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**TE MŌREHU WHENUA  
TE MŌREHU TĀNGATA**

**Māori Land Incorporations  
and  
Tribal Imperatives**

**Morikaunui Incorporation  
Atihau-Whanganui Incorporation**

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**2005**

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of the requirements for the degree of

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## Abstract

Land retention to advance matters of importance to the tribe is the focus for this research. In particular, this thesis will investigate the effectiveness of Maori land incorporations as mechanisms to achieve tribal development aspirations. In order to answer this question the history of the lands in the Morikaunui and Atihau-Whanganui Maori Incorporations are used as case studies. Primarily, the reflection of tribal imperatives as the goal for land retention and utilisation is examined in two stages. The first stage investigates the pioneering years of the 20<sup>th</sup> century during the time that the lands were held under the paternalistic control of the Aotea Maori Land Board (AMLB). The second stage analyses the ability of the Incorporations to reflect tribal imperatives since their establishment.

During the first stage it will be demonstrated that the primary focus for Whanganui tribal groups was the protection of their estate. The use of legislative measures to achieve this succeeded to some extent but removed the ability of the Whanganui tribe to exercise any control over the management and administration of leasehold land and the Morikau Farm. Campaigns to return the lands to their management were successful upon the establishment of the Morikaunui Incorporation in 1955 and the Atihau-Whanganui Incorporation in 1969.

The second stage begins by highlighting how the resources of the Morikaunui Incorporation were utilised by the Whanganui leadership to contribute to tribal development initiatives and the protection of tribal land interests. It is proposed that the Incorporations were set-up to reflect the tribal conscience of Whanganui iwi, hapū and whānau groups by supporting tribal imperatives. Furthermore, arguments are introduced to demonstrate that in contemporary times this has been less evident in the practices of the Incorporations. In reality, commercial and individual goals have prevailed. While the Atihau-Whanganui Incorporation has inherited an expensive legacy of paying compensation upon the resumption of leasehold lands, the thesis contends that tribal imperatives should form the basis for the future direction of the Morikaunui and Atihau-Whanganui Incorporations.

## Acknowledgements

Writing a thesis is as much about spending long periods of time alone in your thoughts as it is about spending time with those who give you much welcomed respite when you need it. These are also the people who offer their support willingly and constantly provide encouragement. Had it not been for these people, reaching the completion of this thesis would have proved all the more difficult.

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## Abbreviations

AGM	Annual General Meeting
AJHR	Appendices of the Journals of the House of Representatives
AMLB	Aotea Māori Land Board
AWI	Atihau-Whanganui Incorporation
AWIMB	Atihau-Whanganui Incorporation Minute Book
COM	Committee of Management
MI	Morikaunui Incorporation
WhMB	Whanganui Minute Book (Aotea Maori Land Court)
WTMB	Whanganui Trust Minute Book

# Introduction

## **Te mōrehu whenua, te mōrehu tangata**

The remnants of the land, the remnants of the people<sup>1</sup>

Taitoko Te Rangihwinui<sup>2</sup> first articulated the above statement in 1897 in Whanganui. It was a time of struggle for Maori groups throughout the country as they sought ways in which to progress future tribal development through the protection and preservation of their land holdings. The statement is a compelling one that affirmed the relationship between Whanganui tribal groups and their estates at a time when the effects of colonisation had significantly eroded tribal land holdings and the Maori population had ebbed to an all time low.

As Whanganui groups searched for ways to protect the remnants of their lands, they also sought avenues to maintain their autonomy. The ability to adapt accordingly to a changing political environment and utilise tribal and non-tribal relationships to advance a united Whanganui iwi position was crucial to preserving their land interests. In doing so, Whanganui leaders and hapū would be able to better look after their respective collectives.

Land retention to advance matters of importance to the tribe is the focus for this research. In particular, this thesis will investigate the effectiveness of Maori land incorporations as mechanisms to achieve tribal development aspirations. In order to answer this question the history of the lands in the Morikaunui and Atihau-Whanganui Maori Incorporations are used as case studies. Primarily, the reflection of tribal imperatives as the goal for land retention and utilisation is examined in two stages. The first stage investigates the pioneering years of the 20<sup>th</sup> century during the time that the lands were held under the paternalistic control of the Aotea Maori Land Board (AMLB). The second stage analyses the

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<sup>1</sup> 15 May 1948. Letter from beneficial owners to Minister of Maori Affairs. MA Acc W2459, Box 23 5/2/4 Pt 4. Wellington. Archives New Zealand.

<sup>2</sup> More commonly known as Major Kemp, a tribal leader of Whanganui iwi who initially fought alongside the government constabulary. He was later to vocally stand in opposition to the government with regard to the alienation of lands. Department of Internal Affairs (1990). *Nga Tangata Taumata Rau 1769 - 1869*. Wellington, Department of Internal Affairs.

ability of the Incorporations to reflect tribal imperatives since their establishment.

In 1996, Kawharu reported on the concept of trusteeship inherent in rangatiratanga. In practical terms the New Zealand Maori Council had stated that trusteeship meant the “wise administration of all the assets possessed by a group for that group’s benefit”.<sup>3</sup> It is therefore an assumption in this research that in administering tribal assets, Maori land incorporations will be driven by the aspirations of the tribal group. A dilemma therefore emerges as to whether commercial goals should be the hallmark of incorporations or the supporter of wider tribal development aspirations.

Commercial and individual benefit in the form of dividends or grants is not discounted in this thesis as being unimportant to tribal imperatives. The key question is whether these are the sole imperatives for Maori land incorporations. In 1996 the Waitangi Tribunal reported on the Taranaki land claims and warned of the danger in Maori land incorporations being driven solely by commercial imperatives.<sup>4</sup> It further recommended that any compensation with regard to the settlement of the claim should be with hapū. Although the circumstances were unique to the Taranaki situation, it sent a clear message to Maori organisations who administer tribal assets that due regard should be given to the hapū collectives who were the original custodians of the land. Such is the nature of the challenge that confronts Māori land incorporations when trying to balance economic pursuits with their tribal obligations; particularly when they now operate in an explicitly commercial way.

## Literature Review

To a large extent, the limited research on Maori land incorporations has focussed on legal, commercial and organisational considerations.<sup>5</sup> These

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<sup>3</sup> Kawharu, I. H. (1996). "Rangatiratanga and Sovereignty by 2040." *He Pukenga Korero* 1(2). p.12.

<sup>4</sup> Waitangi Tribunal (1996). *The Taranaki Report: kaupapa tuatahi*. Wellington, GP Publications.

<sup>5</sup> Phillips, A. (1988). *Utilisation of Maori Land: an examination of incorporations and section 438 trusts*. Wellington, Victoria University. Thorpe, G. W. (1976). *The Maori Land Incorporation with Specific Reference to the Tairāwhiti District*. Department of Geography.

studies have tended to highlight the ways in which the commercial goals of incorporations can be better achieved through the effective utilisation of Maori land and enhancements to the areas of governance and management. Additionally the history of the legal parameters has demonstrated how the law has changed over the years to better fulfil the principle of land retention by Maori.<sup>6</sup>

Balancing commercial, cultural and social objectives within incorporations have been highlighted as problematic. In 1984, Toft warned that “with urbanisation and competition in an individualised commercial field”<sup>7</sup> the synchronism between social and economic imperatives might be less easily achieved.

This finding was also highlighted by White in 1997 who undertook research into how owners judge the success of Maori land incorporations.<sup>8</sup> Rather than just relying on financial indicators to determine success, White used a framework, which included cultural, financial, operational, physical, political and social factors. The research showed that although operational factors were weighted highly with regard to process, participation and accountability; there was also a desire shown by the participants that all six factors are important skills required of incorporation managers. Of interest is that the second highest ranked factor was the cultural aspect in terms of incorporations contributing to identity, cohesion and cultural development of the ownership group. White found that responses in some categories were divergent, demonstrating the diverse realities of shareholders and their respective expectations of incorporation managers. White concluded that a balance is required of all six indicators and that the challenge for Maori land incorporations is to manage the tensions between the six.

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Auckland, University of Auckland. White, P. I. (1997). How Do Maori Land Owners Judge Whether the Management of Maori Incorporations Is Successful? Palmerston North, Massey University.

<sup>6</sup> McEwen, J. M. (1979). Tenurial Change and the Development of Laws Relating to Incorporations. *Trends in ethnic group relations in Asia and Oceania*. UNESCO. Belgium, UNESCO. Thorpe, G. W. (1976). The Maori Land Incorporation with Specific Reference to the Tairāwhiti District. Department of Geography. Auckland, University of Auckland.

<sup>7</sup> Toft, P. (1984). Modern Maori Enterprise: a study of economic adaptation. Department of Anthropology. Auckland, University of Auckland.

In 1979, Kawharu, McEwen and Winiata wrote on incorporations at a time when they were in their infancy.<sup>9</sup> Primarily the issues surrounding law changes, economic viability, and sociological considerations looked at the relative advantages of the incorporation system. It was a relevant discussion for its time due to the number of incorporations that had been formed and the potential for future commercial growth. The sociological issues raised by Kawharu served to highlight that although incorporations are quite different to the traditional tribal structures that once administered and occupied the land; they nevertheless performed a trusteeship responsibility in terms of protecting the assets for future generations.<sup>10</sup> Trusteeship for the benefit of the tribal group will be further examined in this study to see how this has been achieved historically by the Morikaunui and Atihau Incorporations. While these factors are relevant to structural and economic factors, this study is primarily concerned with tribal imperatives forming the basis upon which incorporations will operate.

Several reports have been commissioned by the Crown Forestry Rental Trust (CFRT) in preparation for the Waitangi Tribunal land hearings for the Whanganui district in 2006. The reports typically outline the historic actions of the Crown with regard to policies and practices that have been inconsistent with the principles of the Treaty of Waitangi. The focus of the reports tends to highlight how legislation and policies of the Crown have disadvantaged Whanganui Maori.

Although the history of the lands and indeed the future will to some extent be governed by legislation and Crown policies for the business of the Incorporations, equally important will be the ways in which the Incorporations reflect the aspirations of the tribal group when responding to the commercial

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<sup>8</sup> White, P. I. (1997). *How Do Maori Land Owners Judge Whether the Management of Maori Incorporations Is Successful?* Palmerston North, Massey University.

<sup>9</sup> UNESCO (1979). *Trends in Ethnic Group Relations in Asia and Oceania*. Duculot, Belgium, UNESCO.

<sup>10</sup> Kawharu, I. H. (1979). *Some Social and Sociological Aspects of Incorporations*. *Trends in ethnic group relations in Asia and Oceania*. UNESCO. Duculot, Belgium, UNESCO. Toft, P. (1984). *Modern Maori Enterprise: a study of economic adaptation*. Department of Anthropology. Auckland, University of Auckland.

environment that they operate in. Information from the CFRT reports are weaved into the thesis to give a history of the lands before moving into a discussion of contemporary circumstances. This study also draws on Incorporation files not accessed by these researchers, and data from interviews with key people involved with the Incorporations since their beginnings.

### **The research journey**

... doing good historical research is  
much more a case of *who* you know  
rather than of *what* you know<sup>11</sup>

My involvement with the Incorporations in a variety of roles from 1993 to 1997 provided the foundation for this research. My participation with these organisations was largely influenced by my father who had been a member of the committee of management from 1980-2004. Over the years I attended annual general meetings and was often perplexed at the interactions that occurred between the committee of management and the attendees. The more meetings I attended, the more familiar I became with the nature of the political factions that existed on both sides. One point that never ceased to amaze me was the way in which my father and other relatives of his generation would 'have a good go' in the meetings and then resume their relationship immediately after the meetings had concluded as if nothing had happened. It was something that a younger generation appreciated seeing with the point being that whakapapa transcended the tensions that arose in the democratic nature of an annual general meeting.

The ability to carry out this research has largely been facilitated by who I was and who I belonged to. I deliberately say 'largely' because, for the reasons just outlined, it has also been problematic. Such is the nature of carrying out research within your own tribal area. While whakapapa can assist in opening doors so too will it close them. Having said this however, I undertook this research knowing full well that this would be the case. I had attended too many meetings to expect otherwise.

By now it should be clear to the reader that this study is subjective. It is necessarily so because my whakapapa, with all its advantages and disadvantages in undertaking this research, tells me that I belong and that this will have an influence on the way in which this research is presented. In justifying subjectivity, Marsden asserts:

The route to Maoritanga through abstract interpretation is a dead end. The way can only lie through a passionate, subjective approach. As a person brought up within the culture, who has absorbed the values and attitudes of the Maori, my approach to Maori things is largely subjective. The charge of lacking objectivity does not concern me: the so called objectivity some insist on is simply a form of arid abstraction, a model or a map. It is not the same thing as the taste of reality.<sup>12</sup>

Attending meetings with my mother and father and carrying out a brief historical research on Morikaunui in 1993 led to my being appointed to a Strategic Planning Group in the same year and holding the appointment of associate member in 1997. As a result, I had the privilege of sitting with some of my uncles and cousins who were members of the committees of management and listened to their recollections of the Incorporations' history. It was an incomplete record however because although some were advanced in years by 1993, many, like my father (now in his 70s) were relatively young when the incorporations were established in 1955 and 1969. The historic record prior to these years lay in the vaults of Archives New Zealand and that of the Incorporations.

Having completed a history of the Morikaunui lands in 1993, I made a decision that it was timely to do the same for the Atihau-Whanganui Incorporation. The Incorporation had submitted a claim to the Waitangi Tribunal regarding the amount of compensation it has had to pay over the years to lessees. A history of the Crown's actions would assist in progressing the Incorporation's claim and provide direct benefit back to the Incorporation and the tribal groups, thus

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<sup>11</sup> Davidson, C. & M. Tolich (2003). *Social Science Research in New Zealand: many paths to understanding*. Auckland, Pearson Education NZ Ltd. p318.

<sup>12</sup> Marsden, M. (1975). *God, Man and the Universe. Te Ao Hurihuri*. M. King. Wellington, Hicks Smith & Sons. p119.

emulating some of the key philosophical underpinnings of carrying out research in Maori communities.<sup>13</sup>

What I did not count on was the effect of the Waitangi Tribunal land claims and that while I was near the end of researching my topic, a full history using the archived material in government institutions would be written! In fact, while searching the maze of information in 2002 at Archives New Zealand in Wellington, one of the researchers introduced herself after seeing my name in the daily register. Had it not been for my surname and the link back to the Chair of the Incorporations, I doubt whether the 'chance' meeting would have happened. Nevertheless, we exchanged contact details and I let her know that there was a magnitude of old files held in the Incorporations vault in Whanganui; a list of which I would send to her.

I had gained access to the vault during my examination of the Incorporations' records. It is located in one of the buildings that the Incorporations own. It is an old building that needs major structural work – both internal and external - and has been leased on a peppercorn rental basis to various Maori organisations over the years. Down a dark corridor I came across the vault. It was a trip back in time really. Although not large, the door was heavy. Upon entering, it was pitch dark and somewhere near the entry was one of those cords hanging from the ceiling that you pull to turn on the light – the trick is to find it when you do not have a torch.

It is a small room but lying on the shelves were the files aforementioned – lots of them. They dated back to 1900 and contained correspondence, lease agreements, rentals received, livestock returns and all manner of sorts. These were the files that had been inherited by the Maori Trustee office when the AMLB was disestablished in 1952. In turn, the files had been transferred upon

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<sup>13</sup> Smith, L. T. (2003). *Decolonizing Methodologies: research and indigenous peoples*. Dunedin, University of Otago Press. Walker, H. (1995). *Beware the Seeker of Information and Knowledge: research involving Maori*, Unpublished research paper. Walsh-Tapiata, W. (1998). *Research With Your Own Iwi: what are some of the issues?* Te Oru Rangahau: Maori research and development conference, Massey University, Palmerston North, Te Putahi-a-Toi. Royal, T. C. (1992). *Te Haurapa: an introduction to researching tribal histories and traditions*. Wellington, Bridget Williams Books Limited.

the establishment of the Atihau-Whanganui Incorporation in 1969. Although each had a unique government file number and a description of the contents, they were in no particular order. Every day, for the next week, in that confined space, I sorted the files. At nights I would carry arm loads to the boot of my car so I could do some sorting at home. This also gave me an opportunity to read some of the contents, something that I could not do during the day which gives an indication of the volume that needed to be sorted. The files were the government memory banks of over 100,000 acres of leasehold land and near on 70 years of history. At the turn of the 20<sup>th</sup> century, each land block had been cut into sections so that they could be farmed by European lessees. I sorted the files into piles according to their file number and original block name. As I did so, I compiled a list<sup>14</sup> so that the Incorporation would have a record of what was in the vault. Near on 350 files were in that vault. And in the darkness; the voice of history waited silently.

Block	Maori Affairs (MA) file no.	File content
Morikau 2	9/12/0	Morikau 2 S1-28 V.II from 1930 General Corres & Index
Morikau 2	9/12/0	Morikau 2 S1-28 V.I to 1930 General Corres & Index
Morikau 2	9/12/1	Morikau 2 Rarete B9 S1 WD&BR Bell
Morikau 2	9/12/3	Morikau 2 Makotuku B5 S3 RC44
Morikau 2	9/12/4	Morikau 2 B5 S4 HH Hopkinson RC687
Morikau 2	9/12/4	Morikau 2 Makotuku B5 S4 JR Hopkinson
Morikau 2	9/12/5	Morikau 2 Rarete BXII S5 C Beard
Morikau 2	9/12/5	Morikau 2 Rarete BXII S5
Morikau 2	9/12/6	Morikau 2 Rarete BXII S6 Pt S6 XII Lease 840

Table 0: Sample of files in Incorporation vault

Despite the amount of time I spent getting the files in order, most were irrelevant to my thesis topic. Nevertheless I felt satisfied that at least they were now sorted and with the compilation of a list, any future people who obtained permission from the committees of management, could now retrieve specific files without sorting through the whole 350. All the same, there were a handful of files that had good information on the meetings of owners in the 1960s when discussions were being held regarding the Ohorea Station and the establishment of the Atihau-Whanganui Incorporation. I duly made a note of these with the intention of returning later to carry out more research.

<sup>14</sup> For a full list of the files, see Appendix 1.

After I had met the researcher in Wellington, I forwarded her the list of the files and let her know which ones would probably be the most useful as she was making plans to carry out more research at the Aotea Maori Land Court, the Maori Trustee Office and the Incorporations in Whanganui.

Several months later, two substantial research reports that had been commissioned by the Crown Forestry Rental Trust (CFRT) were released in draft form and forwarded to various Whanganui claimant groups for comment, including my father as Chair of the Incorporations. The first was a comprehensive overview on the history of Whanganui lands that were either vested in government agencies (that is, the Morikaunui and Atihau-Whanganui lands) or sold from 1900 to 1970. The second focussed specifically on the Atihau-Whanganui Incorporation and its lands and operations from 1951 to 2000.

As I read the reports, three thoughts came to mind. The first was that during the two weeks I spent researching in Wellington, I could not have possibly found all the information that these reports contained. My inexperience and unfamiliarity with the labyrinth of Archives New Zealand system was all too obvious. The manifestation of my undeveloped skill lay in front of me. Second, the people who wrote these reports were experienced, professional historians who are experts in their craft. Third, it was either time to throw the towel in the ring – and who could blame me – or analyse the same data from another angle or access different information that would contribute to the body of knowledge in another way. In all honesty, I preferred the first option and spent some time brooding on this matter. Ultimately I decided that the two latter options would be my point of difference. Such a decision was helped by the fact that there were relationships that had been established over the years and with this came explicit expectations and obligations that needed to be fulfilled.

Herein lays the nature of research. It does not occur in isolation particularly when Waitangi Tribunal land claims are on the horizon and your topic is about the history of tribal lands. As a tribal member, the CFRT-commissioned reports

makes for solemn reading. Grievances and injustices of the past for Whanganui tribal groups need to have their day in front of the Waitangi Tribunal; and it will come to pass. However, as I read the reports, I realised where my point of difference would be. Important questions confront us as Whanganui iwi. How do we progress ourselves post-settlement? What can we learn from the past? How were our collective responsibilities manifested by using organisational structures? Have the incorporations done this for us as a tribe?

### Guiding principles

As a tribal member conducting this research, who has been involved in various activities at hapu and iwi level; there was an unspoken expectation that I would contribute back to the people who have nurtured and supported me – not just for the duration of the project but in the years prior to this research. As such the concept of reciprocity was always going to be an inherent part of this study. Due to being familiar with the historical record, I was often asked to search for specific information to assist the Incorporations in progressing their Waitangi Tribunal claim. Additionally, a historical overview of both Incorporations at the 2003 Annual General Meeting was presented. Such requests were attended to immediately and without any question. I was more than happy to contribute in any way that would be useful. Contributions would also happen at AGMs by speaking from the floor to provide an understanding of how historic legislation and government policies affected the reasons why Whanganui tupuna moved in a particular direction. These comments were always given with a high degree of humility bearing in mind that the majority of attendees were an older generation and knowing my place in terms of being a tamaiti to most of them. In these cases, respect and an acknowledgement of their mana were paramount.

