Block were not consulted or even advised

[145] Wai 2180, #1.4.3, *Tribunal Statement of Issues*, 29.
[146] Wai 2180, #A007, TJ Hearn, *The Sub-district Block Study – Southern Aspect*, 1 Nov 12, 240.

before the Māori Land Court vested the land in the Māori Trustee for sale to the Forest Service in 1962.

167. In about 1973 the Ahuriri Tribal Executive, many of whom were owners in the block, began investigations into possibly selling the block. However in the process of doing so, they found out that it had already been vested in the Māori Trustee[147] without their knowledge.

168. As a result, 'there is now a somewhat more specific requirement as to the type of notification to be given to the owners concerning any proposal to vest land in a trustee under the provisions of this section.' The Department of Māori Affairs disclaimed any knowledge of any discussions involving the sale of the block during 1961 or 1962 as the Executive had claimed.[148]

169. It is clear from the evidence available that although the Crown ocassionally made some attempts to identify and contact the owners of land blocks, it did not proactively consult with those owners about the vesting of their lands in the Māori Trustee.

170. In the example provided, the Otumore block was vested in the Māori Trustee without the knowledge of the Māori owners, so much so that upon hearing of the vesting, the owners collectively raised this as an issue with the Department of Māori Affairs.

171. The evidence shows that the owners of the block were not consulted or even advised by the Crown throughout the process of this transaction.

172. By not engaging with all Taihape owners of Māori land in dealings with the Māori Land Board and Māori Trustee as shown in the evidence, despite an obligation to do so under Te Tiriti, is a gross breach of the Crown's duty of consultation enshrined in Article 2 of Te Tiriti and reflected in the findings of previous Tribunals.

Issue 5: Consolidation and Development Schemes

173. Consolidation and development schemes were not a feature of this inquiry district.[149]

174. There was no significant title activity in terms of incorporations, consolidations, aggregations, amalgamations of titles, nor large-scale development schemes in this Inquiry District. [150]

175. There was just one instance of land being placed under the land development provisions of the Māori Affairs Act 1953 (Part XXIV), but this was simply a single farmer being financially assisted as an individual development unit, being on a part of Awarua and Motukawa blocks from 1959.[151]

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[147] As per an amendment to section 438, Māori Affairs Act 1953.
[148] Wai 2180, #A007, TJ Hearn, *The Sub-district Block Study – Southern Aspect*, 1 Nov 12, 241.
[149] Wai 2180, #1.4.3, *Tribunal Statement of Issues*, 29.
[150] Wai 2180, #A8, E Subasic and B Stirling, *The Sub-district Block Study – Central Aspect,* 10.
[151] Wai 2180, #A8, E Subasic and B Stirling, *The Sub-district Block Study – Central Aspect,* 10.

The Taihape Development Scheme

176. Development finance was provided under the "Taihape Development Scheme" as follows:[152]

    a. Otamakapua 1F2A (211 acres) - loan from the Board of Native Affairs of £1,000 in May 1938 paid to Tihoni Kereopa, repaid by 1953[153]

    b. Awarua 4C8A1 (430 acres) – included in the scheme April 1947 and released by May 1952 - loan from Board of Native Affairs to owners Ngahina Edmonstone Haddon and Mick Reupene Haddon.[154]

    c. Motukawa 2B17A (775 acres) – included in the scheme from 1959 and released by 1984 – notably when the land was included within the scheme, the Department of Māori Affairs' land development assistance was administered under Part XXIV of the Māori Affairs Act 1953. It was solely owned by Hira Wharawhara Bennett when it became part of the scheme loan approved of £15,600 for land development purposes.

177. The important consideration is that the owners applied for funding and were not compelled to do so by the Māori Trustee.

Title developments and statutory management entities

178. Despite the petitions of Mōkai Pātea Rangatira to retain consolidated ownership of their Māori land holdings in the late 19th century, the evidence shows that by the beginning of the twentieth century land blocks particularly in the centre and south of the inquiry district were either solely owned or held by a small group of whanau owners.[155] As multiple ownership increased due to succession, by the mid-twentieth century, some owners looked to address the difficulties arising from multiple ownership through transferring and consolidating their land interests.[156]

179. The evidence demonstrates that there were no consolidation and development schemes were implemented in the Taihape Region.

180. The evidence shows that there was no opportunity for Taihape Māori to raise concerns about potential consolidation and development schemes.

181. In the matter of raising concerns about the management of their interests vested in the Māori Trustee, the previous example of the Ahuriri Tribal Authority demonstrates that there was no opportunity to raise concerns directly with the Native Trustee on issues of concern about the management of their interests vested in the Māori Trustee, however there was the avenue of laying a complaint to the Minister of the Māori Affairs Department. In this instance however, the complaint did not lead to the return of their lands,

[152] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 256.
[153] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 255.
[154] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 256.
[155] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 263.
[156] Wai 2180, #A048, P Cleaver, *Māori and Economic Development in the Taihape Inquiry District,* 263.

however it enabled the modification of the notification process so that there was more of an onus on the Native Trustee to notify owners of any vesting.

