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IN THE WAITANGI TRIBUNAL  
OF NEW ZEALAND

IN THE MATTER OF: The Treaty of Waitangi Act 1975

A N D

IN THE MATTER OF: The Wairarapa Ki Tararua Inquiry Wai 863

A N D

IN THE MATTER OF: The claims by **JAMES RIMENE** and **PIRINIHA TE TAU** for and on behalf of the Rangitaane iwi of Wairarapa and their constituent hapū – Wai 175

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**STATEMENT OF EVIDENCE OF PUNGA PAEWAI**

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## **Introduction**

1. My full name is **PUNGA BARCLAY PAEWAI**. My natural mother is Mavis Barclay and my adopted father is Nireaha Paewai, however I was raised by my kuia, Paraneha Hoori until I was 7 years old. She was the daughter of Hoori Herehere who was a direct descendent of Rangitāne.
2. Whilst I live at Kaitoki in Tamaki nui a Rua, we have special links to Rāngitane o Wairarapa. I have previously given evidence before this Tribunal on behalf of Rangitāne o Tāmaki-Nui-a-Rua at Makirikiri Marae, Dannevirke (*refer document #E15*). My evidence focused on, among other things, issues relating to land development and utilisation.
3. My evidence on behalf of Rangitāne o Wairarapa will focus on similar issues, that is local land development, utilisation and retention, with a specific focus on the Wairarapa takiwa.

## **Māori Land Advisory - Background**

4. As a farmer for most of my life I think I am qualified to talk about the uses and issues surrounding development and utilisation of Māori land. Apart from this practical experience I was also appointed a member of the Māori Land Advisory Committee for the Ikaroa district with a responsibility for an area which extended from Masterton in the south to Napier in the north. The appointment was by the Minister of Māori Affairs, Ben Couch in December 1981, and in 1982 I was appointed chairman. When the Labour Government came into power in 1985, Koro Wetere the new Minister of Māori Affairs invited me to continue in this role.
5. The Advisory Committee came under the umbrella of the Māori Affairs Department and its powers were sourced from Part 5 of the Māori Affairs Amendment Act 1974. I

was involved with the Advisory Committee from 1981 until its dissolution. The rationale behind the Advisory Committee was to assess the viability of proposals which could assist Māori in purchasing and developing their land.

6. We would identify and help clarify issues relevant to multiple ownership, we considered people's applications for funding small businesses such as vineyards and orchards. The make up of the Board was very interesting the Commissioner of Crown Lands, District Land Valuer and two field officers were all European. There were some fairly astute Māori people as board members, the likes of Rei Apatu, Marei Kupa, George Kereama and Lew Hawira. We would make recommendations on the applications received to be approved by the board of Māori Affairs.
7. Despite the best intentions of the Ministers to assist with the development of Māori Land and the settlement of our people onto their own lands, the policies, procedures and systems put upon us were far from helpful.
8. In reflecting back on some of the work of the Advisory Board, I know several who had applied for funding are now in the freezing works or in the forestry sector. I hasten to add, that I do not downgrade these tasks, but it almost seems to be our destiny to always fall short, never reaching our full potential or becoming masters of our own labours.
9. In one respect it must be a little soul destroying to have tasted the excitement and expectation of developing ancestral lands, then to have it all turn to custard because of the lack of support systems.
10. As chairman of the committee, I have been subjected to criticism from our people because we were not able to salvage and rescue some of the ailing projects. I would have to say that the true overall success rate was no more than about 40%.

11. A survey of lands in the Wairarapa was conducted in 1993 for the Masterton District Council. It was noted that continual fragmentation of the land has caused the increase in multiple ownership, current ownership lists are difficult to update and very little of this land is being used by owners or their whānau. The lack of finance and the ability to secure finance on multiplied owned land is a contributing factor.
12. The report also notes, and I have seen examples of this, that Māori land is characterised by dilapidated fences, shabby barns and poor husbandry. Early partitions have left many owners with land that is not viable for development as some are too small to be economic, others have access problems or are irregular or ribbon shaped.

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(Refer Te Ahitainga Map annexed and marked "A")

#### **Asset or Liability?**

13. Not more than a stone throw from Te Oreore marae my wife's whānau own some Māori land. After the death of the life tenant, the estate solicitor was unable to arrange or formalise a lease for a 9½ acre block. Therefore, for a period of time after this no income was being derived from it.
  14. I was approached by my wife's whānau to take the matter up with the Māori Land Court. As a result of this request on the 14<sup>th</sup> Dec 1993 pursuant to Section 215 and 220 of the Te Ture Whenua Māori Land Act 1993 the land known as Te Ahitainga Sec 5BC2 block was vested in three trustees [I being one]. The Trust is called Te Ahitainga Trust. This whānau also owns shares in adjacent titles.
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(Refer Te Ahitainga Map annexed and marked "A")
15. Knowing similar situations existed with adjoining blocks we made approaches to other known owners and were able to convince them of the value of working together. We

amalgamated 60 plus acres, which was then offered to a neighboring dairy farmer who was prepared, after a little persuasion, to pay market rates for a 3 plus 3 year term with a rent review after the first 3 year term.