### Gaining approval

The process for gaining approval by those who I wished to interview required a kanohi-ki-te-kanohi (face-to-face) approach. This practice is widely accepted

and expected for Maori research.<sup>15</sup> Prior to undertaking the research a meeting was held with the committees of management to outline the parameters and to gain their approval. There were two reasons for this approach. The first was to provide members an opportunity to participate in the research design and process. The second was to gain feedback on the proposal. Apart from a few minor details needing further elaboration, the committee gave their permission both verbally and in writing.

### Ethical considerations

Staff and students undertaking research with human subjects are bound by the Massey University Code of Ethical Conduct.<sup>16</sup> The process of applying to the Massey University Human Ethics Committee for approval to undertake such research is as much about protecting the rights of those being researched as it is about protecting the researcher. Issues such as confidentiality, consent and use of data is outlined in the application to demonstrate that the researcher has considered how these will be treated. It is a fairly rigorous process and until the Committee is satisfied with these areas in the application, the research cannot proceed.

### Data sources

Published documents, unpublished archival material and oral interviews provide the data for this thesis. The published documents were sourced primarily from the Massey University Library. The Appendices to the Journal of the House of Representatives (AJHR) was particularly useful as these had reports on Native Affairs, commissions of inquiries and meetings with Maori in the late 19<sup>th</sup> century. Also of value were reports commissioned by the Crown Forestry Rental Trust for the Waitangi Tribunal Whanganui land claims.

The unpublished material consists of archival documents, and various documents from the Incorporations files. As indicated previously, it was difficult for me to understand the system at Archives New Zealand and while some

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<sup>15</sup> Ibid. Soutar, M. (2000). Ngati Porou Leadership: Rapata Wahawaha and the politics of conflict. School of Maori Studies. Palmerston North, Massey University.

material was gained, valuable time was wasted on searching the catalogues, requesting files and then realising that a lot of it was of no use. The staff members were helpful in assisting but it was a daunting task for one so inexperienced and with limited time in Wellington. Nevertheless, when I did find a file that looked as though it might be useful, I searched for letters or petitions from tribal members in order to gain an understanding from their viewpoint. Government correspondence was also obtained, particularly when the view was in contrast to Maori representations or it was a pertinent issue regarding the lands.

Documents from the Incorporations primarily consisted of the data collected from the minute books and the archived material. The minute books had useful information regarding policy decisions and discussions regarding tribal initiatives. Minutes of meetings of owners prior to the establishment of the Incorporations were obtained from the Incorporations' archival material.

Recent reports and statement of accounts for the annual general meetings also had good information regarding the Incorporations' financial status and the chairperson's reports.

#### Interview process

Participants in this study were tribal and non-tribal members. Each person was chosen because of their past or present association with the Incorporations. The invitation to participate was initially by letter. An information sheet was provided which outlined the details of the research, the rights of participants and the length of time envisaged for the interview. After agreement, a time was arranged for the interview to take place. An interview schedule was drawn up to elicit information from the participants. The schedule focussed mainly on the historical activities of the Incorporations and in particular how these organisations have contributed to Whanganui tribal aspirations. The duration of the interviews was typically 1-2 hours.

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<sup>16</sup> Massey University (2005). *Code of Ethical Conduct for Research, Teaching and*

The interviews were transcribed and sent to participants for their perusal and comment before being typed up in their final format. Participants reserved their right for confidentiality.

### Data use

The data from interviews, CFRT reports and documents are interwoven throughout the chapters to highlight tribal considerations or to present another viewpoint. I decided to use this process due to the different time periods and topics of the chapters. For example, the first two chapter talks primarily about the history of the Incorporations' lands from 1900-1969. At this time, the lands were under the authority of government agencies and therefore the CFRT-commissioned reports and archival material is used. However chapter 4 compares the Morikaunui and Atihau Incorporations. Consequently, data is drawn largely from the Incorporations' files.

### **Chapter outline**

Chapter one profiles the history of the lands in the Atihau-Whanganui Incorporation. Particular attention is aimed at outlining the legislative provisions that affected the lands from 1900 – 1969 prior to the establishment of the Incorporation.

A history of the lands in the Morikaunui Incorporation provides the basis for chapter two. The discussion focuses on the issues surrounding the vestment of the lands in the Aotea Maori Land Board and its subsequent administration.

In chapter three the historical narrative continues regarding the activities of the Morikau Farm and the Morikaunui Incorporation. In particular an examination is made of how tribal imperatives were advanced through the tribal leadership on the committee of management.

Chapter four is an overview of how the two Incorporations have worked together to progress tribal and commercial goals. It will compare the

Incorporations with a view to highlighting any similarities or differences with regard to commercial and tribal considerations.

Chapter five concludes with an examination of a proposal to amalgamate the two Incorporations in 2004. Discussion will focus on aspects of the proposal to determine whether tribal aspirations were evident in the proposed scheme.

The conclusions of the thesis are reported in chapter six.

# Chapter 1

## Atihau-Whanganui Incorporation Lands

Between 1890 and 1899, calls by Māori for land alienation to cease and have control over their lands resonated throughout the country. Petitions were presented to parliament regarding the future administration of Māori lands in which tribes were unanimous in asking:

- (i) that the Crown cease the purchase of Native lands;
- (ii) that the adjudication, management and administration of the remnant of their lands be vested in controlling Councils, Boards or Committees composed of representative Māori<sup>1</sup>

Petitions over a thirty year period from 1870 had consistently protested against Native Land Court decisions, land legislation, and land alienation.<sup>2</sup>

In 1895 concern by Māori about the loss of so much land had resulted in calls by the Māori Parliament to boycott sittings of the Native Land Court.<sup>3</sup> Māori were aware that land sales and leasing could not be undertaken until the Court had determined ownership to Māori land. In order to prevent further alienation, landowners were asked to refrain from participating with the Native Land Court process therefore protecting their lands and stifling the efforts of the government for land acquisition.<sup>4</sup> However, non-participation with the Land Court process also meant exclusion from the ownership list if not present at the court hearing. Although the boycott was successful for a short period, Māori landowners were eventually forced back to the Land Court or risk losing their entitlement and their land to individuals acting for themselves rather than the communal good of the tribal group. Making specific comment on a block in the Whanganui hearing district, Anderson outlines the typical difficulties faced with

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<sup>1</sup> *AJHR* (1907). "Interim Report of the Commission Appointed to Inquire into the Question of Native Lands and Native Land Tenure". Wellington, New Zealand Government.

<sup>2</sup> Loveridge, D. M. (1996). "Maori Land Councils and Maori Land Boards: a historical overview 1900-1952". Wellington, Waitangi Tribunal. p5.

<sup>3</sup> Williams, D. V. (1999). *Te Kooti Tango Whenua: the Native Land Court 1864-1909*. Wellington, Huia. p95.

<sup>4</sup> Loveridge, D. M. (1996). "Maori Land Councils and Maori Land Boards: a historical overview 1900-1952". Wellington, Waitangi Tribunal. p5.

boycotting the Native Land Court hearings for tribal groups who chose not to participate:

Such a goal proved unrealisable given the priority of the individual rights over that of the community in land legislation, the unsympathetic attitude of the court and the hostile reaction of government officials. The efforts of ... a boycott of the Native Land Court ... [was] readily undermined in the first instance, by the capacity of any individual to have his or her interest defined by the court. That lesson was underscored by the boycotters' exclusion from the title on their non-appearance, the refusal of the court to rehear their case, and the government's quick purchase of a substantial portion of the block from the grantees.<sup>5</sup>

The pre-emption policy where Māori could only sell or lease to the government was also protested against vehemently. The reason for this was that the government offered prices well below market value and then on-sold the land to settlers at an inflated cost. Not being able to deal direct with private purchasers meant that Māori did not get a fair price. Private land sales however could also lead to unscrupulous negotiations where individuals were able to sell their interests in land without regard for the tribal groups to whom it belonged.

However, Māori were not the only voice of protest. Even proposals for reform by Royal Commissions<sup>6</sup> in 1871 and 1891 were to a large extent ignored in favour of the single-minded determination of acquiring more land for settlement. In commenting on the Royal Commissions' recommendations, Williams states that:

None resulted in substantive reforms to protect Māori interests along the lines recommended, or, where partially implemented ... they entirely failed to alter the general trajectory of Land Court operations and Crown policies and practices.<sup>7</sup>

While the government attempted to ignore the protests, the growing unity of Māori around the country was such that they needed to respond in some way. Settler demands for land were still evident and the government moved to introduce legislation that would cater for these competing interests.

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<sup>5</sup> Anderson, R. (1998). "Whanganui Iwi and the Crown: 1880-1900". Wellington, Waitangi Tribunal. p100.

<sup>6</sup> *AJHR* (1891). "Native Land Laws Commission". Wellington, New Zealand Government. *AJHR* (1871). Native Reserves Commission. Wellington, New Zealand Government.

<sup>7</sup> Williams, D. V. (1999). *Te Kooti Tango Whenua: the Native Land Court 1864-1909*. Wellington, Huia. p97.

Whanganui were also contributors to the voice of protest. Taitoko Te Rangihiwini was to play a leading role in Whanganui and national affairs in relation to the preservation of Māori land interests.

In 1897, the Native Minister, Hon James Carroll met with Whanganui Māori at the Moutoa Gardens<sup>8</sup> “to discuss the best method to be adopted to assist [the] ... people and to preserve the remnant of their lands for the benefit of future generations”.<sup>9</sup> Taitoko Te Rangihiwini was present along with “other chiefs of the Whanganui tribe, together with a very large number of the Whanganui people”.<sup>10</sup> At the meeting Carroll gave assurances that if the owners vested their lands in the Crown that the lands would be protected. Taking Carroll on his word Taitoko said E Timi: Te morehu tangata, te morehu whenua ki a koe – To you James: I leave the remnants of the people and the remnants of the land.<sup>11</sup> The words of Taitoko were to be an enduring legacy particularly on successive generations of Whanganui Māori when reminding future governments of the trust given over to Carroll as a government representative to protect their lands.

By 1898, Whanganui tribal leaders again appealed to the Premier and Carroll that land-buying cease. Whanganui iwi had recently mourned the passing of Taitoko Te Rangihiwini in the previous month and many of the speeches referred to his efforts to preserve Whanganui land for the benefit of Whanganui Māori and future generations.<sup>12</sup> In referring to Te Rangihiwini, Waata Hipango stated that he had:

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<sup>8</sup> This site is now known as Pākaitore where a land occupation took place in 1995. See Durie, M. H. (1998). *Te Mana Te Kawanatanga: the politics of Maori self-determination*. Wellington, Oxford University Press. pp125-29.

<sup>9</sup> 15 May 1948. Letter from beneficial owners to Minister of Maori Affairs. MA Acc W2459, Box 23 5/2/4 Pt 4. Wellington. Archives New Zealand.

<sup>10</sup> Walzl, T. (2004). "Whanganui Land: 1900-1970". Wellington, Waitangi Tribunal. p53.

<sup>11</sup> 15 May 1948. Letter from beneficial owners to Minister of Maori Affairs. MA Acc W2459, Box 23 5/2/4 Pt 4. Wellington. Archives New Zealand.

<sup>12</sup> Government Printer (1899). "Meeting of the Premier and the Hon James Carroll with the Chiefs and others of the Wanganui Tribe, held on the 14th May, 1898, at Putiki, Wanganui." Wellington, New Zealand Government.

worked very hard to gather together the chiefs and tribes of the Māori people from all parts, and urged them to unite in seeking a means whereby the remnant of the people might be saved and the remnant of their lands conserved to them.<sup>13</sup>

In response, the Premier stated that he was preparing to introduce legislation that would protect Māori lands from sales while facilitating European settlement through leasing the land.<sup>14</sup> The Māori Lands Administration Act 1900 sought to solve these two objectives.

### **Māori Lands Administration Act 1900**

Two particular features of the Act was the ability of Māori to *voluntarily* vest lands in the councils for leasing and the provision for Māori representation.

The legislation was a compromise between the calls of Māori to completely end land alienation and the needs of settlers to gain access to undeveloped land. Therefore, the Act brought in a regime where sales were discouraged but leasing was promoted through regulated Māori land administration.<sup>15</sup>

Membership of the councils consisted of between five to seven members. Government appointees included the Council president and two to three members of which at least one was to be Māori.<sup>16</sup> Māori of the district elected the remaining two to three members, which ensured that at least half if not more, were Māori. The first members of the Aotea Māori Land Council were appointed in December 1901 with five Māori members and two European both of whom were Native Land Court judges. The Māori members were Ru Reweti, Taraua Marumaru, Takarangi Metekingi, Waata Wiremu Hipango and Te Aohau Nikitini.<sup>17</sup>

Whanganui tribal groups were to demonstrate their confidence in the Act being able to protect their interests by vesting over 115,000 acres of Whanganui land

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Walzl, T. (2004). "Whanganui Land: 1900-1970". Wellington, Waitangi Tribunal. p.142.

<sup>16</sup> (1900). Maori Lands Administration Act.

<sup>17</sup> Katene, S. (1990). The Administration of Maori Land in the Aotea District 1900-1927. *History*. Wellington, Victoria University. p70.

in the Aotea Māori Land Council for leasing.<sup>18</sup> In fact the Aotea district was the only region where the Act was used significantly for vesting land.<sup>19</sup>

Confidence would soon turn to concern however through amendments to the Act that saw Māori representation being reduced to a minority and the introduction of a compensation clause that was to threaten the likelihood of the lands eventual return to the Māori owners.

The Māori Lands Administration Act 1900 temporarily ceased Crown purchases of Māori land and sought to give Māori some measure of control over the management and administration of their tribal estates through the newly established Māori Land Councils. The legislation ensured Māori representation was a majority, the appointments of which were both Crown and Māori elected. However, the survival of the principle of voluntary vestment and the Māori Land Councils relied on making more land available for settlement quickly. Ward has observed that although the

Act was a reasonable attempt to steer between the desire of Māori to control their own land and the determination of the Pakeha majority of opening up remaining land for settlement ... it was clear that settler impatience would not long be held in check, if undeveloped Māori land was *not* brought into production.<sup>20</sup>

There were several difficulties that the Councils encountered. This led to delays in releasing land and the ultimate call for the Māori Land Councils to be abolished, the introduction of compulsory vestment and the recommencement of Crown purchasing.

The creation of individual title to Māori land under the various Native Lands Acts meant that a multitude of owners existed in Māori land blocks. Each owner or at least a majority of them, had to agree to land being vested therefore fulfilling the principle of 'voluntary' vestment. This was attained by major signature

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<sup>18</sup> AJHR (1951). "Report of Royal Commission appointed to inquire into and report upon matter and questions relating to certain leases of Maori lands vested in Maori Land Boards". Wellington, New Zealand Government.

<sup>19</sup> Ibid.

<sup>20</sup> Ward, A. (1999). *An Unsettled History: Treaty claims in New Zealand today*. Wellington, Bridget Williams Books. p155.

gathering campaigns.<sup>21</sup> These campaigns required time not only for travel but in some cases to resolve dissention that arose with regard to title. Loveridge states:

That the large numbers of owners on many titles might slow things down should of course have been foreseen in 1900: certainly no one should have been surprised when this problem became apparent. Where action was possible, however, it could take a good deal of time to draw up deeds of trust and obtain the necessary signatures, while questions about title and survey problems always had the potential to impose further delay.<sup>22</sup>

Another hindrance was that few premium Māori land blocks remained after thirty years of land sales, confiscation and compulsory taking through legislation. To a large extent the land that Māori were willing to vest was of low quality or in isolated areas. The preparatory work that needed to be undertaken was therefore laborious and added to the delay of making land available.<sup>23</sup>

Add to this the lack of financial support from the government and the expectation that the councils were to be self-supporting, thereby relying on monies made from the leases, then it was not surprising that the councils were soon waning.<sup>24</sup>

Political and settler pressure led the Native Minister to concede to the compulsory vestment of land, reduced Māori participation and the re-introduction of Crown purchasing under the Māori Land Settlement Act 1905.

### **Māori Land Settlement Act 1905**

The Māori Land Settlement Act 1905 saw the replacement of Māori land councils with Māori land boards. It provided for the compulsory vesting of Māori land by the Native Minister in the newly constituted land boards for the benefit of the Māori owners. While Carroll had initially desired that all districts come under the compulsory regime of vesting land for leasing only, he had been

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<sup>21</sup> Walzl, T. (2004). "Whanganui Land: 1900-1970". Wellington, Waitangi Tribunal. p64.

<sup>22</sup> Loveridge, D. M. (1996). "Maori Land Councils and Maori Land Boards: a historical overview 1900-1952". Wellington, Waitangi Tribunal. p35.

<sup>23</sup> Ibid. p36.

<sup>24</sup> Ibid. p39.

defeated in parliament and Tokerau and Tairāwhiti were the only regions where this rule applied.<sup>25</sup> Crown purchasing recommenced too although the aforementioned districts were exempt from such sales – at least for the time being anyway. The boards consisted of three government appointees of whom only one was Māori therefore reducing the Māori representation to a minority. The right for Māori to elect members was also abolished with the only Māori member being elected by the government. The importance of Māori representation had previously protected Māori interests when they were able to prevent the offering of perpetual leases much to the ire of the Native Under-Secretary, Sheridan.<sup>26</sup> With Māori representation being reduced to a minority, Whanganui tribal groups were now at the mercy of a European-dominated, government-appointed Board.

### **Compensation for Improvements**

Although Māori members had successfully opposed perpetual leasing the introduction of compensation for improvements to lessees upon the expiration of the leases jeopardised the likelihood of the lands return. Leases had been offered for 21-years with the right of renewal for a further 21-year term upon which the land would revert to the owners following the payment of compensation for the value of improvements. Although Sheridan was annoyed that perpetual leases had been abandoned, he nevertheless was confident that Māori owners would never be able to pay compensation which would in effect see leases becoming perpetually renewable, “... in fact I consider it a perpetual lease as it is beyond a doubt that Natives will not at end of 42 years be able to pay ... value of improvements at that period.”<sup>27</sup>

Section 28 of the Native Land Settlement Act 1907 placed a 50-year restriction on the term of land leases which meant that all leases would terminate by 25

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<sup>25</sup> The introduction of the Māori Land Settlement Amendment Act 1906 included the provision for the remaining four land districts to have land compulsorily vested by the Native Minister if the land was not properly occupied but suitable for use by Māori.

<sup>26</sup> Katene, S. (1990). *The Administration of Maori Land in the Aotea District 1900-1927*. History. Wellington, Victoria University. Walz, T. (2004). "Whanganui Land: 1900-1970". Wellington, Waitangi Tribunal.

<sup>27</sup> 6 July 1904. Letter from President, AMLB to Under-Secretary, Native Affairs. MZ13/56c. Wellington. Archives New Zealand.

November 1957 with a view of returning the land to the Māori beneficial owners subject to the lessees receiving compensation. This provision was included in the consolidation of native land laws in the Native Land Act 1909.

Aware that the termination of leases were due in 1957 and that the compensation clause in legislation would prove detrimental to the return of Māori lands to Māori ownership, Whanganui Māori began petitioning parliament in 1948. They outlined the history of the vested lands since 1900 and protested at the inclusion of the compensation clause without consultation:

In granting the lessees compensation in its present form the administration failed to observe the fundamental principle of the Trust "That is the preservation of our lands for the benefit of generation to come." And replaced it with a system which is tantamount to confiscation as evidence by Judge Brown's memorandum dated 9.8.37 where he quotes a case that would take 200 years to pay off the compensation charge. This applies to the whole of the blocks with slight variations.

It is stated that it was necessary to grant compensation to the lessees, for improvements affected by them to get the land settled. That may be so, but we maintain that we should have been consulted and that the terms entered into by the administration on our behalf does not reveal much foresight or any grounds for enthusiasm and confidence in what they have planned for us.<sup>28</sup>

The petitioners called for a Royal Commission of Inquiry to investigate:

1. The owners legal rights.
2. Each lease.
3. The administration.
4. The method of valuation.
5. Compensation for the improvements affected by the lessees.<sup>29</sup>

Meetings with the Native Minister followed where the spokesperson for the people, Marumaru outlined how the method of valuing improvements had resulted in the owners being disadvantaged.<sup>30</sup> Prior investigations by the Under-Secretary revealed that the owners had a legitimate claim and that there were other related matters that required serious consideration by the

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<sup>28</sup> 15 May 1948. Letter from beneficial owners to Minister of Maori Affairs. MA Acc W2459, Box 23 5/2/4 Pt 4. Wellington. Archives New Zealand.

<sup>29</sup> 15 May 1948. Letter from beneficial owners to Minister of Maori Affairs. MA Acc W2459, Box 23 5/2/4 Pt 4. Wellington. Archives New Zealand.

<sup>30</sup> 29 October 1948. Notes of representations made to Acting Minister of Maori Affairs (Rt Hon W Nash). MA Acc W2459, Box 23 5/2/4 Pt 4. Wellington. Archives New Zealand.

government well before the termination of leases in 1957.<sup>31</sup> If the leases were to continue due to the inability of owners to pay compensation then new legislation needed to be enacted to allow this to happen and to find a solution so that both lessees and Māori owners would not be disadvantaged by the current state of affairs. Until the problems were resolved, the "Māori Purposes Acts of 1948, 1950, 1951, 1952 and 1953 allowed the lessees to continue their tenure".<sup>32</sup>

### **1951 Royal Commission on Māori Vested Lands**

A Royal Commission was appointed in 1949 with a view to investigating leases of vested Māori lands. The Commission began their enquiry in 1950 and heard representations in the six Māori land board districts – Aotea, Waiariki, Waikato-Maniapoto, Tokerau, Ikaroa and Tairāwhiti.