182. Those same findings of the Te Rohe Pōtae report can also be applied in this Inquiry to establish that the Crown has breached its obligations under Te Tiriti to ensure the economic prosperity of Taihape Māori through effective management and resourcing Taihape Māori to exercise their right to development.

Issue 6: How the actions taken by the Māori Trustee affected Taihape Māori, and the extent of relief provided by the Crown

183. The actions taken by the Māori Trustee affected Taihape Māori to a great extent as their land blocks were effectively alienated firstly by lease, private purchasing, Crown purchasing in the time that they were entrusted in the Māori Trustee. [157]

184. The Crown, through the Māori Trustee, did not provide adequate relief for the taking of lands from Taihape Māori. [158]

185. The granting of perpetual leases was "a form of confiscation by the pen", effectively alienated Maori land that was vested in land boards on behalf of the Māori owners as was the case when a native township was vested in the Aotea District Māori Land Board.[159]

186. The greatest impact experienced by Mokai Patea Māori was a loss of land due to alienation. Much of the land sold was of better quality.

187. The Crown was aware the impact that Māori Land Boards was having on facilitating alienation of land took any steps to remedy that, to strengthen Māori Land Boards in terms of their powers to have first and foremost the interests of Māori land owners at heart. Despite this there was no evidence of a consideration by the Crown of how to improve that system. [160]

188. The Crown, through the Stout-Ngata Commission provided for land to be set aside for Māori, as "inalienable sort of reserves; papa kāinga style reserves or land for Māori occupation. … "but then of course the 1909 Act swept all that aside and removed all restrictions and that's when the Land Board streamlined alienation processes really kicked in because there was no longer any protection for Māori land, beyond a few weak statutory tests around landlessness and ford in the transaction." [161]

Appointment of the Native Trustee despite owner opposition - Motukawa 2B16B3 and 2B16B2C

189. The Native Trustee applied to be appointed as agent for and on behalf of the owners of Motukawa 2B16B3 and 2B16B2C on the grounds that the land was "unleased and unoccupied…and its general condition was noticeably

[157] Wai 2180, #1.4.3, *Tribunal Statement of Issues,* 29.
[158] Wai 2180, #1.4.3, *Tribunal Statement of Issues*, 29.
[159] Hearing Week Five Transcript (4.1.12) at p 381.
[160] Wai 2180, #4.1.10, *Hearing Week Transcript*, 393-394.
[161] Wai 2180, #4.1.10, *Hearing Week Transcript*, 393-394.

deteriorating", that rating liens were registered on the land, and there were noxious weeds on the land. However in fact, there were Moari owners living on the land and they did not want this appointment to proceed.[162] In response, the Native Trustee office proposed that these owners could remain in occupation of a certain area of the block, while the application would cover the balance of the land which was unoccupied, and by 1934, the Native Trustee's application was granted. [163]

190. Taihape Māori were adversely affected by the actions of the Māori Trustee. It has been demonstrated in the evidence that land sales, perpetual leases and various other methods employed by the Māori Trustee acted to effectively and formally alienate land from Taihape Māori without consent or consultation.

191. No relief was provided to Māori by the Crown when lands were alienated without consent or consultation, in breach of the Crown's obligation to ensure that

Issue 7: The Māori Trustee acting on behalf of minors, the prejudice arising from this, and the Crown's responsibility to protect from this potential prejudice

192. The Public Trustee or any other person or persons to be the trustee or trustee, inclusive of the Maori Trustee, was authorised to act on behalf of Taihape Maori minors according to Section 172(1) Native Land Act 1909 and mirrored in subsequent legislation. [164]

193. In order to appoint a person other than the Public Trustee, the Court could only do so if it was advisable to be in the interests of the person under disability.

194. There were no protection mechanisms provided in the 1909 to ensure that the appointed Trustee acted in the best interests of Taihape Māori minors.

Operation of Trustees in the Inquiry district

195. The Māori Trustee does not appear to have acted on behalf of Taihape Māori minors, however the evidence of Walzl shows that the Māori Trustee was appointed as agent on behalf of minors who held interests in Māori land.

196. The evidence shows a number of instances when shares in Māori land held by minors were vested in the Public Trustee, or managed by the Native Trustee. While vested in the Public and Native Trustee, these land blocks were leased or sold without consent of the shareholders.

197. This agency relationship is even more jarring because of how the Public Trustee made decisions on behalf of vulnerable minors with no Māori input, that consequently cannot be deeded to be in their best interests as the land was alienated.

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[162] Wai 2180, #A008, E Subasic/B Stirling, *The Sub-district Block Study - Central Aspect*, 60.
[163] Wai 2180, #A008, E Subasic/B Stirling, *The Sub-district Block Study - Central Aspect*, 60.
[164] Wai 2180, #1.4.3, *Tribunal Statement of Issues*, 29.

