

IN THE WAITANGI TRIBUNAL
OF NEW ZEALAND

IN THE MATTER OF: The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF: The Wairarapa ki Tararua Inquiry –
Wai 863

AND

IN THE MATTER OF: The claims of Rangitāne o Tāmaki-
Nui-a-Rua - **Wai 166**

STATEMENT OF EVIDENCE OF STEPHEN DAVID PAEWAI

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Introduction

1. My name is Stephen David Paewai. I am the Chief Executive Officer of Rangitāne o Tamaki-Nui-a-Rua Incorporated Society. I belong to the Ngati Mutuahi hapū of Rangitāne. I also have strong whakapapa links to all the Rangitāne hapū in Tamaki-nui-a-Rua and to a number of the other Rangitāne hapū throughout the motu.
2. I am a direct descendant of Hohepa Paewai who played a major role in the Native Land Court when the titles to huge tracts of land throughout Tamaki-Nui-a-Rua were created.
3. My whakapapa is set out at page 26 of the whakapapa booklet, “He Āta Tātai Tupuna - Tātai Hono Hoki”.
4. There are three issues I wish to talk to the Tribunal about. The first two relate to land taken under the Public Works Act from a whānau perspective and the third relates to the Government’s Devolution Policy and its impact upon Rangitāne.

Dannevirke Aerodrome

5. Over the years I have been told by a relative of mine that I should be doing something about the Aerodrome. He would say “your Nana never wanted to sell that land, I remember she would come round to our home and say to Aunt, her relation, she didn’t want to sell the land, she would be in tears”, he then said to me “you need to do something about getting that land back”.
6. My mother has told me “Muri never ever wanted to lose that land she wanted it for a farm”. My Mum and Dad had planned to build another house out there, they even had plans drawn up. I mention this to show it was certainly our family’s intention to stay out there.

7. I have copies of letters written by my grandmother to the Minister of Māori Affairs seeking his assistance on the matter. She makes it very clear she does not wish to sell. I was very saddened to read the very unsympathetic response by the Minister. These letters are annexed to my brief and marked “A”, “B”, “C” and “D” respectively.
8. My nana had been widowed for a number of years, she had limited means and I doubt if she would have been aware of her rights. I can only imagine she saw the Minister of Māori Affairs as being someone representing Māori and possibly the one person who was capable of assisting her, she was sadly mistaken.
9. The historical research clearly shows the arrogance of the local Council of the day. It would have been very clear to them that they were dealing with an unwilling seller. They had other options available to them, for example a lease, the advantages being 1) the owner still retained title and 2) they didn't have the capital outlay. The irony is that after the compulsory taking the Council leased it to the Aero Club!
10. Reading the report of Cathy Marr et al on Public Works Takings in Wairarapa ki Tararua, it seems when the Council couldn't negotiate lease terms acceptable to them, they took punitive action by simply saying “we'll take it “ and so they invoked the provisions of the Public Works Act.
11. My Nana was rendered helpless, a draconian Council taking advantage of draconian laws, a Māori Affairs Minister unwilling to help – whatever happened to the protection of the Māori estate offered by the Treaty of Waitangi?
12. In our families eyes the provision in the Public Works Act that allowed compulsory acquisition of land, the Council's actions and lack of ministerial support are all breaches of the Treaty of Waitangi.

13. I believe there is a further outstanding matter. I have been unable to reconcile the current area of the aerodrome with the area taken by proclamation under the gazette notice. The current area is much less than taken from my nana. Cathy Marr points out two exchanges by the Council with adjoining landowners. However I believe there are other unaccounted areas that have been sold off. Under the Public Works Act surplus land taken under the Act no longer required for the purpose it was taken is to be offered back to the owners from whom it was taken. This has never occurred. My father lived in Dannevirke all his life, he was fairly well known in the town. He was never and to our knowledge none of his brothers and sisters were offered this surplus land. My belief is adjoining land owners have purchased these areas. The Council failed to follow the Act.

The Dannevirke Rubbish Dump

14. The historical facts outlined in the report by Marr are correct as I recall. The land taken for the rubbish dump belonged to another Dannevirke family, the descendents of Jury Pine. My involvement with this block was as an officer of the Māori Land Court.
15. My recollection is that we were approached by some of the owners for assistance when the Council indicated they were to take their land. As court staff we were very surprised part IX of the Māori Affairs Amendment Act 1974 was not used. That section provided for the appointment of agents for the owners to act on their behalf.
16. The court staff advised the Minister of the situation and being aware of the Governments sensitivity of compulsory acquisition of Māori land the Minister was advised to intervene and advise the relevant Minister of the situation.