The Commission was to inquire and report on four main areas:<sup>33</sup>

- 1 the modification or alteration in the law or the terms of the leases with regard to the nature of improvements, the method of ascertaining the value of improvements and the nature in which the amount for compensation was to be settled;
- 2 whether additional powers should be allocated to the Māori land boards;
- 3 any other relative matters that required government attention;
- 4 whether changes to law were necessary to implement recommendations.

Approximately 161,000 acres of Māori land were part of the investigation. The majority of the lands were in the Aotea district representing 115,209 acres.<sup>34</sup> Although each area shared some commonality in issues such as compensation for improvements and the desire by Māori owners that the lands be returned either for their own settlement or under a trust, there were also differences in

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<sup>31</sup> 3 September 1948. Letter from Under-Secretary to Minister of Maori Affairs. MA Acc W2459, Box 23 5/2/4 Pt 4. Wellington. Archives New Zealand.

<sup>32</sup> Bassett, H. & R. Kay (2004). "Whanganui Leased Vested Lands: c.1951-2000". Wellington, Crown Forestry Rental Trust. p24.

<sup>33</sup> *AJHR* (1951). "Report of Royal Commission appointed to inquire into and report upon matter and questions relating to certain leases of Maori lands vested in Maori Land Boards". Wellington, New Zealand Government. pp2-3

<sup>34</sup> *Ibid.* p19.

the amount of land involved in each district, the acts under which lands had been vested and the limitations on the amount of compensation to be paid.<sup>35</sup>

In the Waiariki district for example, 5,400 acres were under investigation in which a limitation on compensation payment meant that the Commission were satisfied that “when the leases expire little difficulty will be experienced in this district in arranging the necessary finance ...”.<sup>36</sup> The Tairāwhiti district was particularly unique in that the relationship between lessees, Māori owners and the Board were most amicable and that any difficulties were settled satisfactorily between the three parties.<sup>37</sup> Counsel for all parties stated that no significant changes to the law were deemed necessary except for minor amendments.<sup>38</sup> Compensation had been prescribed for the Ikaroa district and the Board was the only one that had provided a fund for payment of compensation.<sup>39</sup>

The Aotea district was to receive a fair amount of consideration by the Commission due to the large area of land vested in the Board and the complex and technical nature of the issues regarding the method of land valuation, amount of compensation for improvements and the rental charges upon the second 21-year term being renewed.

Counsel appeared for the Aotea Māori Land Board (AMLB), the lessees and the Māori owners. Although the Māori owners stated that the lessees were entitled to compensation they believed that it should be “fair and honest and just”.<sup>40</sup> Furthermore they wanted to ensure that no matter what provisions were made, that ultimately their lands would return to them.<sup>41</sup>

Lessees on the other hand were looking for the leases to continue until such time that compensation could be paid.<sup>42</sup> They also argued if compensation was

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<sup>35</sup> Ibid. pp19-54.

<sup>36</sup> Ibid. p47.

<sup>37</sup> Ibid. pp48-49.

<sup>38</sup> Ibid. pp48-49.

<sup>39</sup> Ibid. p40.

<sup>40</sup> Ibid. p24.

<sup>41</sup> Ibid. p24.

<sup>42</sup> Ibid. p30.

not forthcoming then leases were to be deemed perpetually renewable.<sup>43</sup> The Commission did not agree with this view. The relationship between the lessees and the Māori owners had been at variance since 1911 when the lessees first began lobbying the government for either freehold title or perpetual leases.<sup>44</sup> The Commission noted that since that time, Whanganui Māori had continually petitioned the government to not allow the fee-simple of their lands to be lost to them or their descendants:

Deputations have waited on different Ministers of the Crown over a period of years. The Maori owners throughout this time have strenuously opposed any suggestion that perpetual rights of renewal should be granted or that the lessees should be granted any right to purchase the freehold.<sup>45</sup>

### Valuation issues

The method of valuation received considerable attention because it favoured the lessees and not the Māori owners. The discussion in the Commission's report is a technical and complex one.<sup>46</sup> The main issues however are outlined below in order to illustrate how over time, the Māori beneficial owners had been disadvantaged.

In essence, the 'residue' method used in determining the unimproved value of the land and the value of improvements had a direct influence in the setting of the second term rentals. The Commission gave the following example with regard to leases in the Ohotu block.

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<sup>43</sup> Ibid. p40.

<sup>44</sup> Ibid. p22.

<sup>45</sup> Ibid. p22.

<sup>46</sup> Ibid. pp26-29.

First-term rentals (pa) £189 18s 2d

*Second term valuation*

Capital value £17,000  
 less Improvements £13,460  
 Unimproved value £3,540

Second term rentals based on 5% of £3,540 (pa) £177

*Third term valuation*

Capital value £31,472  
 less Improvements £29,016  
 Unimproved value £2,456

Third term rentals based on 5% of £2,456 (pa) £122 (approx)<sup>47</sup>

Although the capital value of the land increased over time because of the improvements, the result was that the owners' interest (the unimproved value) naturally decreased. Consequently rental fees for each successive lease tenure also decreased. The figures demonstrated how owners were therefore left in the precarious position of not being able to accumulate enough money to pay compensation for improvements. The table below illustrates the figures for the respective lands blocks administered by the AMLB.

Block	Area	First term rental	Second term rental	Valuation at time of renewals of leases	
				Improvements	Owners Interest
Ohotu 1-3, 8	62,444a 1r 0.8p	£4,131:7:2	£2,807:18:1	£321,842	£68,847:5:11
Morikau 2	14,330a 3r 34p	£1,177:5:6	£165:8:3	£43,528	£3,983
Waharangi 1-5	10,146a 2r 34.5p	£904:3:10	£262:9:8	£18,650	£2,491
Paetawa	3,226a 0r 0p	£167:15:0	£48:0:0	£8,217:5	£3,645:16
Otiranui 2,3	1,296a 3r 28p	£134:5:2	£23:6:0	£3320	£466
Rakautaua 2B	50a 0r 0p	£152:10:0	£82:10:0	-	£1,650
Raetihi 3B2, 4B	4,377a 0r 23.7p	£1,318:8:5	£256:4:7	£31,710.1.6	£3,176:11
Retaruke 1,2,4B	1,164a 3r 10p	£68:1:3	£42:17:10	£3,225	£857.0.3
Retaruke 4C	1,387a 2r 22.7p	£57:16:8	£29:10:0	£2,163	£240
Tauakira	9,117a 0r 2p	£468:3:8	£262:17:7	£27,148	£5,136
Wharetoto	7,668a 0r 0p	£87:10:0	£20:5:02	£555	£405

Table 1.1: Rental and valuation of land blocks<sup>48</sup>

<sup>47</sup> Ibid. p27.

<sup>48</sup> Ibid. p20.

### Future use of land

The general feeling of Māori in all districts was that the lands should be returned. Some owners proposed that the land be used for settlement while others wanted to farm the blocks. In the case of Māori individuals farming the blocks, the Commission warned that due to the large number of owners in a particular piece of land, interests would be too small to effect an economically viable unit for farming.<sup>49</sup> Where farming was feasible either by Māori individuals or on behalf of the beneficial owners, the Commission proposed the use of existing legislation to advance government funds to assist in compensation payments and the development of the land.<sup>50</sup>

Hoeroa Marumarū spoke on behalf of the Whanganui tribal groups in respect of the future use of the lands, in particular the Ohotu block. He proposed that:

a trust commission should be set up with a view to paying off the value of the lessees' improvements and assuming possession of the Ohotu blocks on behalf of the beneficial owners. The aims of this trust commission would be "to preserve to the Māori owners for all time the mana and fee simple" of the lands and to preserve for the benefit of the Māori owners "the revenue and continued occupancy of their lands."<sup>51</sup>

Marumarū referred to the Morikau Farm that was situated in the upper reaches of the Whanganui River near Ranana.<sup>52</sup> The AMLB, on behalf of the beneficial owners had managed the land since 1910. The profitable running of the station was used to demonstrate how land could be administered for the benefit of all owners. Marumarū also proposed that some of the land could be utilised as a training farm to encourage young Māori "away from the towns and on to the land".<sup>53</sup> The trust would also determine development issues for the land and where advantageous, land could be leased.

The return of the lands and the establishment of a 'trust' were to receive major consideration over the next 18 years by Whanganui leaders on behalf of Whanganui owners associated with the blocks.

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<sup>49</sup> Ibid. pp57-65.

<sup>50</sup> Ibid. pp57-65.

<sup>51</sup> Ibid. p59.

<sup>52</sup> The Morikau Farm is covered in Chapter 2.

<sup>53</sup> Ibid. p59.

## Recommendations

In making their recommendations, the Royal Commission highlighted the ability of the parties to seek their own solutions through negotiation and agreement outside of their advice to the government. Throughout the investigations four major principles guided the Commission:

- 1 existing contracts should be fulfilled;
- 2 the land should in due course return to the beneficial owners;
- 3 the facilitation of owners settling and farming the land;
- 4 the prevention of the condition and productivity of the land being threatened.<sup>54</sup>

The recommendations included suggestions for the resolution of the AMLB administrative issues and provisions for new or existing legislation to incorporate specific terms. To a large extent the recommendations focussed on the valuation method, compensation for improvements, and subsequent lease arrangements if compensation was unable to be paid at the end of the lease term.<sup>55</sup>

Moves to effect new legislative changes began after the submission of the Commission's report to the government in 1951.

### **Proposed new legislation**

Following consideration of the Commission's recommendations and discussions between the Minister of Māori Affairs and his officials, a draft for new legislation was circulated for comment to government officials and representatives of Māori beneficial owners and lessees.

Matters pertinent to Whanganui owners included:

- 1 lessees being entitled to 75% of the value of improvements for compensation; half of the rentals received would be put aside in a sinking fund to accumulate for future compensation payouts
- 2 financial assistance from the government (through the Māori Trustee) to pay compensation and

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<sup>54</sup> Ibid. pp52-53.

<sup>55</sup> Ibid. pp82-88

3 that any monies advanced by the Māori Trustee would be a charge against the land.<sup>56</sup>

A Whanganui Māori vested lands committee was formed to represent owners of the Ohotu block and a committee representing the lessees was also formed. Various meetings were held in which the issues of compensation and lease renewal terms were debated.

Primarily, Māori owners did not agree with the 75% compensation and wanted 66.6% instead as originally recommended by the Royal Commission.<sup>57</sup> The valuation of land and the determining of rentals were also seen as disadvantaging owners. Rather than the 'residue' method as outlined by the Royal Commission, owners sought to have the rentals determined through the unimproved value of the land plus the 33.3% of their interest which was the remaining improved value after deducting the 66.6%.<sup>58</sup> In addition, Māori owners wanted the right to resume lands at seven year intervals subject to monies being available.<sup>59</sup>

Lessees on the other hand were adamant that nothing less than 100% compensation would be accepted and that if owners were unable to pay compensation then the leases should be renewed for another 21 year period without a right to resume during that time.<sup>60</sup>

Discussions tended to end in a stalemate because of the opposing views of both parties. However, the Minister of Māori Affairs did recognise the goodwill in respect of the Māori owners in seeking to reach a compromise with the lessees.<sup>61</sup> Although discussions regarding the draft legislation began in 1952, by October 1953 the government were getting impatient and warned that if

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<sup>56</sup> Bassett, H. & R. Kay (2004). "Whanganui Leased Vested Lands: c.1951-2000". Wellington, Crown Forestry Rental Trust. pp38-47.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> 29 September 1952. Minister of Māori Affairs to Marumarū. MA W2490, Box 265, 54/23, vol 5. Wellington. Archives New Zealand.

some sort of agreement could not be reached between the parties, that they risked the Bill going through without their input.<sup>62</sup>

Agreements were finally reached and formed a document that was forwarded to the Minister of Māori Affairs. Many of the agreements were to be included in the draft Māori Vested Lands Administration Bill.

In brief, the concessions made by the Māori owners were:

- 1 100% compensation for land resumed immediately;
- 2 Upon renewal of leases owners could not resume land until next until the expiry of the 21-year term;
- 3 thereafter, resumptions could be made after a further 15 years or at the end of the 21 years.<sup>63</sup>

Lessees conceded to the following:

- 1 renewed leases were liable for 66.6% compensation;
- 2 the rent payable was doubled;
- 3 the second term of renewed leases contained the 15 year resumption option.<sup>64</sup>

The Bill was passed into legislation as the Māori Vested Lands Administration Act 1954 and was to form the basis of how vested lands were to be treated and set the method regarding valuations on the capital value and improvements effected by lessees. The valuation method however did little to solve the complex issues involved with valuing land. Resuming land has proved to be a costly exercise since the first land resumption in 1960.<sup>65</sup> Although objections to valuations have ended up in court, details of the cases will not be reviewed here. Suffice to say that resumption has been expensive and the Atihau-Whanganui Incorporation (AWI) has lodged a Waitangi Tribunal claim regarding the cost that it has had to bear when resuming land.

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<sup>62</sup> Bassett, H. & R. Kay (2004). "Whanganui Leased Vested Lands: c.1951-2000". Wellington, Crown Forestry Rental Trust. p47.

<sup>63</sup> Ibid. p49.

<sup>64</sup> Ibid. p49.

<sup>65</sup> Valuation issues have been taken to court over the years. See *Re Wright's Objection* [1959] NZLR 921, *Atihau-Whanganui v Malpas*, [1977] 1 NZLR 610, *The Proprietors of Atihau-Wanganui Incorporation v Malpas*, [1979] 2 NZLR,

## Resumption and Lease Renewals

In 1960 the Māori Trustee on behalf of the beneficial owners resumed control of 3,946 acres of leased land in the Ohakune area following the expiry of seven separate leases held by Messrs Wright and Forsyth. These were the first of the leasehold properties to return. The amount of compensation paid to the lessees for improvements amounted to £57,595.<sup>66</sup> However additional funds were required for stock, equipment and capital works. A total of £136,000 was advanced which was charged as a debt against the newly formed Ohorea Station.<sup>67</sup> To assist in reducing the debt quickly, timber rights were sold on the land and accumulated rentals from other leased vested blocks were also used.<sup>68</sup> The Māori Trustee had established a 'sinking fund' by this time, which accrued rental monies for the purposes of resumption (i.e., compensation payments to resume land following the expiry of leases).<sup>69</sup>

In 1962 an Ohorea Advisory Committee was established to represent the Māori owners at meetings with the Māori Trustee. The committee members were: Messrs Bailey, Metekingi, Wright, Peehi, Amohia and Tapa. The committee were to ensure that the interests of the owners were considered during discussions with government officials.<sup>70</sup>

In 1964 the committee began meetings with the Māori Trustee officials to discuss the return of the vested lands to the control of owners. Although the Ohorea Advisory Committee consisted of only Ohotu owners, they acknowledged that had it not been for the rentals from all the leased vested lands, Ohorea's debt would not have been paid so quickly.<sup>71</sup> After meetings with owners of the Morikau, Paetawa, Raetihi, Retaruke, Tauakira and Otiranui lands, a decision was made to seek an amalgamation of all blocks. Before this could be effected however, the Māori Purposes Act 1966 was passed for the purpose of giving the Māori Land Court a valuation date for all blocks. This was

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<sup>66</sup> Bassett, H. & R. Kay (2004). "Whanganui Leased Vested Lands: c.1951-2000". Wellington, Crown Forestry Rental Trust. pp88-89.

<sup>67</sup> Ibid. p89.

<sup>68</sup> Ibid. p91.

<sup>69</sup> Ibid. p94.

<sup>70</sup> Ibid. p107.

<sup>71</sup> Whanganui Minute Book (WhMB) 131B. 8 February 1967. p27.

necessary because one did not exist and the subsequent compilation of the owners' relative interests for amalgamation required a common date. The date was set at 1962 and the application went to the Court in 1967.<sup>72</sup>

### Amalgamation of lands

The Aotea Māori Land Court heard the application for amalgamation in 1967. Throughout the proceedings Rangitakuku Metekingi was the main spokesperson for the beneficial owners in the following blocks:<sup>73</sup>

Morikau 2	Ohotu 1C2	Ohotu 1A 2B
Ohotu 1B	Ohotu 2	Ohotu 3
Ohotu 8	Otiranui 2	Otiranui 3
Paetawa A	Paetawa B	Paetawa C
Raetihi 3B 2B	Raetihi 4B	Raetihi 3A
Retaruke 1	Retaruke 2	Retaruke 4C
Tauakira 2F	Tauakira 2H	Tauakira 2J
Tauakira 2K	Tauakira 2L	Tauakira 2M 6
Tauakira 2V	Tauakira 2W	Tauakira 2X
Tauakira 2Y	Tauakira 2	Tauakira 2Z
Tauakira 2AA	Tauakira 2BB	Tauakira 2CC
Tauakira 2DD	Tauakira 2EE	Tauakira 2FF
Tauakira 2GG	Waharangi 1	Waharangi 2
Waharangi 3	Waharangi 5	

Table 1.2: Land blocks in Atihau-Whanganui amalgamation

In describing the history of the lands and the reasons for amalgamation, Rangi Metekingi again referred to the 1897 statement of Taitoko Te Rangihwinui to Native Minister Carroll.

To you Sir James we give the remnants of our people and of our lands for safe keeping". It is on this statement made by Taitoko over 60 years ago that we, the descendants of the men of Taitoko's generation look for inspiration in furthering the sentiments expressed in that great saying. Over the years, in spite of Pakeha pressure and in spite of political pressure, the people of the River have stood fast against further sales in this area. We have always understood that one day we will get our land back. That thought is forever upon our minds and has been revived from generation to generation.<sup>74</sup>

<sup>72</sup> Bassett, H. & R. Kay (2004). "Whanganui Leased Vested Lands: c.1951-2000". Wellington, Crown Forestry Rental Trust. p142.

<sup>73</sup> WhMB, 131B:16.

<sup>74</sup> WhMB, 131B:26.

Metekingi also stated that throughout the generations the Whanganui people always understood that their lands would return to them and while initially the Ohotu owners had only focussed on the Ohotu blocks, a decision had been made that “we would cleave to the saying that we were the descendants of the lady known as Hinengakau who ‘plaited the river together’”.<sup>75</sup>

Metekingi’s statement demonstrated the unity of purpose that the owners had arrived at through hui leading up to the Māori Land Court hearing. An amalgamation effected the bringing together of all blocks into one title. The decision that the new block would be known as “Atihau-Whanganui” symbolised the concept of kotahitanga between the owners. Even more significant however was the likelihood that the name was to be an enduring reminder that the lands had belonged to tribal groups of Whanganui before the introduction of individual rights by the Native Land Court.

A number of technical issues were raised during the court hearing with regard to title discrepancies, valuation issues and the calculation of ownership interests. Once the Judge was satisfied that all issues were resolved, an order for amalgamation was made in May 1967.<sup>76</sup> With the process complete, the owners moved to have the Atihau-Whanganui Amalgamated Block returned to their control. The re-vesting of the amalgamated block and the establishment of the AWI was completed in November 1969.

## **Conclusion**

Māori representation and the voluntary nature of vesting lands for leasing under the 1900 Māori Lands Administration Act provided Whanganui Māori with a mechanism whereby their lands would be protected from sales and they would have some control in the administration through elected Māori representatives. The Aotea Māori Land District was particularly unique in that it was the only area where the Act was used to vest substantial amounts of land.

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<sup>75</sup> Ibid. p27.

<sup>76</sup> For the full court hearing proceedings see WhMB 131A and 131B.

Changes to the legislation however saw Māori representation reduced to a minority and a compensation clause that was to threaten the likelihood of the lands ever returning to Māori owners. Despite a Royal Commission in 1951 and the enactment of legislation, which was aimed at ensuring the return of Māori land to Māori owners, the method of valuation did little to resolve the difficult issues surrounding the valuing of Māori land. The result was, and still is, that compensation for resuming lands has been and remains an expensive undertaking.

Ohotu owners, while initially focussed on the Ohotu block only, decided that other land blocks should be included as well and that Whanganui Māori should take a united stance with regard to the amalgamation and the establishment of the AWI Incorporation in 1969. Almost seventy years had passed since the lands went out of the owners' control. Throughout the generations they had constantly united to speak as one voice and ensure that the lands returned to their ownership. The efforts of many tupuna throughout the years had been partially realised and the authority for administering the lands had returned to the beneficial owners. However approximately 96,000 remained under lease in 1969. The committee of management would set in place a resolute plan for land resumption to ensure that all lands would be resumed in the future.