198. Under Te Tiriti, Māori are guaranteed suitable institutions through which they could exercise local self-government, which included "the ability to fully manage and control their own resources as a community".[165]

199. Despite the Crown's initial promises of delivering meaningful self-government. Instead, the Crown's Māori land policy and legislation in the first half of the twentieth century diminished the ability of Māori to play an active role in managing their lands and provided opportunities for forced alienations.[166]

200. Although the Māori Trustee did not act on behalf of Taihape Māori minors, this authority was given to the Public Trustee. The Crown, through the mechanisms of the Public Trustee, had a responsibility to protect Taihape Māori from potential prejudice, but instead, the decisions made by the Public Trustee have prejudiced Taihape Māori.

Issue 8: The extent of Māori control when land was vested in the Māori Land Board trusts

201. While Taihape Maori land was vested in Maori Land Boards, Taihape Maori effectively lost control over their lands, so it can be said that no steps were taken by the Crown to ensure that Taihape Maori retained control over their land when it was vested in Maori Land Board trusts.[167]

Lands Vested in the Māori Land Board from 1900 to 1909

202. The Claimant Closing submissions rely upon findings from previous Tribunals to show that the Crown's scheme of vesting lands in the Māori Land Board was in breach of Te Tiriti.[168]

203. In terms of leasing the land, the Tribunal noted that the 'Achilles heel' of the scheme was how it compensated lessees for improvements and, as a result, how the land being returned to Māori was jeopardised. It also identified that where it proved difficult to lease the land, the Government promoted perpetual leases so that the leases would be more attractive to prospective lessees.[169]

204. The Te Rohe Potae Tribunal found that "*where the Crown delegated power to the land boards, it had to do so in terms which ensured that its duty to actively protect Māori lands was fulfilled. Even where Māori land boards were not acting as part of the Crown or as its agent to ensure that the laws and policies they operated under, and their administration of those laws and policies, were in all ways consistent with the Crown's Treaty obligations."*[170]

205. *The Crown was not only responsible for the relevant legislation, policies, practices, acts, and omissions (including, for example, board staffing and resourcing) and the actions of the Native Minister, but it was also responsible for actively monitoring board activities and taking remedial action where*

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[165] Waitangi Tribunal, *Te Urewera, Volume II* (2017), 999-1001; Waitangi Tribunal, *He Maunga Rongo: Report on Central North Island Claims, Stage One, Volume I* (2008), 203.
[166] Waitangi Tribunal, He Maunga Rongo, vol 2, 681–682.
[167] Wai 2180, #1.4.3, *Tribunal Statement of Issues,* 29.
[168] *Generic Claimant Closing Submissions on Māori Land Boards and the Native/Māori Trustee* (#3.3.48) at 67 to 69.
[169] Waitangi Tribunal, *He Whiritaunoka: The Whanganui Land Report, Volume II* (2015), 960. vol 2, p 960.
[170] Waitangi Tribunal, *Te Mana Whatu Ahuru, Volume III* (2018), 174-175.

necessary and where such activities clearly were contrary to Te Rohe Pōtae Māori rights under the Treaty. Thus, where the land boards in the administration of their lands were acting independently from the Crown, the latter still remained responsible for monitoring their performance to ensure that its Treaty obligations were being fulfilled. It was therefore responsible not only for adverse outcomes arising from its own actions, but also from the actions of the land boards.

206. Counsel submits that those same findings of the Rohe Potae and previous Tribunals can be applied in this Inquiry. The extent of control that remained for Māori over their lands is visible through an analysis of Māori land legislation. In reference to the above statements of the role and functions of the Māori Trustee and land boards, these actions limited the extent of control for Māori over their lands.

207. In the Ōwhāoko D6 No. 1 block, Tutunui Rora had to beg the Aotea Māori Land Board for money for basic living expenses, and often these requests were not granted. This shows the ultimate control and inordinate power held by land boards in this era, with little sympathy shown by those agencies.

208. Despite subsequent legislation being revised and updated, these issues continued to occur and the Crown had no remedy or response to change.

209. The Crown acknowledged in the Te Rohe Pōtae Inquiry that: "*it would have breached the Treaty of Waitangi and its principles if any Māori land in the Te Rohe Pōtae inquiry district was vested in a District Māori Land Board without the consent of its owners."*[171]

210. The evidence shows that the Crown did not take active steps to ensure that Taihape Māori retained control over their land when it was vested in land board trusts, depriving Taihape Māori land owners from the full experience of enjoying and managing their lands.

Findings and Recommendations

211. The closing submissions set out a range of findings and recommendations sought, which are not repeated for the purpose of the presentation summary.[172]

Dated at Auckland this 20th day of October 2020

Cameron Hockly, Brooke Loader

[171] Waitangi Tribunal, *Te Mana Whatu Ahuru, Volume III* (2018), 87.
[172] *Generic Claimant Closing Submissions on Māori Land Boards and the Native/Māori Trustee* dated 21 September 2020 (Wai 3.3.48) at 74-75.