17. As detailed in Cathy Marr's research the Ministers of Works and Māori Affairs were against the taking and the Minister of Lands continually refused to consent to it.
18. The actions of the Council and those of their solicitors was deplorable. The Council's poor planning was highlighted by the fact that approximately one year out from the expiry of the natural life of the original dump, they started to take action to acquire further land for the new dump. They should have organised themselves earlier. Because of their disorganisation, Māori land was taken because of their disorganisation.
19. It's not clear what other options, if any, the Council pursued. There's every likelihood they would have met stern opposition if they tried to resite the rubbish dump, not only would they be faced with another unwilling owner they would have had several neighbours strenuously objecting to their neighbouring land being made a rubbish dump.
20. My assumption is they took the view they had an established rubbish dump and only had to deal with a small group of owners, and they could always use the Public Works Act.
21. The other issue, of course, is that the rubbish dump is situated very close to our marae, here at Makirikiri, and in fact the marae committee of the day also objected to the taking of the land for the new rubbish dump.

Devolution

22. Devolution had its genesis in 1977 when Kara Puketapu became the Secretary for the Department of Māori Affairs. He brought a new vision and set a new direction for the department.
23. He set out to turn things around in Māoridom by empowering people to stand tall, to be proud in themselves and to have pride in their culture. An

example was the Tu Tangata Programme. He believed in shared decision making and consulted widely particularly with Māori leaders, for example with kaumatua and kuia.

24. One such consultation Hui was held at Waiwhetu marae in 1980. A large number of kaumatua and kuia from around the country attended the three day hui. Many issues were discussed particularly about the state of Māoridom. The major issue identified was the state of the Māori language and the continuing decline of the number of native speakers. The solution was the setting up of Te Kohanga Reo. This initiative was timely not only in reviving a dying language but it built on the wave of enthusiasm that had been created in Māoridom with the Tu Tangata programme. Māori were proud to be Māori, they were regaining their self-esteem and were becoming active in their community.
25. Importantly these initiatives were community driven, they were inclusive of the whole Māori community, a vital point that was to be missed when the Devolution policy was later formulated.
26. In 1984 a Labour Government led by David Lange was elected and he called a Summit Conference, at Parliament bringing together a large number of community leaders, business leaders and leading academics to assist the Government in selling a new pathway for the future of the country. Very few Māori were invited to attend.
27. Māori asked for their own Summit Conference and early in 1985 the Hui Taumata was called. A large cross section of Māori leadership, business leaders and academics were invited to Wellington. What was placed before them was the state of Māoridom, showing Māoridom to be in a very poor state of 'health', Māori led in every poor socio economic statistic e.g low levels of education achievement, high unemployment, very poor health, a very disproportionate number of prison inmates were Māori. The government and Māoridom set about seeking a solution.

28. The overwhelming consensus was that it was time for a change, past Government policies were not working, Government departments, Government agencies and their systems had failed Māori. The answer was give Māori the resources and Māori would develop the solution.
29. Devolution was born, again the time was right, a new Government, willing to make change and a resurgent and enthusiastic Māori people. Two discussion documents were issued by the Department of Māori Affairs, Tirohanga Rangapu and Urupare Rangapu. Tirohanga Rangapu proposed the restructuring and scaling down of the department of Māori Affairs. Urupare Rangapu set the parameters for devolution and the intention for iwi to deliver the Government Social Services.
30. Although this response was well intentioned by the Government and the initiative and delivery of services for Māori by Māori, the policy was poorly thought through and poorly implemented.
31. Devolution was flawed. Māori did not work as iwi. There were Māori Trust Boards who administered compensation money for their beneficiaries, there were a limited number, they weren't working in Māori communities and they didn't deliver Social Services. Māori strongly identify with iwi, however the real strength is the Marae, which is hapu and whanau based. They maintain very specific functions the kaitiakitanga of their tikanga and kawa.
32. What were required to deliver Social Services to Māori were those organisations that were working within Māori communities, those that were inclusive of Māori. These may have varied across the country but some examples of national organisations are the Māori Women's Welfare League, the New Zealand Māori council and Te Kohanga Reo.
33. What also should have been considered was local solutions. It required community's working together, identifying the needs of the community and setting the priorities. Surprisingly given the Labour Governments

penchant for a market driven economy, they specified iwi when they could have developed social services using local solutions.