## Chapter 2

### Morikaunui Incorporation Lands

The establishment of the Morikaunui Incorporation (MI) in 1955 has its genesis at the turn of the 20<sup>th</sup> century. The period prior to 1900 was one of turmoil for Maori throughout Aotearoa as they witnessed the detrimental effects of government policies and Maori land legislation, which sought to divest Maori of their tribal estates for settlement purposes. The previous chapter outlined how Whanganui tribal groups utilised legislation to protect the remnants of their lands by voluntarily vesting over 100,000 acres in the Aotea Maori Land Council under the Maori Lands Administration Act 1900. By 1905 though the government moved to provide the Maori land boards (previously the Maori land councils) with more authority over the future of Maori lands by introducing compulsory vesting of 'idle' lands and giving the boards the power to alienate such lands through sale or lease. Further legislative developments were on the horizon to open up unutilised Maori land.

The Royal Commission on Native Lands and Native-Land Tenure in 1907 was established primarily to identify unoccupied Maori land for the purposes of settlement or sale subject to enough being available for Maori occupation. During the Commission's investigation a recommendation was made to establish a communal farm on the Morikau 1 block. This was later to become known as the Morikau Farm.

This chapter provides a summary of the 1907 Stout-Ngata Commission report with a particular focus on the lands associated with the Morikau Farm. The history of the Morikau Farm is also discussed with a view to examining the management of the farm by the Aotea Maori Land Board (AMLB) and the relationship with Whanganui tribal groups. It will be demonstrated that development of land and people is a key focus for the hapū and whānau groups. Whether this is achieved during the 45 years of AMLB management is a key deliberation.

## **Royal Commission on Native Lands and Native Land Tenure 1907**

By 1906, the government was making moves to establish a Royal Commission to undertake a systematic inventory of remaining Maori land. On the one hand, settlers and politicians alike held the view that too much Maori land lay dormant and were "surplus to the requirements of the owners".<sup>1</sup> The investigation was to provide some accuracy with regard to the "state of Maori land tenure" and therefore advance Premier Seddon's goal of "opening up every acre not required by the Maoris for their occupation and support".<sup>2</sup>

Chief Justice, Sir Robert Stout and the Member for Eastern Maori, Apirana Ngata were appointed as the Commissioners to report on two major issues. The first was the nature of title and Maori interests in land which were unoccupied or not profitably occupied. Secondly, the Commission were to make recommendations on utilising and settling such lands "in the interests of the Native owners and the Public good".<sup>3</sup> In making such recommendations, they were to report on what, if any, areas should be set-aside for the following purposes:

- (a) the individual occupation of the owners for cultivation and farming.
- (b) communal lands for the owners as a body, tribe, or village.
- (c) future occupation by the descendants or successors and how such land can in the meantime be properly and profitably used.
- (d) settlement by other Natives than the Native owners, and on what terms and conditions, and by what modes of disposition.
- (e) settlement for Europeans, on what terms and conditions, by what modes of disposition, in what areas, and with what safeguards to prevent the subsequent aggregation of such areas in European hands.<sup>4</sup>

Approximately 5 million acres remained in Maori ownership in the North Island of which 2,791,190 acres were deemed either unoccupied or had not been through the Native Land Court system for the determination of title.<sup>5</sup> These were the blocks that the Commission made recommendations on as to how the

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<sup>1</sup> Loveridge, D. M. (1996). "Maori Land Councils and Maori Land Boards: a historical overview 1900-1952". Wellington, Waitangi Tribunal. p49.

<sup>2</sup> Ibid. p49.

<sup>3</sup> *AJHR* (1907). "Interim Report of the Commission Appointed to Inquire into the Question of Native Lands and Native Land Tenure". Wellington, New Zealand Government.

<sup>4</sup> Ibid.

<sup>5</sup> Ward, A. (1997b). "National Overview: volume II". Wellington, Waitangi Tribunal. p377.

lands could be best utilised. Fundamentally, the government was really only interested in the 'unoccupied' areas. Stout & Ngata were directed to

frame ... reports as to facilitate prompt action being taken ... and in particular furnish ... detail as to the lands available for European settlement as will enable Parliament, if it deem fit, to give immediate legislative effect to such parts of your reports.<sup>6</sup>

This directive left no misunderstanding regarding the task at hand with respect to the formulation of new legislation for the settlement of Maori land by Europeans and the expediency required.

The prevailing attitude ... was that Maori land which was unoccupied and undeveloped was of no benefit to anyone, including the Maori themselves, and that it might as well be alienated to settlers, some by lease and some by sale. The notion that some land would be retained by Maori, as industrious settlers, and the rest alienated, underlay the work of the Stout-Ngata commission 1906-08.... The 'use it or lose it' philosophy was dominant.<sup>7</sup>

Throughout the course of their investigations Stout & Ngata discovered that extensive Crown purchasing had affected every tribal area that they examined. Maori owners entreated that land sales cease and as a compromise were willing to consider leasing land subject to enough remaining for their use and occupation. But in agreeing to leasing arrangements, the underlying principle was the ultimate return of the lands to their ownership.

### Whanganui District

The Commission inquired into four groups of land in the Whanganui district. Before making recommendations on the unoccupied lands, the commissioners generally reported on the quality and status of the blocks of land in the four groups. Of particular relevance to this thesis were the Group 1 lands (see Map 1) which contained the territory that would eventually become the Morikau Farm.

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<sup>6</sup> *AJHR* (1907). "Interim Report of the Commission Appointed to Inquire into the Question of Native Lands and Native Land Tenure". Wellington, New Zealand Government.

<sup>7</sup> Ward, A. (1997b). "National Overview: volume II". Wellington, Waitangi Tribunal. p276-77.



### *Group I*

Group I lands totalled 134,653 acres of which 19,334 acres were not subject to any dealings with regard to vestment in the AMLB or leasing arrangements. The commissioners did not have time to investigate all of the land blocks however and only made recommendations on 11,783 acres.

Prior to making their report on 26 April though, they had identified that Europeans were in the process of negotiating leases for two major blocks within this group and sent a telegram in March to the Native Minister recommending compulsory vestment:

Enquiry today elicited facts which warrant us urgently recommending you to vest in aotea board [R]anana block 3100 acres ... and [N]garakauwhakarara block 4995 acres ... Europeans under negotiations for leases. In former block natives propose [to] lease 2000 acres ... and in latter they propose [to] lease 4000 acres to Europeans.<sup>8</sup>

The April report reiterated their discovery that both blocks were in negotiation for leasing to Europeans and recommended that the Ranana block be vested for Maori occupation and farming while the Ngarakauwhakarara land that was "overrun with blackberries" be vested under section 3 of the Maori Land Settlement Amendment Act 1906 and "be dealt with as land infested with noxious weeds".<sup>9</sup>

Consisting of 7,200 acres, Morikau 1 had earlier been compulsorily vested in the AMLB under the Maori Land Settlement Act 1905. Under section 4, land not 'properly occupied' by Maori owners but suitable for use by Maori could be vested in the Board. Such vestment of land however, could only be leased or sublet to 'a Maori.' Therefore, not even Maori owners had first preference for the leasehold.

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<sup>8</sup> 23 March 1907. Telegram from Stout & Ngata to Hon J Carroll. MA1 13/14 Part 1. Wellington. New Zealand Archives.

<sup>9</sup> *AJHR* (1907). "Interim Report of the Commission Appointed to Inquire into the Question of Native Lands and Native Land Tenure". Wellington, New Zealand Government.

Land Block	Size (acres)	Act	Vestment purpose
Morikau 1	7200	Maori Land Settlement Act 1905	Leasing to Maori
Ranana	3100	Maori Land Settlement Amendment Act 1906	Leasing to Maori
Ngārākauwhakarārā	4995	Maori Land Settlement Amendment Act 1906	Development of land

Table 2.1: Land blocks vested in Aotea Maori Land Board<sup>10</sup>

### *Aotea Maori Land Board*

The Stout-Ngata Report included comment on the AMLB. Generally, they highlighted the amount of land voluntarily vested under the Maori Lands Administration Act 1900 and that Whanganui hapū groups had “eagerly seized upon”<sup>11</sup> this opportunity rather than the alternative course which was to sell to the Crown. At the time of investigation more than half the vested blocks had been leased by the Board with others “expected to be put on the market immediately”.<sup>12</sup> After seven years of observing the administration of their lands by the AMLB, Whanganui Maori held strong opinions in relation to the Board.

Hapū groups were critical of the Board’s operations citing the following examples to endorse their dissatisfaction. The Maori Land Settlement Act 1905 had provided for Maori to enter into private negotiations for leasing their lands subject to the approval of the Board. Some had taken advantage of this clause and soon recognised that by dealing privately with lessees, owners were able to derive immediate financial benefit. On the other hand, no financial benefit had been derived from the voluntarily vested lands administered by the Board under the Maori Lands Administration Act 1900.<sup>13</sup> In their defence, the AMLB stated that this was due to the expenses associated with preparing the land for leasing:

<sup>10</sup> Ibid.

<sup>11</sup> Ibid. p11.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

... the system inaugurated by the Act of 1900 was expensive, and though good rentals might be obtained, the deductions for costs of surveying, roading, and administration would more than counterbalance any advantage that leasing by tender through the Board might have over leasing by direct negotiation with lessees.<sup>14</sup>

The Commission heard how Maori owners wished to retain control of their lands rather than this being vested in the Board. The owners also preferred to organise their own lease arrangements or in some cases have the Board act as their agent. In this way, the owners would retain the freedom to deal with their lands as they saw fit and avoid the delay and expense associated with the Board administering leases on their behalf.

## 2.2 Morikau 1

In providing comment on the Morikau 1 block, the Commission observed that it was “of excellent quality, almost wholly pastoral” and the owners “have always desired the land to be reserved for their use and occupation”.<sup>15</sup> Stout and Ngata were supportive of the idea that the land be retained for the owners use and occupation and asked both the AMLB and the owners to consider the following question: “What course is advisable to secure that the land should be properly farmed by the owners?”<sup>16</sup>

In listening to the views of the owners, the Commission heard how the lack of finance to develop their lands had prevented them in utilising the land more productively.<sup>17</sup> Views about how the land could be used varied:

There was a diversity of opinion among the owners who gave evidence before the Commission. Some wished the land to be cut up into family holdings, which might be leased or farmed as the respective families might think fit. Others simply desired the land to be made inalienable. All deplored the lack of capital to bring the land under cultivation. On the other hand, there was a distinct demand for an opportunity to be given to some of the owners to farm, and an old resident, well acquainted with the local conditions, thought that if the block were cut up into small farms many Maoris would come forward and take it up, but they would have to be assisted financially to do any good.<sup>18</sup>

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14 Ibid.

15 Ibid. p12.

16 Ibid.

17 Ibid.

18 Ibid.

In response to the Commission's proposition that the owners farm the block, the AMLB stated that legislation was not in place to allow the Board to neither farm the land nor provide finance to assist owners. While the President considered that the settlement of owners on their lands "might be deemed an experiment"<sup>19</sup> legislative restrictions only allowed the Board to lease to 'Maori'. This basically meant that first preference could not be given to the owners – even those who were currently residing on the land and "had clearings and other improvements on the block".<sup>20</sup> In justifying this position, the President stated that "as trustees, the paramount duty of the Board was to secure revenue as soon as possible from every part of the estate for the beneficiaries".<sup>21</sup>

The regulations governing how the Board dealt with the land therefore prevented the requests of the owners being acceded to. Nevertheless, as a compromise, the President did consider that rather than allocating holdings for family farm blocks (papakainga), that a competent European manager be employed to farm Morikau 1 and owners given first preference for work on the station.

Taking on board these suggestions, the Commission recommended that Morikau 1 be divided as follows:<sup>22</sup>

Papakainga	500 acres
Reserve for timber and firewood	200 acres
Communal farm <sup>23</sup>	3000 acres
Leases for Maori <sup>24</sup>	3500 acres

The commissioners deemed that with proper supervision and direction, the development of farming on Morikau 1 could provide a model for other Maori landowners along the River. However no specific recommendations were made for the government to provide financial support directly to owners to assist farming development.

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<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid. p12-13.

<sup>22</sup> Ibid.

<sup>23</sup> Managed by the Board

<sup>24</sup> With preference to those who had effected improvements and under the supervision of the manager of the communal farm

The idea of a communal farm suggested by the President of the AMLB was acknowledged in the Commission's recommendations. So too had the wishes of the owners in respect of setting aside land for papakainga (family holdings). The Commission's recommendations acknowledged that land was required for settlement and development by the Whanganui hapū and whānau groups. Setting aside land for papakainga was to some extent a response to this aspiration.

Owners had indicated a desire to remain in occupation by partitioning the Morikau 1 block and farming the holdings themselves, but legislative requirements prevented the whole block from being utilised in this manner. Instead, the 'communal farm' was endorsed along with an additional 3,500 acres being divided into experimental farm areas and leased to Maori although preference would be given to owners who had already effected improvements on the land. It was proposed that the allotments and successful lessee-owners would be supervised by the manager of the communal farm, under the watchful eye of the AMLB and if the smaller farming schemes proved successful then the communal farm would be partitioned into small farms; although it was not clear whether these divisions would be transferred from the paternal hands of the AMLB or to the Maori owners. Under the existing legislation there was a strong likelihood that if partitioning of the communal farm happened at a later stage that these sections would also be offered as leases although it was not clear whether owners would have first preference. The possibility of the management of the lands returning to tribal jurisdiction was also vague.

The paternalistic approach with regard to the AMLB retaining control over the management of the land and any future finance created a forced dependence – one that would last for over four decades.

### **3.0 Hapū representations**

In December 1907, owners in Morikau 1 wrote to the Native Minister, James Carroll advising that they wanted to establish an incorporation and "wished to divide the land up into hapū divisions but also to come together within a

management committee with representatives from each hapū division”.<sup>25</sup> By January 1908 both Morikau 1 and Ranana owners requested the provision for incorporation and Carroll duly applied for an order of incorporation. The response from the AMLB however was not favourable. Due to the vesting of the blocks in the Board for leasing purposes only, the President deemed that it was now the ‘owner’ by an order in council and doubted “whether the Court will be able to give effect to the application”.<sup>26</sup> Instead, the President suggested that the Board could “grant a lease to an elected committee of the owners”.<sup>27</sup> Here the matter rested and went no further until later that year.

In May 1908, representatives of the three blocks – Morikau 1, Ranana and Ngarakauwhakarara – met with the AMLB officials to advise their wishes with regard to the future of the lands.<sup>28</sup> Wiki Keepa and Wi Pauro spoke on behalf of those present and relayed the agreement of a hui held at Hiruharama.<sup>29</sup> They advised the Board of the owners’ intentions with regard to developing the land. For each block, it was stated that portions would be set aside for papakainga and that the remaining acreage would be worked under an incorporation system.<sup>30</sup> Three committees had been appointed by the owners of the three blocks and the Board was asked to give these committees full powers for administering the respective lands.<sup>31</sup> In response, the President outlined the problems with the request due to the legal restrictions surrounding the vestment of the lands:

it seems clear that the blocks in question are vested in the Board under the special clauses of the Acts ... and the land has to be leased by the Board to the Native owners or their nominees, ... the Board cannot have the lands dealt with under the system of incorporated owners<sup>32</sup>

He further added that due to the advancing of mortgage monies to the Board that it was necessary that they have:

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<sup>25</sup> Walzl, T. (2004). "Whanganui Land: 1900-1970". Wellington, Waitangi Tribunal. p347.

<sup>26</sup> Ibid. p293.

<sup>27</sup> Ibid. p294.

<sup>28</sup> 21 May 1908. Minutes of meeting held at Whanganui. Aotea Māori Land Board Office. MA1 13/14 Part 1. Wellington. New Zealand Archives.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

direct control ... to ensure that the money shall be utilised in improving or working the land forming the security. This is necessary owing to the fact that, in such cases, the statute requires that the Board shall be party to the mortgage. The Board may not, out of any advances received, hand money over to the Committee to deal with as they like.<sup>33</sup>

The President had no difficulty in accepting the names that had been handed in as committees for the three blocks but these committees would assist in carrying into effect the proposals which they and the Board may agree upon.<sup>34</sup>

Dissatisfied with this response, Wiki Keepa and Wi Pauro stated that unless owners were to have absolute control of mortgages and the working of the lands, they were not prepared to continue with discussions and the meeting abruptly ended.<sup>35</sup>

The above disagreement was to be indicative of the power that the Board had over the management of the lands in subsequent years. Hapū groups wanted to have control over the development of the lands but could not due to financial and legislative constraints. The following year saw the introduction of legislation that would enable the communal farm to proceed as first recommended in the 1907 Stout-Ngata Report. Hapū groups therefore positioned themselves to further their development and that of their lands by working alongside the AMLB.

#### **4.0 Morikau Farm**

The passing of the Native Land Act 1909 included provision for Māori land boards to manage vested lands as a farm. To assist in this the Board could appoint a manager who would be the chair of a committee of management elected by Maori owners. All expenses associated with the running of the farm were to be a charge against the land.

The Morikau Farm (referred to hereafter as 'the Farm') commenced in 1910 with the appointment of a manager. While the Stout-Ngata Report had envisaged

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

that parts of Morikau 1 would form the basis for the Farm, by 1910 the hapū groups associated with Ngāarakauwhakarara and Ranana had agreed to include their blocks as well. Initially three separate committees were elected by the owners for each block but in 1911 this was reduced to one committee of management that was representative of the three land blocks – Morikau 1, Ranana and Ngarakauwhakarara.<sup>36</sup> A total of 15,295 acres was the sum of the three blocks. Of this land, 3485 acres was allotted as papakainga areas while the remaining acreage formed the Morikau Farm.

<b>Land Block</b>	<b>Size (acres)</b>	<b>Morikau Farm Area (acres)</b>	<b>Papakainga Area (acres)</b>
Morikau 1	7200	5857	1343
Ranana	3100	2051	1049
Ngārākauwhakarārā	4995	3902	1093
Totals	15295	11810	3485

Table 2.2: Morikau Farm and papakainga areas<sup>37</sup>

The hapū groups associated with the land blocks had high expectations of the Farm and the associated benefits that they would derive from it. Under the guidance of the manager they would learn the pursuits of agriculture and land development. Additionally the resources of the Farm could also be used as they developed and stocked their own papakainga lands. Having representatives on the committee of management for the Farm would also ensure that they were kept informed and have input into the decision-making thereby giving them some degree of control.

The history of the Morikau Farm is covered extensively by Walzl (2004) and is summarised in the next section to outline some of the main points in how the Farm contributed to tribal development initiatives during the 45 years that it was under the control of the AMLB. Also included in this discussion are the concerns raised about the Farm and the eventual return of the lands to tribal ownership under the MI in 1955.

<sup>36</sup> Walzl, T. (2004). "Whanganui Land: 1900-1970". Wellington, Waitangi Tribunal. pp298-301.

<sup>37</sup> Ibid. p466.

#### 4.1 Co-operation and Development

The first decade of the scheme was largely one of co-operation between the President of the AMLB, the Manager and the local hapū. The isolation of the lands, infestations of noxious weeds and rugged terrain meant that the task in bringing the Farm into a state of utilisation was arduous. Farming practices also needed to be constantly monitored to ensure that the land did not deteriorate and that maintenance issues like fencing were not overlooked. Improvements to the Farm and the upskilling of hapū members appeared to be positive with these people being given favourable consideration for contracts or employment on the Farm. While minor improvements on papakainga were evident the lands were also plagued with the same circumstances as the Farm with regard to noxious weeds. The bigger issue though was the need for finance to further develop the lands and despite repeated requests these came to no avail.<sup>38</sup>

#### 4.2 Decline and discontent

By the start of the 1920s co-operation soon turned to discontent. The Farm was in debt. Hapū aspirations for the development of hapū members and the land itself were not reflected in the operation of the Farm. More importantly however, the AMLB and the owners had quite different ideas over the future of the land. One point of contention was that finance was needed for papakainga land development.<sup>39</sup>

To address this issue the President of the Board supported the partitioning of the papakainga lands into freehold titles. Freehold title would enable owners to obtain finance from the Native Trustee. His rationale was that with the Morikau Farm in debt, the owners would derive no financial benefits to assist with papakainga development. Their lack of income from other sources had left the owners in a precarious state of poverty. The partitions went through the Native Land Court in 1925 and later formed the Ranana Development Scheme, an initiative devised by Apirana Ngata.<sup>40</sup>

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<sup>38</sup> Ibid. pp300-323.

<sup>39</sup> Ibid. pp422-430.

<sup>40</sup> Ibid. p431-439.

Due to the Farm running at a loss with future forecasts predicting the same outcome, the President made a recommendation to the Native Minister that the lands be sold to the Crown for the settlement of World War I returned soldiers. The Native Department was not supportive of such a move and responded to the President stating that the Board had a responsibility to continue with their efforts in supporting the Morikau Farm and the training of owners.

... I have to inform you that the primary object of the farm was as you suggested in your memorandum, to give the owners an opportunity of learning farming etc on modern methods and the farm was placed under the Maori Land Board to ensure the proper local control and management.<sup>41</sup>

To address the debt issue, the Board replaced the manager of the Morikau Farm. The new incumbent was soon in conflict with the hapū groups when preference for contracts and employment was given to Europeans rather than local Maori. Investigations into the allegations proved correct with the justification being that local Maori require too much supervision, were lacking in work ethic and unable to undertake the work. Despite several representations to the Native Minister by owners and the chair of the management committee, a reversal in the employment policy did not eventuate.<sup>42</sup>

From the 1930s the Farm started to reverse its decline and showed a profit along with the ability to start paying off the mortgage and contribute some financial benefit back to the owners. Despite the balance sheet looking profitable, tensions still existed between the owners, the manager and the Board.<sup>43</sup>

From the mid-1940s petitions, submissions and meetings with government officials requested that the management of the Farm be investigated due to the management committee and owners not being kept informed of the state of the Farm. Such an investigation is not undertaken but hapū groups begin a concerted campaign to have the land returned to their control.<sup>44</sup>

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<sup>41</sup> Ibid. p323.