16. Prior to that we had approached one of the local Māori owners to see if he was interested in leasing. He indicated an interest only in the block next to him. Notwithstanding the fact that he was not able to match the offer of the dairy farmer, we drew up a formal lease agreement with him. Unfortunately some time later we received a letter from him asking for leave to be released from the agreement.
17. Another whānau member is also leasing 10 acres at a discounted rent.
18. Te Ahitainga Trust has undertaken to manage all these areas. Trying to work out individual rent entitlements is like trying to negotiate a mine field, especially when no one has previously been responsible. It is like an asset that has become a liability.
19. A relative residing in Dannevirke has shares in one of the Okurapatu blocks east of Masterton. As no rental was being received we were able to track down the farmer who was grazing the land to formalise some sort of rental payment. As it was poorish land, he was not particularly interested. We discussed the options of fencing it off to make some alternative use of it, which we thought was a sound idea until we found that to fence it was going to require about a mile of fencing. (*Refer Okurapatu Map annexed and marked "B"*). The farmer didn't particularly want it, we couldn't fence it, so what options did we have? None other than to just walk away.
20. With further successions things will become totally uncontrollable and chaotic. It is essential that consideration be given to the exchange of shares and the sale of some, with a view of consolidating ownership in other titles.
21. On the western side of Masterton the whānau own 15 ½ acres. It is difficult to know who was responsible, because of the succession process, but this property was also

being farmed as part of a milking platform without rent being paid for some time. It seemed the farmer had been paying rent to the Māori Trustee, when some change must have occurred causing the Trustee to return his cheque, and so according to this farmer, he did not know who to pay the rent to and did not bother to pursue the matter any further. He was obviously embarrassed when I arrived and enlightened him to the situation. I accepted his explanations for non payment and presented a formula to recover back rental to which he reluctantly agreed to. The whānau are now receiving market value with 3 yearly reviews.

22. However the dilemma does not end here with this piece of property. My wife, Josephine, wishes to gift her share along with 2 other whānau members to our son Joseph who now resides in Martinborough and wishes to build here. Recent road realignment seems to have created a multitude of problems resulting with the Trust Solicitor unable to proceed with succession or partition.
23. In my absence, my daughter Mavis followed this through in an attempt to seek some conclusion with this matter. As a demonstration of the absurdity of it all, let me outline her course of events. A visit to Wellington to the Trust Solicitor, two visits to the Masterton District Council with interviews with the Mayor Bob Francis, the CEO of Westen Hove, and the Town Planner. This then resulted in a visit to the Masterton Council legal advisor, which further led to a visit to the Māori Land Court. There was no conclusive result. So after more than 10 years with the file still on the table Joseph continues to wait.
24. The question needs to be asked, "Do these agencies really wish to be a help? Or are they more of a hindrance?"

#### **Other Government Initiatives**

25. Other Government initiatives that I have been involved with which did not produce the desirable outcomes and results for Māori were MACCESS, the education

programme; and MEDS the Māori Economic Development Scheme, later changed to Māori Authorities New Alliances, better known as the MANA programme.

26. Again, whilst the Government programmes were designed to be helpful and worthy, there was nothing put in place to prepare those who found themselves appointed to administer and manage the implementation.
27. In the early 1990's, when the Business Development Boards came into being under the National Minister of Business Development Roger Maxwell, I was appointed a member on the Manawatu regional board. During my time I saw little development or advancement of our people. Notwithstanding the fact that we had the Board visit several marae to promote economic development we found once again that the programme did not adequately cater for our people.
28. This programme for funding which was dollar for dollar was difficult for Māori who wanted to apply because their 50% had to be found and spent first. It seemed that the main beneficiaries of this programme were the growing industry of consultants, professional proposal writers and legal offices.
29. So despite diligent efforts from Māori programme advisers, visiting marae and other Māori organisations, success was moderate. This programme was another that after ministerial review was found wanting, and discontinued.

### **Conclusion**

30. Successive Government programmes have failed to meet expectations and continue to produce the same old tired results. It seems so long as the Government continue with their scattergun approach and not take specific aim at the needs our journey will continue to be long and arduous.

31. However, amongst all this doom and gloom we are still here. Notwithstanding all the negative statistics we have shown ourselves to be a resilient people, some doing brilliantly and achieving great things, others still chasing that impossible dream.
32. I am left to wonder if the systems were more accommodating, where could Rāngitane o Wairarapa, as an Iwi be today?



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