34. Another major flaw in the policy was the lack of capacity to deliver services. The longer-term goal should have been devolution, while the short term goal should have been building capacity.
35. Combining these two errors, a number of Māori felt left out because they didn't belong to the local iwi and for the same reason some with the capacity felt they could not be part of the local initiatives because of the emphasis on iwi.
36. The third failing of the devolution policy was the reluctance of several Government Departments to fully embrace the policy. The Ministry of Health was really the only department to fully support the policy. Others completely missed the point believing they were better equipped to implement their own policies. A third group were probably supportive of the devolution but didn't fully understand what was required, had difficulty understanding a Māori viewpoint and didn't know who to deal with. Most appointed Māori liaison officers or even set up a Māori department. For some departments this was seen as meeting their obligations.
37. Given the above point's devolution was set to fail even before it started.
38. Rangitāne like many other iwi were very keen to take the opportunity to be part of the devolution process. In fact our people were highly motivated and very enthusiastic.
39. Rangitāne along with Muaupoko and Ngati Apa formed the Kurahaupo Waka Society. The Department of Māori Affairs, which became the Iwi Transition Agency, was the lead devolving agency in services to Māori. This included limited funding to set up iwi organisations, the mana scheme and MACCESS (in conjunction with the Department of Labour).

40. From this beginning each iwi decided to form their own organisation and so the Runanganui o Rangitāne was formed. This comprised the four distinct geographical areas of Rangitāne: Rangitāne o Tāmaki-Nui-a-Rua; Rangitāne o Wairarapa; Rangitāne o Manawatū and Rangitāne o Wairau. These four organisations then formed their own Runanga and in 1989 the Rangitāne o Tamaki-Nui-a-Rua Incorporated Society was registered with the Registrar of Incorporated Societies.
41. There was a great deal of excitement, enthusiasm, a sense of empowerment and anticipation that something great was going to happen for the iwi and Māori. Regular meetings were held with large numbers in attendance eager to participate and support the iwi. Everything was being done on a voluntary basis.
42. The Ministry of Health was the one Government Department to fully embrace and support the notion of devolution. They began contracting out services and in 1990 Rangitāne o Tāmaki-Nui-a-Rua were awarded their first contract, Tamariki Ora or Well Child a small health contract with the Ministry of Health. This led to further joy and excitement amongst whanau members.
43. Unfortunately this was to be short lived. Although the devolution process was one of very good intent the implementation was very poor. There were numerous barriers placed before Māori seeking to participate in the devolution process. These barriers all had a negative impact on iwi and were an imposition on iwi as they tried to come to grips with devolution.
44. In formulating the policy, Government had a responsibility to ensure all conditions were in place for the implementation of the policy. By not having the capacity iwi were setting themselves up to fail.
45. Iwi remained enthusiastic, but in pursuing the devolution policy they were required to set up and find their own infrastructure. Payment for contracts were always in arrears placing added strain on limited iwi resources. Basic

needs such as equipment, furniture, computer hardware and software had to be acquired without assistance. It is obvious in hindsight risk and responsibility had been transferred from Government to Iwi. This was probably the worst aspect of the policy. The policy pitted iwi against iwi, hapū against hapū.

46. It wasn't till the mid to late 1990s that Government Departments started to offer assistance to help iwi build capacity for example the Ministry of Health's Māori Provider Development Scheme. There are now many opportunities for iwi to build their capacity but the critical time for this was prior to implementation of the devolution policy.
47. The intention of the policy was to devolve to iwi, in reality when contracting out for services funders sought expressions of interest, without the restriction of iwi. This led to conflicting expressions of interest and so 'battle lines' started to be drawn with applicants using iwi as the lines. It appeared irrelevant they were related, tikanga and whakapapa were disregarded in the pursuit of money.
48. From our perspective there was a clear strategy of divide and rule. Rather than embracing devolution, it appeared Government Departments, with the exception of the Ministry of Health, were reluctant participants in the process and made it difficult for iwi to connect.
49. The social policy that successive Governments had pursued over the years that needed to be changed was the decision reached at the Hui Taumata. Therefore it was imperative Māori models of delivery of service needed to be developed. Again Māori were restricted in doing this presumably because funders were unable to understand the concept.
50. Despite all these difficulties and barriers Rangitāne o Tamaki-Nui-a-Rua Incorporated Society has not only survived but also prospered. We now have several contracts and employ 22 full-time or part-time staff. There is recognition amongst the community of our mana whenua status.

51. This has come about by sheer determination, stubbornness and the belief in our position and ourselves. The journey through the devolution process, given its fundamental flaws, has been difficult for Rangitāne. It has, in my view, clouded our Rangitāne identity in Tamaki-Nui-a-Rua.