<sup>42</sup> Ibid. p441-448.

<sup>43</sup> Ibid. p449-453.

<sup>44</sup> Ibid. p460-464.

## 5.0 Process to Incorporation

In 1948<sup>45</sup> Hoeroa Marumaru approached the Acting Minister of Māori Affairs, the Rt Hon W Nash, and advised that owners wished to participate more in the administration and control of the farm. The Under-Secretary pointed out to the Minister, the limited powers of the owners:

How effective the Committee [of owners] is, and what part it plays in the management, does not appear, but, as a matter of law, it probably does not count for very much because if any conflict arose between it and the Board, the board must necessarily prevail. The boot might be on the other foot if the Board were divested of the title and the land vested in an incorporation of owners under Part XVII of the 1931 Act, but if the owners generally want an incorporation of them to run the place, it should not be impossible to work out a scheme in which the Board would act in an advisory capacity to the incorporation.<sup>46</sup>

He went on to advise that the owners' wishes could be met by an incorporation. A matter that needed to be decided on, was whether the Morikau Farm should be run by one incorporation or whether there would be three separate farms run by three distinct incorporations – one for each of the three blocks within the farm (Ranana, Ngārākauwhakarārā, Morikau 1).<sup>47</sup>

Over the next four years, discussions would take place between the AMLB, Whanganui leaders and the government with regard to the lands returning to the control of the tribal groups.<sup>48</sup>

By 1952, the Under-Secretary for Māori Affairs asked the AMLB what steps had been taken to hand over control of the Farm to the Māori owners. The President replied that no steps had been taken because the owners have “no apparent desire to assume control” and that the control of the land should remain with the Board until:

- (a) there is a definite desire of the owners for some alternative method of control;

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<sup>45</sup> Note: Also in this petition are the concerns raised with regard to the Whanganui Vested Lands (i.e., those now held by the AWI). See chapter 1.

<sup>46</sup> 17 December 1948. Memorandum from Under-Secretary of Māori Affairs. MA1 13/14 Part 4. Wellington. Archives New Zealand.

<sup>47</sup> 17 December 1948. Memorandum from Under-Secretary of Māori Affairs. MA1 13/14 Part 4. Wellington. Archives New Zealand.

<sup>48</sup> Walzl, T. (2004). "Whanganui Land: 1900-1970". Wellington, Waitangi Tribunal. pp469-71.

- (b) the owners have sufficiently experienced of their numbers able and willing to assume the responsibilities of management.<sup>49</sup>

His statement that there was “no desire to assume control” by the owners was in direct contrast to Marumaru’s representation to the Minister of Māori Affairs in 1948. Perhaps it was an attempt by the Board to retain control of the farm.

The Under-Secretary responded confidentially by saying that legislation was under way which would halt all farming operations presently carried out by Māori land boards. The legislation, however, could not be enacted until the Boards divested themselves of the properties that they were farming. Eventually when control and administration was restored to Māori owners, adequate steps would be taken to ensure the continued utilisation of the land and protection of the owners’ assets. In addition, he questioned paragraph (b) of the President’s memorandum:

Is it a fact that ... there are not amongst the owners a few people of experience and common sense which would be needed for a committee of management?<sup>50</sup>

He remarked that the reasons set out in the President’s memorandum were not considered to be sufficient to warrant a departure from returning the land to the owners and that “every effort should be made to have the Māori Land Board divested of its control as soon as possible”.<sup>51</sup>

The process towards incorporating began and in August 1953 a meeting of owners was held at Putiki Marae, Whanganui.<sup>52</sup> There was a unanimous decision by those present that the land be revested in the owners and that it be kept as one farm and the blocks amalgamated.<sup>53</sup> An application was made to the Māori Land Court to consolidate and repartition the three blocks. The

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<sup>49</sup> 3 April 1952. Letter from President of Aotea Māori Land Board to Under-Secretary of Māori Affairs. MA1 13/14 Part 4. Wellington. Archives New Zealand.

<sup>50</sup> 13 May 1952. Memorandum from Under-Secretary of Māori Affairs to President of Aotea Māori Land Board. MA1 13/14 Part 4. Wellington. Archives New Zealand.

<sup>51</sup> 13 May 1952. Memorandum from Under-Secretary of Māori Affairs to President of Aotea Māori Land Board. MA1 13/14 Part 4. Wellington. Archives New Zealand.

<sup>52</sup> 11 August 1953. General meeting of owners, Putiki Marae. MA1 13/14 Part 5. Archives New Zealand.

<sup>53</sup> 11 August 1953. General meeting of owners, Putiki Marae. MA1 13/14 Part 5. Archives New Zealand.

intention of this was to remove the existing titles and re-vest to owners the lands within the farm through one title.

On 19 November 1953, the following blocks were consolidated and formed the Morikaunui Block.

Land Block	Area
Morikau 1, Section 31A, Residue C	5,723a.2r.00p
Mairehau 2C	451.a.0r.00p
Ngarakauwhakarara 12	3,832a.0r.00p
Ranana 8	1,880a.0r.00p
Ranana 10	48a.0r.00p
TOTAL	11,934a.2r.00p

Table 2.3: Land blocks in Morikaunui consolidation<sup>54</sup>

On 4 April 1955, an Order of Incorporation was made at the Māori Land Court under section 271 of the 1953 Māori Affairs Act. The object of the Incorporation was “to enable the land to be occupied and managed as a farm for the purpose of carrying on any agricultural or pastoral business”.<sup>55</sup> The first committee of management for the MI was appointed in the same year and confirmed by the Maori Land Court.<sup>56</sup>

## Conclusion

The return of the lands associated with the Morikau Farm to tribal control under the Morikaunui Incorporation was a goal that had been pursued for many years. The original vision of using the Farm to contribute to hapū development had initially been beneficial but was to witness a decline from 1920 onwards. One of the limitations was the inability of owners to sufficiently develop their papakainga lands due to lack of finance. An initial goal of the Farm was to generate revenue so that this could happen. It did not and through desperation, the lands were eventually partitioned into freehold titles and occupiers had to survive on their own in a time of poverty and hardship. While the owners

<sup>54</sup> WhMB 111. 19 November 1953. pp22-24.

<sup>55</sup> WhMB 133. 4 April 1955. p354. WhMB 114. 9 May 1955. pp136-38.

<sup>56</sup> WhMB 114. p138.

struggled, alongside them the Morikau Farm eventually flourished. This occurred without their labour due to the manager implementing a policy that saw local owners being ignored for contracts or employment in favour of Europeans.

... alongside their impoverished settlements, lay a farm that they knew to be theirs, that was in full production, in full development but from which they effectively drew no rental, no training and no employment.<sup>57</sup>

It is little wonder then that having seen the loss of the original vision, tribal groups campaigned for the return of the lands. With the restoration of control, the MI was well placed to start contributing to tribal development initiatives and assist in the return of the 100,000 acres that had been leased were originally vested for leasing under the Maori Lands Administration Act 1900.

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<sup>57</sup> Walzl, T. (2004). "Whanganui Land: 1900-1970". Wellington, Waitangi Tribunal. p563.

## Chapter 3

### Tribal Imperatives

This chapter will focus on the ways in which the Morikaunui Incorporation (MI) and its predecessor the Morikau Farm carried out trusteeship responsibilities to Whanganui tribal groups by providing leadership in national forums and localised initiatives. Particular features evident in the historical and oral narratives will be identified with a view to highlighting the contribution that the MI has made. The previous chapters outlined the history of the Whanganui vested lands and how the tribal voice remained steadfast with regard to the retention of their tribal estate for future generations. While this has been a significant tribal imperative, it will be demonstrated that the purpose of land retention contributed to a much greater goal with regard to tribal aspirations.

#### Retention

Writing on Māori land incorporations in 1979, Kawharu viewed these organisations as:

trust estates where benefits are general and communal (as in the right to apply for financial assistance from an incorporation's education fund), and the overriding objective is to hand the incorporation on intact to the heirs and successors of the present generation.<sup>1</sup>

This principle of keeping the lands in tact had been evident in Whanganui tribal thinking for some time. In particular the hui at Putiki in 1898 called for the preservation of tribal interests in respect of the vested lands and was strongly advocated by leaders of the time when discussing with Premier Seddon the future administration and control of Maori land. Retention of the lands in tribal control was imperative if Whanganui iwi, hapū and whānau were to express and continue their ancestral responsibilities in terms of their connections with each other and its associated obligations.

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<sup>1</sup> Kawharu, I. H. (1979). Some Social and Sociological Aspects of Incorporations. *Trends in ethnic group relations in Asia and Oceania*. UNESCO. Duculot, Belgium, UNESCO. p270.

## Distribution of profits

Despite the history of Morikau Farm being fraught with administration difficulties like mortgage encumbrances and allegations of mismanagement against the AMLB by the Whanganui tribe, Whanganui continued to express their responsibilities to iwi, hapū and whānau through the distribution of profits for the wider good of the tribe. Although the Farm was established in 1910, 26 years would pass until any financial benefits could be distributed to tribal beneficiaries. Individual gains from profits amounted to such insignificant amounts however that decisions were made to instead pool the funds and contribute these to tribal purposes.

From 1936, owners began to support initiatives for using the funds generated from the Morikau Farm for community projects including church and marae restoration, for education purposes and, during the War, to contribute to the Government's War Fund.<sup>2</sup>

In 1945 a meeting of owners considered and passed resolutions to contribute the following amounts for marae development and the war effort:

Hiruharama	Renovation and repair of Whare Paremata and marae improvement	£1000
Ranana	Site levelling and improvement for new marae. Relocation of wharepuni and cook house to new site.	£3000
Putiki	New assembly hall adjoining Putiki Church	£1000
War Effort	Contribution by donating to the Ngarimu VC Memorial Scholarship Endowment Fund	£2000
Parikino (Kaitangata block)	Renovation of hall and cookhouse	£1000
Koriniti	Renovation and addition to cookhouse, paint wharepuni, dig drains, erect fences, improve road access	£1000

Table 3.1: Morikau Farm - 1945 distributions<sup>3</sup>

At this time, the Whanganui River valley was still well populated and marae were the centre of activity for tribal and community occasions. Hui and tangihanga were held at marae as well as recreational activities such as dances and fundraising initiatives. Financial support for marae development enhanced and maintained the collective nature of responsibility in terms of manaakitanga

<sup>2</sup> Walzl, T. (2004). Whanganui Land: 1900-1970. Wellington, Waitangi Tribunal. p550.

where the ability to look after manuhiri as much as uri of Whanganui was expressed through the maintenance, transmission and use of Whanganui tribal narrative and tikanga.

This notion of manaakitanga has pervaded the tribal conscience in respect of the vested lands, in particular the Morikau Farm and the MI Incorporation, where the proceeds from the business of farming were used to contribute to matters of importance to the tribe.

Funding initiatives were not just localised however, as is demonstrated by the contribution to the War Effort in 1945. In addition, maintaining contact with national issues of importance to Maori was also funded by the Morikau Farm to allow Whanganui tribal leaders to travel to Maori land hui held in the North Island.

I aua rā, ngā hui e tū ana i roto i Waikato e haere ana a Whanganui. Ko tērā te mea o ngā kōrero, te hua o ngā hui, he kōrero mō ngā whenua. Ka haere rātau ki Mangatautari i roto a Waikato, ka haere rātau ki Whakatāne, ki Whakatohea, ana ki roto o Ngāti Porou. I tū ana hoki ngā hui nunui i aua rā ki reira. Ka haere ō mātau mātua ki reira, ka whiriwhiri ai, kōrero ai mō ngā whenua. Ana, i te wā ka haere rātau ko tērā tā rātau mea, me hari hoki i tēnei mea i te whāriki mō te kōrero. Ko Morikau te whāriki. Ana, ki[a] mātau mai koutou, te whāriki i aua rā, ā, he moni. Ko tērā te haki. Nō reira i whakatūngia ai tō rātau whenua hei papa mō rātau. Ka haere ana i roto i te motu, kei te tū te whāriki. Ko Morikau te whāriki.<sup>4</sup>

In those days, Whanganui attended the meetings held in Waikato. That was the prevailing issue of the time - land. They went to Maungatautari in Waikato, to Whakatāne, to Whakatohea, and also to Ngāti Porou. These are the places where major meetings were held. Our elders went there to discuss land issues. Now, when they went to these meetings they went under the banner of Morikau. You need to understand that in those days the 'whāriki' was the economic support. That was the cheque. Therefore the land provided financial assistance. When they went to national hui, Morikau provided the economic support. [translated by author]

Financial support from the Morikau Farm and the MI gave Whanganui leaders opportunities to participate in national forums on land matters and contribute to

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<sup>3</sup> Ibid. p455-56.

<sup>4</sup> Peehi, Te Uta. 25 April 1993. Transcript of oral interview.

a united Maori voice to stem the tide of land alienation through government policies and legislation. None was more evident than in 1967 when the government proposed to introduce legislation that would further erode Maori land interests under the Maori Affairs Amendment Bill.

### **Maori Affairs Amendment Bill 1967**

With the move to urban centres following World War II, the government turned its attention towards 'integrating' Maori into the wider New Zealand society. The government believed that land interests could be 'cashed-in' and used more beneficially towards the settlement of Maori in the towns and cities. According to the government, Maori land and the issues surrounding congested titles needed to be regulated in the interests of national efficiency and the New Zealand economy.

#### Urbanisation

The urbanisation of Māori following World War II was to have an impact on Maori communities and government policy in different ways. For Maori rural communities, land could no longer economically sustain families and as a result many moved to the urban centres to seek employment. This did not mean however that all ties were severed to the communities from which they came from. Indeed, "... it is clear ... that urbanisation in the 1950s and 1960s relied on strong economic, social and cultural ties with rural communities".<sup>5</sup>

On the other hand, government officials viewed urbanisation as a way to advance and integrate Maori into the wider New Zealand society. "Integration" was the catch cry of the day with government policies aimed at creating "a New Zealand based on equal citizenship ... where aspects of Maori cultural identity were incorporated into the mainstream".<sup>6</sup> Those who chose to remain in the rural areas were viewed in a negative light and were described as "living a backward life in primitive conditions".<sup>7</sup> In order to give effect to integration and

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<sup>5</sup> Belgrave, M., A. Deason, et al. (2004). Crown Policy with Respect to Maori Land: 1953-1993. Wellington, Crown Forestry Rental Trust. p56.

<sup>6</sup> Ibid. p59.

<sup>7</sup> Ibid. p59.

urbanisation, various welfare policies were put into place under the Department of Maori Affairs to assist Maori settlement in the towns and cities.

### Title Improvement

With the shift to urban centres, government also turned their attention to Maori land in order to make it more productive, thereby ensuring that Maori land contributed to the New Zealand economy. Fragmented Maori land interests hampered the effective development of Maori land and thereby hindered economic progress for the New Zealand economy. In particular, the government turned their attention to title improvement:

Multiple ownership was the main impediment in realising the full productive value of the land. Bringing all land in New Zealand into production, during a time of good agricultural prices became almost a moral imperative during this period. Bringing idle Maori land into production was an act of patriotic duty... Despite comments that compulsory methods were the 'last resort' ... provisions instituted in the 1950s were designed to have a significant impact on the state of Maori land titles and many were certainly of a compulsory and restrictive nature.<sup>8</sup>

One such compulsory measure was the establishment of a conversion fund under the Maori Affairs Act 1953. Uneconomic interests worth less than £25 could be compulsorily vested in the Maori Trustee upon recommendation from the Maori Land Court. Underlying this policy was the government's desire to take care of title difficulties that had been created by the Native Land Court system of individualisation. The "programme was an attempt to reduce the numbers of owners on individual titles by prohibiting the further partition of uneconomic interests".<sup>9</sup> Such a measure had the potential to disinherit many Maori from their turangawaewae and was criticised during the debate in Parliament as creating a class of landless Maori.<sup>10</sup>

### Provisions of the Bill

The Maori Affairs Amendment Bill was the result of the Report of Committee of Inquiry Into Laws Affecting Maori Land and Powers of the Maori Land Court.

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<sup>8</sup> Ibid. p30.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid. p118

Authored by a retired judge of the Maori Land Court, I Prichard and a Land Titles Officer in the Department of Maori Affairs, H T Waetford, it was to receive criticism from many Maori groups around the country. Underpinning the Bill was the perception that the problems surrounding Maori land titles “hindered the economic development of both Maori and the nation” and therefore measures needed to be put in place to eliminate the ‘evils’ of fragmentation.<sup>11</sup> Waetford and Prichard were asked to consider “What measures should be adopted to improve the titles to Maori land and to make better use of it”.<sup>12</sup> Their recommendations were to form the basis of the changes proposed in the Maori Affairs Amendment Bill 1967.

The following table gives a summary of the Bill’s provisions.

Part I	Maori land blocks with less than four owners can be changed to European land status and alienated without confirmation of the Maori Land Court.
Part II	Statutory authority given to the Department of Maori Affairs to promote better use and administration of Maori land.
Part III	Maori Land Court to comply with Counties Amendment Act 1961 and Town and Country Planning Act 1953 when partitioning land for roading or consolidation.
Part IV	Would effect changes to Maori incorporations to more resemble European companies ie: <ul style="list-style-type: none"> <li>• - presentation of reports and audited accounts at annual general meetings.</li> <li>• Shareholders would own equitable shares and no longer have an equitable interest in the land</li> <li>• Land and assets would be vested in the incorporation and not the shareholders</li> <li>• Land would change status to European land</li> <li>• Share register to be established</li> <li>• Incorporation can fix minimum and maximum shareholdings</li> </ul>
Part V	Wills and successions
Part VI	Maori could alienate land interests to any person regardless of race
Part VII	Provisions relating to conversion – ability of Maori Trustee to compulsorily purchase uneconomic Maori land interests are raised from to £100.

<sup>11</sup> Ibid. 30.

<sup>12</sup> Kawharu, I. H. (1977). *Maori Land Tenure: studies of a changing institution*. Oxford, Oxford University Press. p252.

Part VIII	<p>Miscellaneous amendments:</p> <ul style="list-style-type: none"> <li>• Maori Trustee able to sell reserved and vested lands to lessee if sufficient owners agree</li> <li>• Protection of land interests against bankruptcy removed.</li> <li>• Maori and European land to be deemed Crown land if remaining customary land is not heard in Court by 31.12.71</li> <li>• Survey costs of land can be paid from funds held by the Maori Trustee on behalf of beneficiaries associated with unsurveyed land</li> <li>• Maori Trustee has power to act on behalf of a person who has not been heard of for seven years or more</li> </ul>
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Table 3.2: Maori Affairs Amendment Bill 1967 - summary of provisions<sup>13</sup>

The MI was to join the voice of Maori protest around the country on behalf of tribal groups and Maori organisations in the Whanganui district. Of particular concern was Part VI of the Bill that posed a threat to the Whanganui vested lands on lease.

Two public meetings were called by the Incorporation on 15 and 29 July 1967 to consider the ramifications of the Bill. Both meetings were “attended by a widely representative section of the Maori people in the district”<sup>14</sup> and the following principles were agreed to by those present:

- (1) That Maori lands should be preserved for the use and enjoyment and benefit of the Maori people while recognising the right of every individual to deal with his own interest as he sees fit.
- (2) Any change of status of Maori land should be on a voluntary and not a compulsory basis.
- (3) The provisions of the Bill should not be used to take away from lands vested in the Wanganui people any special tribal characteristic which it has held for many years and the right must be preserved for interests in these lands to be retained within the same ownership group as far as possible.
- (4) Commercial, cultural and educational interests of the people in this district are intrinsically bound up in these lands and these interests should accordingly be preserved within this district and not disposed to outsiders without the express approval of the people concerned.

<sup>13</sup> Ibid. pp335-341.

<sup>14</sup> Morikaunui Incorporation (1967). Submission to Parliamentary Select Committee in respect of Maori Affairs Amendment Bill 1967. Whanganui, Morikaunui Incorporation. p2.

- (5) It is recognised that changes must come and that the future development of the Maori people lies in a greater integration of all New Zealand but these changes must be brought about with the co-operation and assistance of the Maori people and not be imposed upon them in an arbitrary manner.<sup>15</sup>

At the conclusion of the second meeting, the tribal groups and Maori organisations who were present gave their support to the Incorporation to develop and present a submission to the Parliamentary Select Committee on their behalf. These groups were:<sup>16</sup>

- Wanganui Maori Committee
- Wanganui Maori Women's Welfare League
- Putiki County Town
- Ratana County Town
- Pipiriki Incorporation
- Taraketi Incorporation
- Waipakura Incorporation
- Wanganui Vested Lands Advisory Committee

In preparing the submission, Counsel and members of the Incorporation also worked with other groups around the country:

we had a lot of time put into preparing the submissions. We linked in with the Taranaki tribes, the Gisborne tribes, the Arawa-Rotorua tribes, the Wellington tribes and the Taupo ones - Tuwharetoa. So there was a pretty strong voice ... from around the country through to the Parliamentary Select Committee and we were all fairly much in agreement on the amendments that needed to be made to the Bill before it became an Act.<sup>17</sup>

Due to the collective nature of Maori tribes and organisations working together nationally, counsel for the Incorporation refrained from repeating points that had or were to be made to the Select Committee from other groups like the New Zealand Maori Council and the Tairāwhiti District Māori Council who also made substantial submissions.<sup>18</sup> Specific points were raised or elaborated on

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<sup>15</sup> Ibid. p2.

<sup>16</sup> Ibid. p1.

<sup>17</sup> Interviewee 1. 18 June 2002. Transcript of oral interview.

<sup>18</sup> See Kawharu (1977). pp251-293. Belgrave et al (2004). pp122-25. Both give a detailed discussion on the New Zealand Maori Council's role during this period.

however that were specific to the Whanganui vested lands and provisions related to incorporations that had not been placed before the Select Committee.

The submission comprised two parts. The first outlined the history of the Whanganui vested lands and that the “unity of purpose” that the tribal lands remain in tact “should be protected and preserved”.<sup>19</sup> The second section gave detailed comment on specific sections of the Bill particularly those concerned with incorporations and the alienation of land interests.

There was a substantial expression of opinion at the public meetings held to consider the provisions of the Bill that because local Incorporations were operating efficiently and profitably no alteration of the existing legislation was warranted or necessary and that if any changes were proposed, the acceptance of them should be on a voluntary and not a compulsory basis.<sup>20</sup>

Counsel also submitted that any unclaimed or uneconomic land interests associated with the Whanganui incorporations should be retained within the tribe. The Whanganui Trust<sup>21</sup> was referred to as an alternative to the Maori Trustee assuming the MI’s interests. He further explained that the Whanganui Trust was established to:<sup>22</sup>

provide for the proper utilisation for educational cultural and welfare purposes on behalf of the Maori people in this district of the income from unclaimed dividends ... it is firmly considered that these moneys are held by the Incorporation ultimately for the owners who substantiate claims to them but in the meantime they will be utilised in the interests of the people generally in the district where the interests derived.

With the establishment of the Incorporation and the impending return of the bulk of the Whanganui vested lands (those now under the Atihau-Whanganui Incorporation) the submission also sought to ensure that lands could not be alienated to the lessees. Part VIII of the Bill gave the Maori Trustee power to sell reserved or vested lands to lessees if enough owners agreed.

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<sup>19</sup> Morikaunui Incorporation (1967). Submission to Parliamentary Select Committee in respect of Maori Affairs Amendment Bill 1967. Whanganui, Morikaunui Incorporation. p16.

<sup>20</sup> Ibid. p18.

<sup>21</sup> The Whanganui Trust is discussed later in this chapter.

<sup>22</sup> Morikaunui Incorporation (1967). Submission to Parliamentary Select Committee in respect of Maori Affairs Amendment Bill 1967. Whanganui, Morikaunui Incorporation. p19.

The tribal groups most concerned with the reserved and vested lands provisions were those of Taranaki and Wanganui. The Wanganui people, in their preamble to this issue, declared their intention of continuing with the policy of preserving their vested land blocks for eventual re-vesting in themselves and operation as company farms.... They were totally opposed to the Bill's proposition that the Maori Trustee should be empowered to sell to a lessee the vested or reserved land in his lease, if 'sufficient' owners wished to sell.<sup>23</sup>

The Maori Affairs Amendment Act was passed by Parliament on 21 November 1967. A major concession for Whanganui was that unclaimed dividends could be retained by incorporations and they could also choose whether there would be trading of shares. This was earlier denied in the Bill. With regard to the points raised in respect of the Maori Trustee having the power to sell vested lands, these were of no avail.

The debate and controversy that surrounded the Bill was unprecedented. The New Zealand Maori Council led an intensive campaign against the Bill. Tribal groups and Maori organisations stood united to protect their land interests and protested at the measures of compulsion that were planned under the Bill.<sup>24</sup>

For Whanganui tribal and Maori groups, the MI had used its influence and resources to represent their interests. Although not entirely successful, the submission along with those of national Maori groups had nevertheless managed to procure some concessions.

Two years prior to 1967 the Whanganui Trust had been created. This Trust received some attention in the MI submission to demonstrate how Maori land interests could be protected rather than assumed by the Maori Trustee. The following discussion outlines the history of the Trust.

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<sup>23</sup> Kawharu, I. H. (1977). *Maori Land Tenure: studies of a changing institution*. Oxford, Oxford University Press. pp289-90.

<sup>24</sup> *Ibid.* pp251-293.

## **Whanganui Trust**

As discussed in Chapter 2, 1953 was the year in which efforts to return control of the Morikau Farm to owners commenced with the partition orders being made to the Maori Land Court. It was not until 1955 that an order of incorporation was passed through the Maori Land Court but MI was now well placed to prevent alienation of land interests outside of tribal ownership and like the Morikau Farm, continue to contribute to tribal initiatives.

Following the establishment of the MI, the Chair, Te Rangitakuku Metekingi and the Incorporation's lawyer, Mr Alan Horsley, embarked upon a task which would reflect the social and tribal imperatives of the Whanganui tribe through the Incorporation. At the heart of the matter was the 'trust principle' in that Maori land interests belonging to the Whanganui tribe should remain intact for tribal purposes and administered by members of the tribe.

Te Rangitakuku Metekingi was the first chair of both Incorporations. Through his vision and the support of Whanganui leaders and tribal groups, he was one of the key people involved in the return of the lands to Whanganui. While he was an educated man and had experience in the Department of Maori Affairs, he brought with him the ability to think outside the legal and restrictive nature of incorporations catering only to shareholders. This is evidenced in his efforts to work through the barriers of government policy and legislation to ensure that Whanganui tribal interests were protected. Much more than this however, was the opportunity to use the resources of the Incorporations to look after the tribe and contribute to initiatives in the Whanganui town.

In my view the way Rangi Metekingi set up the Trust and its activity ... it was clear that there was every intention of ensuring there were sufficient funds to support the tribe and contribute to citizenship - to the common good of Whanganui town.<sup>25</sup>

The Maori Trustee Act 1953 specified that all unclaimed monies in Maori land were held by the Maori Trustee. Metekingi and Horsley began lobbying the government for the return of unclaimed monies for the Whanganui vested lands to a charitable trust:

Maori owners were concerned about the fact that big sums were building up in the hands of the government for unclaimed interests and rents ... So we decided to then set-up this special trust despite the fact that all the authorities, the Department and various others said you haven't got a hope! But we thought we did! So we considered very, very carefully the terms of the Trust so that we would protect the interests of the missing owners ... and made provisions in the Trust Deed to establish their rights and then take over their interests from the Trust ... we wanted to get control of the monies that ... would eventually just go into the government's unclaimed monies fund and disappear from the owners. So against all thoughts that we could succeed, we set it all up ... it was mainly to ensure that the missing owners even after the funds had been put totally into the hands of the trustees after a certain period of time, that if they substantiated their claim they could still get them out so we agreed to that immediately because we didn't want to take anyone's interest away from them. But it immediately created a fund which could be used for educational grants and tribal benefits and things like that.<sup>26</sup>

The MI established the Whanganui Trust in 1965 under the Charitable Trusts Act 1957 "to support educational and cultural purposes for Maori people in the district".<sup>27</sup> Five strategic goals were planned for:

- 1 The Whanganui Trust rather than the Maori Trustee could now take on uneconomic interests.
- 2 That unclaimed money would be invested until such time as the 'missing' beneficiaries substantiated a claim, therefore enabling them to receive the money owing
- 3 Interest earned off the invested unclaimed money would be distributed for educational and cultural purposes.
- 4 The Trust could buy the interests of willing sellers therefore preventing the transferral out of tribal ownership.
- 5 With the acquisition of interests, the Trust would also be a shareholder in the MI Incorporation, therefore providing funds back to the Incorporation to undertake activities that it wanted to achieve.<sup>28</sup>

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<sup>25</sup> Personal communication. 24 August 2005. Tiwha (pseudonym).

<sup>26</sup> Interviewee 1. 18 June 2002. Transcript of oral interview.

<sup>27</sup> Strategic Planning Working Group for the Committee of Management of Atihau-Morikaunui Incorporations (1994). *Whanganui Trust Plan Report*. Whanganui, Morikaunui & Atihau-Whanganui Incorporations. p2.

<sup>28</sup> *Ibid.* p2-3.

The trustees were required to apply the Trust fund according to the Trust Deed. The following table provides a summary of the main points.

<b>Purposes</b>	<b>Conditions</b>
Administration expenses and Trust liabilities	Must be accounted for first.
Educational and cultural purposes	<ul style="list-style-type: none"> <li>• Decided by trustees each year.</li> <li>• For people within district or area determined by Trustees with due regard to membership of the Morikaunui Incorporated blocks or Incorporations or beneficial owner groups who may become associated with the Trust.</li> <li>• Maori Trustee representative to assist trustees decide on the objectives from which income will be applied.</li> <li>• Income may be accumulated for the following year by agreement of trustees.</li> <li>• Trustees may empower an Executive Committee to make grants of an urgent nature.</li> <li>• Can be used for a wide range of activities that fall within educational and cultural purposes.</li> </ul>
Maintenance grants or loans	Can be made for the following areas: <ul style="list-style-type: none"> <li>• Construction</li> <li>• Management</li> <li>• Repair</li> <li>• Improvement of marae meeting houses, halls, churches, church halls, villages, marae or cemeteries</li> </ul>
Hostels	No specific conditions attached
Recreational centres	As above
Schools and other educational institutions	<ul style="list-style-type: none"> <li>• Establishment</li> <li>• Management</li> <li>• Equipment</li> <li>• Assistance</li> </ul>
Student accommodation	<ul style="list-style-type: none"> <li>• Assistance</li> </ul>
Maori arts and crafts, Maori lore and history and te reo Maori	<ul style="list-style-type: none"> <li>• Encouragement</li> <li>• Use of</li> </ul>
Other projects	<ul style="list-style-type: none"> <li>• At discretion of trustees</li> </ul>

Table 3.3: Whanganui Trust Deed<sup>29</sup>

<sup>29</sup> Ibid. p23.

Apart from the interest of invested unclaimed money the MI and later the AWI, also made an annual contribution. Initially the amount varied but it is now 5% of the net taxable profit as this sum is claimable as a tax deduction:

... the incorporation ... used to pay what they call a tribal purposes grant as taxation requirements could be up to 5% of your taxable profits and so the interest on the unclaimed dividend plus the grant from the incorporation was used to meet the social needs and the education needs.... As for the tribal grants its 5% and that's simply because 5% of the nett taxable profit can be claimed as a tax deduction. Anything over and above that would not be deductible.<sup>30</sup>

The Whanganui Trust has contributed to a range of educational, cultural and social initiatives for the Whanganui tribe and for Maori and non-Maori in the Whanganui district. Depending on the nature of the application, the Trust has provided grants for both individuals and collectives. The broad parameters of the Trust reflected the principle of looking after the interests of a tribe and to a smaller extent making a contribution to the wider community of the Whanganui town.

#### Trust policy

The Trust established a policy in 1974 whereby allocations of funds were to be made available for the following categories:

Policy A: 50% Education (40% for students, 10% for school committees)  
Policy B: 50% Tribal purposes (including religion and distinguished visitors)<sup>31</sup>

They further deemed that if 50% was insufficient for education, any surplus funds from B could be utilized without the requirement of being refunded in the following year. If on the other hand there were insufficient funds for category B grants, any surplus from A could be utilized provided that it was repaid from the tribal purposes allocation in the following or subsequent years.<sup>32</sup> This policy remained in place until 1983 when it was agreed that the latter provision should not result in funds having to be repaid to category A.<sup>33</sup>

<sup>30</sup> Interviewee 3. 14 August 2002. Transcript of oral interview.

<sup>31</sup> Whanganui Trust Minute Book (WTMB), 5 July 1974.

<sup>32</sup> Ibid.

<sup>33</sup> WTMB, 20 June 1983.

The table below shows the distributions made over a 10 year period from 1974-84

Year	Students	School Committees	River Schools	Tribal	Churches	Marae	Misc
1974/75	\$3,245.00	811		4056			
1975/76	\$2,400.00	600		3000			
1976/77	\$5,800.00	1450		7250			
1977/78	\$7,600.00	1900		9500			
1978/79	\$5,160.00	1290		6450			
1979/80	\$10,000.00	2500		12500			
1980/81	\$11,020.00	2255	500	9275	1000	3500	
1981/82	\$9,880.00	1970	500		1000	3500	7850
1982/83	\$12,000.00	2500	500		1500	3500	10000
1983/84	\$13,200.00	2800	500		1500	3500	11500

Table 3.4: Whanganui Trust distributions 1974-1984<sup>34</sup>

### Education

Education grants over the years have been allocated to descendants of the original owners who undertake tertiary education or who travel overseas on exchange student scholarships. In memory of key members in the history of the Incorporations several tertiary scholarships are now available.<sup>35</sup>

Annual grants were also made to the schools along the Whanganui River Road thereby recognising that these schools were situated in Whanganui hapū communities and the schools' rolls consisted largely of Whanganui uri.

### Tribal purposes

Tribal purposes grants have principally been allocated for marae development and maintenance within the tribal boundaries of the Whanganui vested lands. While the Trust has contributed some funds towards marae, the MI was the major benefactor when it set-up a marae development scheme in 1988. From this time until 1992, \$298,881.31 had been allocated to marae.<sup>36</sup> From 1993 this project was absorbed by the Whanganui Trust. In recent history however marae development has proved a costly exercise – so much so that the grants

<sup>34</sup> WTMBs, 1974-84.

<sup>35</sup> Whanganui Trust (2004). Annual Report.

<sup>36</sup> Whanganui Trust (1992). Annual Report.

have been suspended.<sup>37</sup> Marae have therefore relied on other sources of finance like the Lottery Board Marae Heritage and Facilities Grant.

Other allocations have tended to be given as the need arose in an informal manner. These included tribal wananga, travel and koha assistance for Whanganui groups journeying to other tribal areas, grants to the Whanganui Kaumātua Kaunihera, support for the annual Maori Roman Catholic gathering (the Hui Aranga), and support for tribal individuals attending national or international conferences.<sup>38</sup>

### Housing Grants

In 1977 the Trust approved a proposal to establish a \$10,000 fund specifically for the maintenance of homes for elderly shareholders to whom normal mortgage finance was unavailable.<sup>39</sup> It was suggested that the cash loans could be advanced and secured by the borrower's shares in either Incorporation. So as not to create a burden on the borrower it was also agreed that the rate of interest was to be kept as low as possible.<sup>40</sup> The housing grants continued intermittently over the years but like the marae grants, have also been suspended for the time being.

### Whakapapa Committee

From time to time a Whakapapa Committee of kaumatua has been convened to assist in identifying descendants of the owners who are on the unclaimed monies list. The members were selected for their knowledge of whakapapa connections and were able to re-establish the link of some whānau with their tribal lands. Many of the missing owners remain unidentified however but due to the nature of the Trust's policy, their interests can be taken back should they or their descendants make a claim in the future.

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<sup>37</sup> Whanganui Trust (2002). Annual Report.

<sup>38</sup> Whanganui Trust (2000-2004). Annual Reports.

<sup>39</sup> WTMB, 14 October 1977.

<sup>40</sup> Ibid.

### Constitutional issues

In 1985, an approach was made by the Kaumatua Kaunihera for the trustees to consider changes that, in their view, would make the Trust and Incorporations more visible in the tribal arena. While “acknowledging that good work is being done by the incorporations” the kaumatua representative stated that “the people ... saw these organisations as a sign of their mana – organisations with vast resources which should be channelled towards helping the people”.<sup>41</sup>

Furthermore he questioned whether the Trust and Incorporations “were taking best advantage of reserves and using them to the fullest extent possible for the benefit of the people”.<sup>42</sup>

The trustees were concerned at the suggestion that “the Trust may have neglected some of its obligations to the people” and outlined that recently in the field of unemployment alone; the Trust had set aside \$20,000 to assist marae with pre-employment project (PEP) schemes.<sup>43</sup> They also accepted “that personal involvement by the Trust and incorporations in the affairs of the people was necessary” but pointed out that “... the incorporations main objectives were to run an efficient business and to meet their obligations to the people but there needs to be a balance between the two”.<sup>44</sup> The committee gave an undertaking to consider the matters raised by the Kaumatua Kaunihera.

While there is little evidence to suggest that any changes occurred subsequent to this meeting, two issues warrant some discussion. The first is that the Whanganui Trust had distributed significant amounts of money as is evidenced in Table 4. Outside of the normal distribution process was also the \$20,000 that had been set aside to assist with the PEP employment schemes along with the \$10,000 for kaumatua home improvements.

The second matter is the issue of finding a balance between commercial and tribal imperatives. In progressing the resumption and retention strategy of the lands associated with the Incorporations, the focus and direction of the

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<sup>41</sup> WTMB, 30 August 1985.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

Whanganui Trust had become vague, at least in the opinion of the Kaumatua Kaunihera. While the trustees agreed that it was important to be “seen by the people”<sup>45</sup> their responses indicate that in order to fulfil the purposes of the Trust, the business of the Incorporations needed to be the primary focus. Indeed the Chair posed a rhetorical question by asking “are we doing our job by running at a profit?”<sup>46</sup>

A review of the Whanganui Trust in 1994 was to provide the trustees with a report on a possible strategy for its future.

### Whanganui Trust Review

A Strategic Planning Committee was appointed by the Incorporations in 1994 to undertake project management plans associated with various activities of MI, AWI and the Whanganui Trust. Recommendations were made to the Committees of Management to assist them in developing a strategic plan for the Incorporations. One of the reports submitted concerned the Whanganui Trust.

The purpose of the report was to:

1. review the funding distribution policies with the intention of making any necessary refinements;
2. improve the monitoring and audit system so that actual outcomes against desired outcomes can be evaluated;
3. analyse the merits of the present policy and consider policy changes.<sup>47</sup>

The report found that an informal approach to grant distribution had been adopted and that as the need arose, distribution policies were developed or suspended according to the amount available each year. While there had been attempts to develop a “Trust Policy” document this had not been progressed to any great extent.<sup>48</sup>

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<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Strategic Planning Working Group for the Committee of Management of Atihau-Morikaunui Incorporations (1994). Whanganui Trust Plan Report. Whanganui, Morikaunui & Atihau-Whanganui Incorporations. p1.

<sup>48</sup> Ibid. p3.

Further issues were raised with regard to the keeping of records about the grants approved and funds distributed prior to 1991. Additionally annual reporting requirements and descriptions of performance or alterations to policy positions were not evident.<sup>49</sup>

Several issues were identified during the review:

- The Trust Deed has not been reviewed since it was established.
- The Trust Grant Policies are being developed without any consideration for demographic implications and the development of strategic direction for the future.
- The present management planning cycle should be improved, along with monitoring and audit mechanisms against expected outcomes and performance indicators in each financial year.
- A register of successful and unsuccessful applicants is not kept. It is difficult to follow up on their progress, their results and to encourage greater participation with Incorporation, hapū and iwi activities.
- There is no commitment expected of successful applicants to participate or to give service for Incorporation, hapū and iwi activities.
- Te Mita o Whanganui me nga tikanga are not significant conditions of education grant approvals.<sup>50</sup>

Underlying these issues was the principle that it was timely for the Committees of Management to undertake a review of the Trust Deed together with the development of new policies, processes and procedures. Such an undertaking would better reflect the demographic realities of their constituents and improve alignment with tribal development initiatives.

Recommendations were made to the Committees of Management with regard to undertaking the reforms required. It was also proposed that the Whanganui Trust should work closely with the Whanganui River Maori Trust Board Education Group to ensure that future policies were cognisant of tribal education initiatives that the Trust Board were involved with.

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<sup>49</sup> Ibid. pp3-4.

<sup>50</sup> Ibid. p5.

Yearly reports presented at annual general meetings since 1994 gives little evidence to suggest that the recommendations have been progressed. As in 1985 when the Trust was approached by the Kaumatua Kaunihera, this is indicative of the energies spent on the resumption and retention strategy which is no mean task. While considerable amounts are still being distributed by the Whanganui Trust with preference being given to education grants, a major opportunity exists for the Trust to strategically position itself with regard to tribal imperatives.

<b>Income</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>
Interest and Dividends Received	\$ 25,162	\$ 30,731	\$ 34,617	\$ 35,411
Tribal Purposes Grants	\$ 50,922	\$ 53,303	\$ 89,090	\$ 74,109
Amount available for grants after expenses	\$ 66,866	\$ 73,185	\$ 113,050	\$ 87,569
<b>Grants Made</b>				
Education Assistance	\$ 54,465	\$ 53,765	\$ 57,965	\$ 62,520
Educational Purposes	\$ 4,600	\$ 1,850	\$ 1,850	\$ 1,400
Religious Purposes	\$ 2,800	\$ 1,500	\$ 1,500	\$ 1,300
Tribal Purposes	\$ 4,250	\$ 7,000	\$ 4,000	\$ 5,500
Marae Grants	\$ 4,750	\$ 4,750	\$ 5,000	\$ 3,750
28th Maori Battalion	\$ 308	\$ 160	\$ 321	\$ 222
Sports Grants	\$ 1,000	\$ 1,500	\$ 1,750	\$ 3,500
Total amount of grants	\$ 72,173	\$ 70,525	\$ 72,386	\$ 78,192
Remainder transferred to accumulated income	-\$ 5,307	\$ 2,660	\$ 40,664	\$ 9,377

Table 3.5: Whanganui Trust Grants 2000-2003<sup>51</sup>

## Conclusion

Under the leadership of Te Rangitakuku Metekingi, the resources of the MI were used to advance matters of importance to Whanganui tribal groups and other Maori organisations in the Whanganui district. This had already been evident in the history of the Incorporation's forerunner the Morikau Farm where individual financial gains were sacrificed for collective advantage. Collective advantage included the MI representing land interests and rights of Whanganui iwi and Whanganui Maori to the Parliamentary Select Committee for the Maori Affairs Amendment Bill 1967. The MI Committee of Management continued the preservation of Whanganui tribal land interests with the establishment of the Whanganui Trust. The Trust utilised interest from invested unclaimed money

<sup>51</sup> Whanganui Trust (2000-2003). Annual Reports.

and annual contributions from the Incorporations to fund a range of initiatives although initially, the fundamental objective was consideration for tribal development activities. Education grants have also received significant attention by the Trust.

A review of the Trust in 1994 identified a number of issues for trustees to consider. Recommendations included that the Trust take account of Whanganui tribal activities, demographic realities and working with the Whanganui River Maori Trust Board Education Group. Although the recommendations have not been advanced to any large extent, the Trust has nevertheless continued to pay out grants. In recent years individual education grants have been the principal focus.

## Chapter 4

### Morikaunui and Atihau-Whanganui Incorporations

This chapter will focus on the structure and management of the Morikaunui and Atihau-Whanganui Incorporations (MI & AWI) with a view to outlining the similarities and differences of each. Additionally the commercial imperatives of the incorporations will be discussed with a view to illustrating that the primary focus of land resumption, land retention and economic returns in the form of individual dividends has resulted in the reduced visibility of tribal imperatives in the Incorporations' strategic direction.

#### Maori Incorporations

With the individualisation of title in Maori land in the latter half of the 19<sup>th</sup> century the ability to secure finance was hampered by congested titles. An incorporation of owners allowed the title of the land to be vested in a body corporate to allow lands to be dealt with easily. The first provision for incorporations was introduced in the 1894 Native Land Court Act with the limited power of selling or leasing only. From 1903 legislation began to develop the provisions for incorporations to utilise land for the benefit of owners.<sup>1</sup>

Maori incorporations carry out their responsibilities in line with Te Ture Whenua Maori 1993<sup>2</sup> and their constitutional documents. Two or more owners of Maori land are able to apply to the Maori Land Court for an order of incorporation. Through this order the legal title of the land is vested in the incorporation but the beneficial ownership of the land remains with the owners. Owners become shareholders and the incorporation holds the land in trust for them. There is a requirement that incorporations comply with the Maori Incorporations

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<sup>1</sup> McEwen, J. M. (1979). Tenurial Change and the Development of Laws Relating to Incorporations. *Trends in ethnic group relations in Asia and Oceania*. UNESCO. Belgium, UNESCO. Phillips, A. (1988). Utilisation of Maori Land: an examination of incorporations and section 438 trusts. Wellington, Victoria University. Toft, P. (1984). Modern Maori Enterprise: a study of economic adaptation. Department of Anthropology. Auckland, University of Auckland. Thorpe, G. W. (1976). The Maori Land Incorporation with Specific Reference to the Tairāwhiti District. Department of Geography. Auckland, University of Auckland.

<sup>2</sup> Part XIII

Constitution Regulations 1994 which deal with the internal management of Maori incorporations. These regulations set out the procedures for meetings of shareholders, voting processes, elections and meetings of the COM, issues surrounding shares and miscellaneous provisions for the keeping of minutes, the common seal and the custody of books and incorporation records.<sup>3</sup>

While incorporations carry out a range of commercial activities, strict rules govern the sale of land. In a history clouded with legislation and policies which sought to divest Maori of the fee-simple of their lands, the introduction of Te Ture Whenua Maori Act in 1993 witnessed a major change in that the focus became the retention of Maori land in Maori ownership.

Maori incorporations are established for the purpose of facilitating and promoting the use and administration of Maori freehold land on behalf of the owners. While sometimes portrayed as similar to a company, Phillips has observed that:

The objectives of the two forms are different, the objective of the company being to enhance the wealth of its shareholders. A Maori incorporation occupies a central role in the Maori culture. There is an unseen and unspoken range of cultural requirements surrounding the Maori incorporation. The demand from the owners that the Maori incorporations fulfill cultural obligations was evident from the beginning. The relationship between shareholders of an incorporation and its committee of management is such, that objections from owners are likely when cultural obligations are not met generously enough.<sup>4</sup>

Kawharu also concludes that incorporations have distinct features to that of its western counterpart and that the “moral and political basis of incorporations” is “the reciprocity between ‘trustee’ and beneficiary ... whom, moreover, are also kin to one another”.<sup>5</sup> Unlike an ordinary company therefore, the kin-based nature of Maori incorporations also brings with it additional expectations to reflect cultural imperatives within their business.

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<sup>3</sup> Te Puni Kokiri (1994). *Te Ture Whenua Maori Act 1993: a guide to the regulations for Maori incorporations and Maori reservations*. Wellington, Te Puni Kokiri.

<sup>4</sup> Phillips, A. (1988). *Utilisation of Maori Land: an examination of incorporations and section 438 trusts*. Wellington, Victoria University. p26.

Hence, the challenge for Maori incorporations is balancing commercial values alongside the expectations of their Maori constituency that profit motives will not be the sole focus.

### **Morikaunui and Atihau-Whanganui Incorporations**

Despite having separate histories and differences with regard to land location and focus, the AWI and the MI have historically worked together. This is not entirely surprising when one considers that Whanganui tribal groups, through their leaders, had consistently lobbied government over a number of years for the return of their tribal estates to their control. Once the MI was established in 1955, this Incorporation's resources and attention assisted in the return of the vested lands associated with AWI. The appointment of Rangitakuku Metekingi as chair for both incorporations was to have a strong influence on the way that the Incorporations operated.

Following the establishment of the AWI in 1969, two resolutions were passed at a joint meeting of the COMs:

1. That the two incorporations should work together where possible to save expenses, and
2. that Atihau-Whanganui co-operate with Morikaunui in financing and administering the Whanganui Trust.<sup>6</sup>

In 1978 further administration changes were proposed in order to formalise the joint working relationship. On 21 July 1978, the Chair proposed the setting-up of:

a combined administration body to identify, classify and co-ordinate the various areas of activity where the incorporations operate to ensure that these activities and operations are developed soundly and extended to benefit both incorporations".<sup>7</sup>

Reasons for this sub-committee included:

1. two incorporations working together
2. lease areas and station areas in Atihau-Whanganui with special legal requirements and local arrangements

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<sup>5</sup> Kawharu, I. H. (1977). *Maori Land Tenure: studies of a changing institution*. Oxford, Oxford University Press. p202.

<sup>6</sup> Atihau-Whanganui Minute Book (AWMB). 17 April 1970.

<sup>7</sup> AWMB. 21 July 1978.

3. lease areas and station areas in Morikaunui with similar requirements
4. the special requirements in Atihau-Whanganui due to resumption plans and the necessity to accumulate large reserves to put such plans into operation and
5. the common interest of the two incorporations in the Whanganui Trust.<sup>8</sup>

With regard to membership and functions, the committees agreed that the combined committee would:

consist of two members from each incorporation under the chairmanship of the administration officer. This committee would take over all the functions of executive, leases, finance and timber committees and co-ordinate all Incorporations' activities. The farm control will still continue under appointed individuals who must keep in close contact with the secretary and administration officer.<sup>9</sup>

Apart from a recommendation in November 1979 to improve communication between the combined committee and the COMs, this arrangement continued until 2005.<sup>10</sup>

The resumption policy for the the AWI lands was also developed during Metekingi's time as Chair. In an interview in 1973 he stated that "one single business leader may not be needed again by the Atihau tribe. The pattern has been established and I could die tomorrow and it would all carry on".<sup>11</sup> Upon his death and with a change in leadership, commercial considerations became the hallmark of the Incorporations in order to progress the resumption and retention of Whanganui lands. To assist these efforts, the idea of the MI and the AWI working together became the tenet. This is not entirely surprising considering the similarities that exist between the two and the initiatives that Metekingi had put into place prior to his death. These aspects are examined further in the following discussion.

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> AWMB. 23 November 1979.

<sup>11</sup> Newton, J. (1973). "First We'll Buy Back the County, Then the City." *Te Maori* 5(5). p8.

## Commercial

The primary business for both incorporations is pastoral farm. This is due to the undulating nature of the land. Other investments include term deposits, shares in various companies, a forestry partnership and commercial buildings.

<b>Assets</b>	<b>Morikaunui (\$)</b>	<b>Atihau- Whanganui (\$)</b>
Cash at bank	-	21,475
Accounts Receivable	804,835	991,183
Wool on hand	180,284	59,538
IRD Refund due	177,974	118,032
Livestock	4,103,769	9,658,503
Investments	1,589,050	768,009
Farms – land, buildings, plant	1,151,477	10,051,691
Commercial buildings	646,500	646,500
Land – leased	-	2,123,949
Office plant	-	14,430
Office motor vehicles	-	43,875
Farm training plant	-	7,514
<b>Total assets</b>	<b>\$8,653,889</b>	<b>\$24,504,699</b>

Table 4.1: Comparison of Morikaunui and Atihau-Whanganui assets as at 30 June 2004<sup>12</sup>

## Committees of Management

The COMs for the MI and the AWI comprise seven members each. Members are elected by shareholders and serve for a period of three years after which they may resign or offer themselves for re-election. In order to maintain a sense of continuity, the term of members is rotational; that is, not all members' terms expire at the same time.

With the establishment of the AWI in 1969, due to Metekingi's influence, the practice has been the election of one person who resides as chair for both Incorporations. Eligibility for election to the Chair has therefore meant that the person needed to be an elected member on both Incorporations. As a result it

<sup>12</sup> Proprietors of Atihau-Whanganui Block (2004). "Statement of Accounts: for the year ended 30th June 2004". Whanganui, Atihau-Whanganui Incorporation. Proprietors of Morikaunui Block (2004). "Statement of Accounts: for the year ended 30th June 2004". Whanganui, Morikaunui Incorporation.

has been common practice for at least one person or even several putting themselves up for election on both committees at the same time.<sup>13</sup>

1969-81	Rangi Metekingi
1981-1992	Robin Peehi
1992-1997	Rhody McGregor
1997-2004	Meterei Tinirau

Table 4.2: Chairs – Morikaunui & Atihau-Whanganui Incorporations, 1969-2004<sup>14</sup>

To a large extent those who have been elected to the Incorporations have been descendants of the original owners with experience in farming. Knowledge in the area of farming has been important, as up until 1995, most members were required to carry out the dual roles of governance and management by not only serving on the committee but also supervising one or more of the stations. Whakapapa has also been an influencing factor in ensuring that kinship ties are reflected in the committees' composition.

#### Secretary/Accountant

Until 2005, the secretary/accountant position was held by the same accountancy firm since the establishment of the incorporations in 1955 and 1969 respectively. While this has ensured consistency and continuity, there have been calls by shareholders over the years that a tribal member with comparable skills be given the opportunity to take on this role. Ultimately however, the decision for this appointment rests with the COMs and the retention of the same person in this position demonstrates the confidence of the committees in the now retired secretary. Perhaps more importantly however was that the secretary held the institutional knowledge of both incorporations. Only two others equal his association with the incorporations. The first is a now retired lawyer who played a major role in the establishment of the Whanganui Trust and the the AWI Incorporation. The second is a retired member of the aforementioned incorporation's first COM.

<sup>13</sup> For example, in 2004, five people were on both COMs.

<sup>14</sup> AWMBs. (1969-97)

## Manager

As more land has been resumed in the AWI (see table 3), the commercial activity of pastoral farming has expanded and in 1995 a group operations manager was appointed from within the COMs to oversee the running of the stations. Additionally, this allowed the other members of the committees to focus on governance matters. As stated above, the supervision of stations by members of the committees had historically been a common practice among Maori incorporations. The growth of Maori incorporations into large commercial enterprises however had seen a move away from this practice to improve efficiency and performance of farm operations. Farm consultants were contracted to provide technical support while COMs were left to the role of governance. With regard to the AWI and MI, administrative matters for the incorporation had been carried out by the accounting firm and the appointment of the group operations manager was part of a strategic plan to devolve responsibility from the accounting firm to a management and operations team.

<b>Date of resumption</b>	<b>Name of station</b>	<b>Total area (acres)</b>
1955	Morikaunui	13,635
1969	Ohorea	5,824
1975	Tawanui	5,080
1975-1990	Omerei	4,470
1989	Te Paenga	5,902
1990	Pah Hill	7,151
1990	Ngapuke	2,636
1996	Karioi	1,358
1999	Ohotu	1,396
1999	Tohunga	3,051
2004	Waipuna	5,200
2004	Ararawa	5,000
2004	Papahaua	1,200

Table 4.3: Area of land administered by Morikaunui and Atihau-Whanganui Incorporations<sup>15</sup>

In 2004 the committees again reviewed their operations and future administration issues. The commencement of devolving responsibilities was deemed necessary in order to advance the 2006 proposal of a management team headed by a Chief Executive Officer. Therefore the group operations

<sup>15</sup> Proprietors of Atihau-Whanganui Block (2004). "Statement of Accounts: for the year ended 30th June 2004". Whanganui, Atihau-Whanganui Incorporation. Proprietors of Morikaunui Block (2004). "Statement of Accounts: for the year ended 30th June 2004". Whanganui, Morikaunui Incorporation.

manager title was changed to general manager with the added responsibility of implementing strategic projects and commencing the devolution of administrative functions.

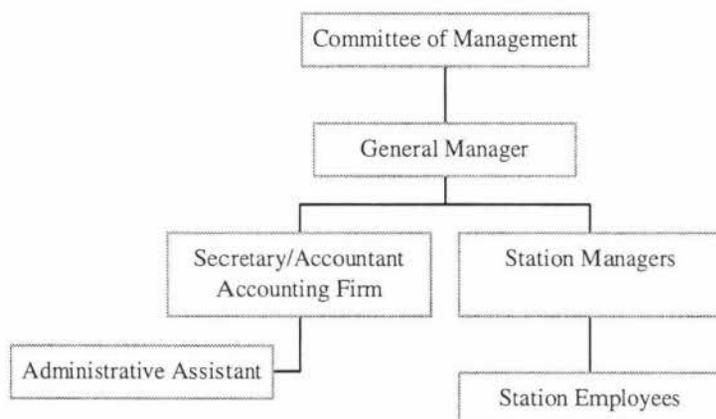


Diagram 4.1: 2004 Management structure

Future priorities for the committees included the completion of strategic, business and operational plans along with the relocation of the office from the accounting firm premises to a new site. Furthermore, the establishment of a management team was anticipated in 2006 along with the devolved administrative systems.

### Shareholding

The ratio of common shareholding in both incorporations is a significant characteristic when considering similarities and the reasons why business is conducted as it is. The commonality has existed since the formation of the AWI in 1969 with 8/11ths of the owners at the time also being shareholders in Morikaunui.<sup>16</sup> As at August 2004, 5470 were the MI shareholders while 7104 were Atihau-Whanganui.<sup>17</sup> Of these, 3427 were in both.<sup>18</sup> Therefore half of the AWI shareholders were also in the MI and two-thirds of the MI shareholders were in Atihau. It is predicted that the ratio of shareholders in both incorporations will grow over time due to succession.

<sup>16</sup> Metekingi, R (1967). Statement for hearing to form the Atihau-Whanganui Incorporation. Whanganui, Atihau-Whanganui Incorporation. p4.

<sup>17</sup> Atihau-Whanganui & Morikaunui Incorporations (2004). "Proposed Amalgamation". Whanganui, Atihau-Whanganui & Morikaunui Incorporations. p17.

<sup>18</sup> Ibid. p17.

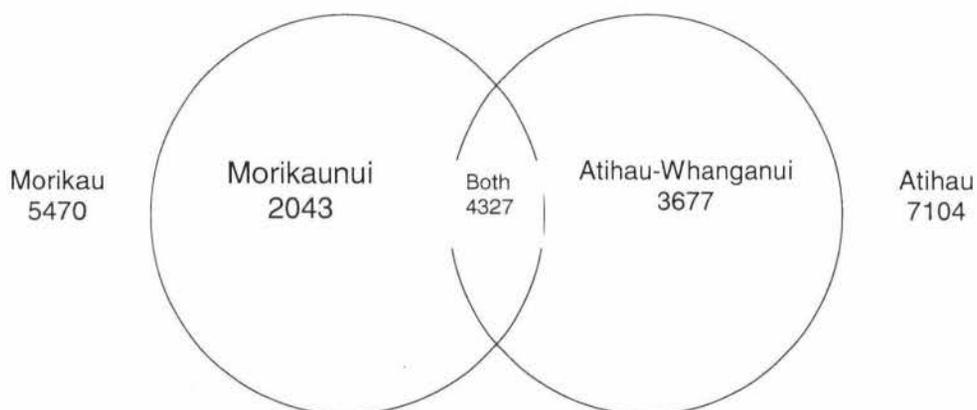


Diagram 4.2: Shareholding as at August 2004  
(Atihau-Whanganui & Morikaunui, 2004:17)

Maximum shareholding is not an issue because no one person or trust currently holds the balance of power in their hands. Out of a total of 1,256,259 shares in Atihau-Whanganui, 15,000 is the largest held by an individual person. For the MI there are a total of 46,620 shares with the largest held being approximately 1200.<sup>19</sup> Although shares can be gifted or sold between shareholders such a practice is rare as whānau and putea trusts are now used to prevent further fragmentation and alienation.

### Annual General Meetings

Due to the common nature of shareholdings, COM members, and the one chair for both incorporations, annual general meetings are held on the same day.

<sup>19</sup> Personal communication. 9 September 2005. Whatarangi Murphy-Peehi.

separate meetings on different days. Additionally, it also caters for those shareholders in both incorporations who live outside the Whanganui district.

### Whanganui Trust

After the establishment of the AWI in 1969 it was agreed that both Incorporations would finance and administer the Whanganui Trust.<sup>20</sup> The Incorporations now contributes 5% of their annual profits to the Trust.

### **Differences**

Arguments from the floor at annual general meetings to allow each Incorporation to develop separately have largely been based on the MI not having to carry the financial burden of the cost of resuming land under AWI. Historically the MI has been in a stronger financial position than AWI. This is because the MI reverted unencumbered to the owners in 1955 and “because it has farmed its land for a lot longer than the AWI and it has matured as a business”.<sup>21</sup> This financial strength is also reflected in the dividend payable per share from Morikaunui.

<b>Year</b>	<b>Morikaunui (per share)</b>	<b>Total provision</b>	<b>Atihau- Whanganui (per share)</b>	<b>Total provision</b>
2004	\$2	\$93,240	20¢	\$251,306
2003	\$2	\$93,239	20¢	\$251,306
2002	\$2	\$93,240	20¢	\$251,306
2001	\$2	\$93,240	15¢	\$188,480
2000	\$1	\$46,620	10¢	\$125,655

Table 4.4: Provision for dividend – Morikaunui & Atihau-Whanganui 2000-2004<sup>22</sup>

The AWI on the other hand is encumbered with the high cost of resuming properties once the lease has expired. Historically resumption costs have and continue to be an expensive undertaking for the AWI. When resuming a

<sup>19</sup> Personal communication. 9 September 2005. Whatarangi Murphy-Peehi.

<sup>20</sup> WTMB. 17 April 1970.

<sup>21</sup> Proprietors of Morikaunui Block (2004). "Statement of Accounts: for the year ended 30th June 2004". Whanganui, Morikaunui Incorporation. p2.

<sup>22</sup> Proprietors of Morikaunui Block & Atihau-Whanganui Block. (2000-2004). Statement of Accounts. Whanganui, Morikaunui Incorporation & Atihau-Whanganui Incorporation.

property, there are three costs that the Incorporation is encumbered with. The first is compensation to the lessee. The second is the cost of stocking the property while the third is the capital cost of bringing the land back into full production. When the lease is due to expire it is a common practice for lessees to take less care of the property and upon its return to the Incorporation it is in a run-down condition. As a result the commitment of present and future financial resources is required and inevitably impacts on the Incorporation's returns and ultimately the provision for dividend expenditure.

<b>Date resumed</b>	<b>Farm Name</b>	<b>Size (acres)</b>	<b>Cost (\$)</b>
1975	Tawanui	5080	535,114
1975-90	Omerei <sup>23</sup>	4470	508,800
1989	Te Paenga	5902	835,903
1990	Pah Hill	7151	1,515,915
1990	Ngapuke	2636	1,921,898

Table 4.5: Resumption costs for AWI land 1975-1990<sup>24</sup>

While this has not always pleased some shareholders who would like a more visible return in the form a higher dividend, it is generally accepted by the majority that this will remain the case until all lands are resumed.

#### Location

The MI lands are situated near Ranana on the Whanganui River Road, while the AWI land blocks spread from Patiarero, Whanganui River Road through to the mountain region of Ohakune, Raetihi and Karioi.

It is unlikely that the MI can purchase land on the Whanganui River Road as much of the surrounding territory is Maori land held by Ahuwhenua Trusts. Some small units are leased from the Ahuwhenua Trusts by local farmers. Yet the majority remains under-utilised or unutilised due to the hilly terrain and problems like gorse and blackberry. In 2000, the MI entered a forestry project

<sup>23</sup> This resumption of this property resulted in a dispute over the valuation and involved a court case that lasted 11 years.

<sup>24</sup> Strategic Planning Working Group for the Committee of Management of Atihau-Morikaunui Incorporations (1994). "Atihau Incorporation Land Resumption and Retention Policy Statement". Whanganui, Morikaunui & Atihau-Whanganui Incorporations. p3.

with one of the local Ahuwhenua Trusts and estimated that the cost of \$72,188.10 for the venture would generate a projected return of \$987,309.<sup>25</sup> Joint arrangements such as these could be a strategic opportunity for the Incorporation as much as the Ahuwhenua Trusts who are keen to develop their ancestral lands in some way but do not have the financial capacity to do so. Naturally projects will need to demonstrate financial viability for the Incorporation but it is one way of expanding their business in the immediate region. At the same time the MI would contribute to the development of whānau and hapū thereby fulfilling the age-old tribal responsibility of manaakitanga and using its resources to contribute back to the River communities.

The AWI remains committed to the resumption plan to ensure the eventual return of all leasehold properties. Both Incorporations' efforts in this regard are to be commended and acknowledged. It was 69 years before the first leasehold property came back to tribal control under the AWI in 1969. Thirty-six years after its establishment, 66% of the original 100,000+ acres has been resumed and is being farmed by the AWI. It bears testimony to the realisation of the kaupapa set down over a century ago and the tenacity of Whanganui tribal groups and leaders to ensure that the tribal estate returned to tribal control under the AWI and MI.

There is no doubt that the Incorporations have contributed to the tribal aspirations of resumption and retention of ancestral lands. Commercial success can also be seen as an aspiration because without this, achieving the other two would not have happened as easily if at all. Nevertheless, these accomplishments will be hollow achievements if the Incorporations do not utilise their economic leverage to contribute and participate in Whanganui tribal development initiatives. The following discussion offers evidence to suggest that tribal and collective imperatives are receiving inadequate attention in lieu of commercial and individual considerations.

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<sup>25</sup> Proprietors of Morikaunui Block (2000). "Statement of Accounts: for the year ended 30th June 2000". Whanganui, Morikaunui Incorporation.

## **Proposed Strategic Plan 2003**

As more leasehold properties have been resumed under the AWI since 1969, resumption and retention has dominated the thinking and practices of both Incorporations. The economic success has also brought with it pressure to conform to the calls of shareholders for an increased dividend.

At the Annual General Meeting in 2003, the Incorporations tabled a proposal to implement a five year development plan for both the AWI and MI. During the research for the plan, the COMs considered “recorded views spoken by those who originally vested the land, and the concerns continually raised by shareholders since the incorporation was established”.<sup>26</sup> The two themes of “land retention and a fair financial return in-lieu of farming the land” formed the basis for developing the plan.<sup>27</sup> Before presenting the plan, the Chair stated, “this leaves no discretion as to why ... [the] Incorporations exist”.<sup>28</sup>

The plan outlined the purpose, vision and priorities for the future for both Incorporations.

### **Purpose**

To retain “Whanganui Vested Lands” and manage the farms established on that land for the best possible financial return, so shareholders receive a consistent and reasonable annual dividend.

### **Vision**

The largest and most respected land-based business in the western North Island.

### **Priorities**

- 1 Amalgamate the two incorporations and streamline its operations.
- 2 Resume all vested land as leases expire.
- 3 Increase the non farming income earned by the incorporation.
- 4 Adopt a sustainable land management programme for all our farms.<sup>29</sup>

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<sup>26</sup> Atihau-Whanganui & Morikaunui Incorporations (2003). Future Direction. Whanganui, Atihau-Whanganui & Morikaunui Incorporations.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

In order to progress the plan the Committees recommended that the Incorporations amalgamate to improve operational efficiencies and financial returns for shareholders. They also submitted that the amalgamation of the MI and the AWI would:

- 1 eliminate duplication in compliance and reporting costs
- 2 focus board decision-making into a single entity, and
- 3 make better use of resources and simplify current processes.<sup>30</sup>

The Annual General Meeting was informed that implementation of the plan had commenced in three areas.

The first had involved the change in title for the then Group Operations Manager to General Manager. By 2006 it was proposed that an appointment of a Chief Executive Officer would cater for the new amalgamated incorporation and a new organisational structure.<sup>31</sup>

Secondly, a farming cadetship had commenced to train young descendants of the land to eventually produce “our own people” to work and manage the stations in the future.<sup>32</sup> The scheme and the selected young cadets were presented to the meeting.

Third, policies were being developed for the Incorporations to give effect to Mana Maori and Rangatiratanga.<sup>33</sup>

This means our values and practices will be balanced against the legislative and regulatory world that operates on Kaupapa Pakeha. There are four elements underpinning Kaupapa Maori. They are:

Whanaungatanga:	Iwi; Hapu; Whanau; Waka; Tohatoha; Whakapapa, Manaaki.
Taonga Tuku Iho:	Kete Matauranga; Tikanga; Ritenga; Te Reo.
Te Ao Turoa:	Whenua; Ngahere; Moana; Awa; Ahi Kaa; Raupatu.
Turangawaewae	Tangata Whenua; Marae; Papakainga; Manuhiri; Koha.

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<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

This forms the basis of our policy; it is consistent with the law and business. This approach provides a better definition of Kaitiakitanga and improves accountability.

The cadetship received commendation from several at the meeting. Of particular note was a speech from a previous member of the COMs who recounted how this project had been an objective of the Incorporations since their inception and that it had finally been realised. He also congratulated the young cadets and stated that they carried the dreams of their tūpuna on their shoulders. Such a statement coupled with support from the meeting recognised the Incorporations' contribution to the tribal aspiration of training descendants of the Whanganui tribe to one day assume the responsibility of managing the tribal estate.

With respect to the development of policies in line with Kaupapa Maori, it was not clear how the concepts would be applied nor realised within Incorporation policies. Nor was there an explanation as to how the terms aligned with the proposed development plan. In reality, the commercial thrust of the plan almost made these Kaupapa Maori concepts redundant. Nevertheless, the inclusion of these values as part of the plan demonstrated that the Incorporations were at least giving some thought to integrating the concepts in their practices.

The commercial drive in the 'purpose' for the Incorporations to ensure the "best possible financial return, so shareholders receive a consistent and reasonable annual dividend" also indicates that tribal and collective considerations are being overlooked. The COMs cannot be held entirely responsible for this oversight. Over the years some shareholders have consistently appealed to the committees and enlisted support from the meetings for an increased dividend. Although this has not resulted in the COMs making an irresponsible decision to increase the dividend significantly, it has nevertheless impacted on the strategic direction for the Incorporations as is evidenced in the 2003 presentation.

Responses to the proposal for amalgamation were largely based on the committee allowing more time for the implications to be considered. Beneficiaries requested additional information in order to determine the

implications of amalgamation. One beneficiary determined that “matters other than business and financial”<sup>34</sup> also needed to be taken into account while another suggested that “amalgamation was not necessarily the best way to achieve the objectives outlined”.<sup>35</sup> Concern that the financial position of the MI would be jeopardised by having to contribute to the resumption programme of the AWI was also expressed in opposition to the proposal.<sup>36</sup>

Upon completion of the discussions, it was agreed that a meeting would be held in April 2004 to discuss the “pros and cons” of amalgamation.<sup>37</sup> The issue of amalgamation and the focus of presentations served to confirm the commercial stance of the Incorporations.

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<sup>34</sup> Atihau-Whanganui and Morikaunui Incorporations, (2003). Minutes of Annual General Meeting.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

## Chapter 5

### Te Tuhonotanga

A proposal for the amalgamation of Morikaunui and Atihau-Whanganui Incorporations (MI & AWI) in December 2003 led to two additional meetings on the issue in 2004 with a special resolution at the Annual General Meeting (AGM) that amalgamation proceeds. Under the Te Ture Whenua Maori Act 1993 two or more incorporations may apply to the Maori land court for amalgamation. Upon issuing a new order for incorporation, the former bodies' land, assets, powers and rights are transferred to the new incorporation.

To a large extent the Committees of Management (COM) promoted the benefits of amalgamation for commercial reasons. Tribal imperatives remained invisible other than the retention of lands and the derivation of financial benefits. The presentations regarding the amalgamation are discussed in this chapter along with the COMs justification for the various elements of the new Incorporation structure. Such an acute focus on structural arrangements and commercial benefits did not have the desired effect of reaching a consensus to amalgamate. The chapter serves to highlight that until agreement is achieved regarding the goals of the Incorporations any proposed changes to organisational arrangements will not prove to be a useful exercise.

#### **Annual General Meeting 2003**

The idea of amalgamating both Incorporations was part of a proposed five-year development plan, which included the consolidation of the organisational structure in order to progress the commercial vision of being “the largest and most respected land-based business in the western North Island”.<sup>1</sup> Additionally, it would “eliminate the duplication of compliance and reporting costs, focus board decision-making into one entity and make better use of resources and simplify current processes”.<sup>2</sup> The development plan set out the future direction

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<sup>1</sup> Atihau-Whanganui & Morikaunui Incorporations (2003). Future Direction. Whanganui, Atihau-Whanganui & Morikaunui Incorporations.

<sup>2</sup> Ibid.

of the Incorporations and focussed on retention, resumption and utilization of the Whanganui vested lands for the benefit of shareholders through “consistent and reasonable” dividends.<sup>3</sup> The mission was to maintain shareholder equity against the growing number of shareholders. Future priorities for the Incorporations included organisational consolidation, land resumption, risk diversification and sustainable land use.<sup>4</sup>

Evident in the presentation was the lean towards commercial growth to cater for the increasing number of shareholders and to ensure future reasonable dividend. How the new Incorporation would cater for wider tribal imperatives however was not apparent.

### **The proposed amalgamation**

In April and October of 2004, two meetings were held in which the Incorporations presented information on the proposed amalgamation.

Corporate finance consultants were hired by the Incorporations to undertake financial research regarding the amalgamation and were asked to consider the following shared common elements:

- (i) similar lines of business (i.e., farming) in the same geographic region;
- (ii) significant and growing shareholder overlap;
- (iii) the business affairs are run on a day-to-day basis by the same executive management team under the same governance group and employ the same external legal and accounting advisers;
- (iv) cost savings arising from reduced administration and duplicated reporting to shareholders and the [Maori Land] Court from amalgamating the Incorporations.<sup>5</sup>

It was envisaged that the new structure would separate the major functions of the Incorporation and improve efficiencies by removing the duplication of reporting and operating costs of the two present Incorporations and the Whanganui Trust.

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

### Memorandum of Information

A Memorandum of Information (MOI) was distributed which outlined the new structure, financial considerations, and constitutional issues. Furthermore the current financial performance was reported along with the existing roles of the committees of management and the general manager. The document also stated that other issues not included could be raised with the Maori Land Court if an application was lodged for amalgamation. The adoption of this approach was “in an effort to provide all shareholders with a structured, organised and transparent process that will allow shareholders to air their concerns on amalgamation and receive a response to those concerns”.<sup>6</sup>

A brief history was outlined that gave the establishment dates of the Incorporations and the Whanganui Trust. The documents stated that the MI and the AWI were primarily in the business of farming while the Whanganui Trust provided grants.<sup>7</sup>

### Governance Structure

If amalgamation was approved by the Maori Land Court, it was proposed that the new name be Atihau-Morikau Incorporation whose purpose was “to ensure that all ancestral land is protected from loss”.<sup>8</sup>

At the first AGM following the establishment of the new Incorporation, shareholders will elect seven members to the new COM.<sup>9</sup> The number of votes nominees receive will determine each successful candidate’s term.<sup>10</sup> The three highest polling candidates will serve for three years, the next two highest for two and the remaining two with the lowest number of votes for one year.<sup>11</sup> This method ensures that:

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<sup>5</sup> Burleigh Evatt (2004). Report to Atihau-Whanganui and Morikaunui Incorporations. Wellington, Burleigh Evatt Holdings Limited. p5.

<sup>6</sup> Atihau-Whanganui & Morikaunui Incorporations (2004). Proposed Amalgamation. Whanganui, Atihau-Whanganui & Morikaunui Incorporations. p6.

<sup>7</sup> Ibid. p5.

<sup>8</sup> Ibid. p14.

<sup>9</sup> Ibid. p18.

<sup>10</sup> Ibid. p18.

<sup>11</sup> Ibid. p18.

- (i) two or three members would retire annually and be eligible for re-election;
- (ii) the possibility of electing an entire new committee after three years would be avoided therefore leaving some consistency of direction;
- (iii) members would not be up for election at the same time.

The new structure would separate the land titles from the business operations. This would be done by vesting the land in the Incorporation and establishing two limited liability companies – one for farming and one for investments – owned entirely by the new Incorporation.<sup>12</sup> Land vested in the Incorporation would be leased to the farming company.<sup>13</sup> Each company would be liable for their own activities and land would not be used as security *unless* the land resumption programme required a bank loan.<sup>14</sup> Mortgaging the land has been a common practice to pay for the resumption costs once the lease has expired. The existing Whanganui Trust would remain the social arm of the Incorporation.

Five members were proposed for the two companies and the Whanganui Trust.<sup>15</sup> Appointments would be made by the COM. Each Board will consist of three members from the COM while two will be independent appointments with demonstrated expertise in the area associated with the companies.<sup>16</sup> Members appointed for the Investment Company will also be the Board for the Whanganui Trust.<sup>17</sup>

The limited liability companies would annually pay a dividend to the Incorporation, which would then be distributed to shareholders of the Incorporations.

With respect to the Whanganui Trust it was anticipated that a Shareholder Reference Group would be delegated the responsibility of assessing grants

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<sup>12</sup> Ibid. p21.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid. p22.

prior to the Board's approval.<sup>18</sup> Three major sources of funding for the Trust are presently:

- 1 5% of both Incorporations annual net profit
- 2 interest received on unclaimed dividends
- 3 dividends from shares owned by the Trust

The MOI further outlined the Trust could strategically be applied to manage tax liabilities for the new Incorporation and be the body to seek out funding to undertake research and development projects.<sup>19</sup> Currently the function of the Trust is largely one of a distributive nature like giving educational grants.

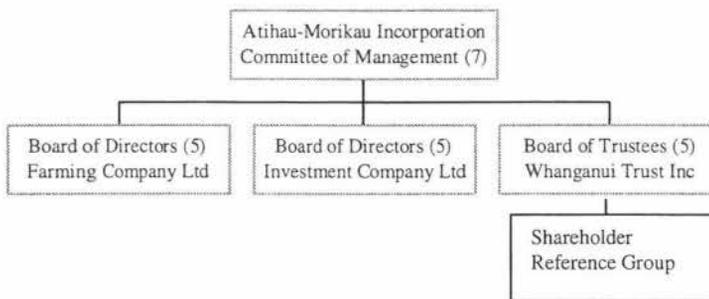


Diagram 5.1: New Governance Structure

### *Issues raised*

Some beneficiaries requested that alternative organisational arrangements be explored. They held a perception that an incorporation and the relegation of an owner to shareholder was too similar to a European company. Alternative structures such as an Ahuwhenua Trust would restore mana whenua to beneficiaries by changing their status to 'owners'.

Such a request was somewhat perplexing. In response to Maori concerns about the nature of shareholding, the Te Ture Whenua Maori Act 1993 had included a change where the beneficial interest of the land remains vested in the shareholders therefore maintaining the link to the land.<sup>20</sup> Furthermore, the incorporation regulations are more prescribed than an Ahuwhenua Trust

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid. p23.

<sup>20</sup> Te Puni Kokiri (1994). *Te Ture Whenua Maori Act 1993: A guide to the regulations for Maori incorporations and Maori reservations*. Wellington, Te Puni Kokiri.

thereby giving beneficiaries some legal assurances with regard to compliance issues. The debate on whether there is a difference between 'owner' and 'shareholder' is superfluous considering the changes in the 1993 Act.

The proposed model seemed sound with the potential to separate the main areas of activity to cater for growth and to provide more transparency in business endeavours through reporting requirements. Less evident however, was how the new Incorporation would strategically cater for tribal imperatives. That tribal imperatives were still a high priority was reflected in a statement from the floor at the 2003 meeting reminding the COM that matters other than business and financial needed to be considered. While the AWI and the MI still made financial contributions for distribution to the Whanganui Trust, funds were largely distributed to individuals in the form of education grants rather than tribal initiatives. This is not necessarily a criticism because the development of human potential is indeed a goal of Whanganui tribal development. However, equally important is the strengthening of hapu and iwi collectives. The proposed model and explanation were silent on this matter.

#### Management and operational structure

There were two main objectives for the new structure - to position the new Incorporation for growth and to provide for the devolution of responsibilities from the accounting firm. Justification included that a team approach was required to cater for the substantial growth in commercial activities of the AWI. Furthermore, the impending retirement of the secretary/accountant in 2005 after 36 years with the Incorporations was an opportunity for the Incorporations to stand independent from the accounting organisation.

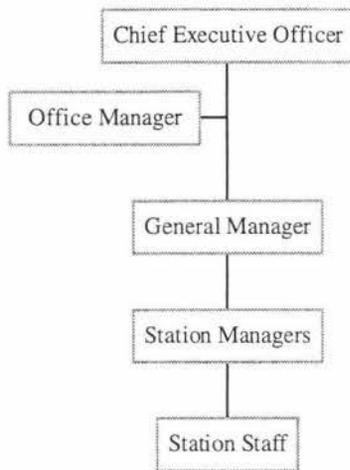


Diagram 5.2: New Management and Operational Structure<sup>21</sup>

The chief executive officer (CEO) will be responsible for the implementation of the strategic plan and sections of the business plan relating to the investment portfolio. Monthly reporting to the COM and boards of directors is also a requirement. With regard to farming operations, the CEO is expected to provide support and guidance to the general manager. Participation with the key farming industry sectors is also deemed important.<sup>22</sup>

The role of the general manager (GM) is one of working alongside station managers thereby ensuring the achievement of annual performance targets within budgetary constraints. The GM in consultation with the CEO will make station manager appointments.<sup>23</sup>

Station managers will hire station staff and ensure the smooth running of farming operations with a particular focus on producing “the best possible stock they can”.<sup>24</sup>

Two primary roles were identified for the office manager – the establishment and maintenance of adequate systems and the carrying out of administrative duties.<sup>25</sup>

<sup>21</sup> Atihau-Whanganui & Morikaunui Incorporations (2004). Proposed Amalgamation. Whanganui, Atihau-Whanganui & Morikaunui Incorporations. p26.

<sup>22</sup> Ibid. p24.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid. p25.

### *Issues raised*

Several people requested information on the costs for the positions while others deemed that the appointment of a CEO and a GM looked too top-heavy. In justifying the unavailability of information related to costs, the general manager stated that the committee would not consider the associated structural costs until amalgamation was agreed to. In response to the issue about the CEO, the general manager outlined the demanding nature of overseeing the ten stations and the station managers. The positions were more about catering for the size of the Incorporation rather than its function of farming. The appointment of a CEO would allow one person to focus on the implementation of strategic matters for the Incorporation, limited liability companies and Whanganui Trust while the general manager could focus entirely on the farming operations.

### Financial implications

The MOI highlighted three major financial considerations with regard to the implications of new shares in the Incorporation:<sup>26</sup>

- 1 the per share value of the AWI and the MI
- 2 whether amalgamation adds value
- 3 the fair share exchange ratio

The key issue was whether the Incorporations could be valued on a 'like-for-like' basis particularly when the AWI still had leasehold land to resume. Additionally demonstrating the fairness of post-amalgamation shareholding is a key issue when the Maori Land Court considers amalgamation applications.

The corporate finance advisers determined that:<sup>27</sup>

- 1 using standard market (comparative) or government valuations would be unfair to Morikaunui shareholders because the depressed rents and other lease terms mean that today's shareholders cannot access all the full benefits of their ownership.

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid. pp15-17.

<sup>27</sup> Burleigh Evatt (2004). Report to Atihau-Whanganui and Morikaunui Incorporations. Wellington, Burleigh Evatt Holdings Limited. p5.

- 2 To use recent financial performance would be unfair to the Atihau-Whanganui shareholders because it would understate what the leased lands will be worth (to all shareholders) once resumed on expiry of the leases.

The discounted cash flow (DCF) method of valuation is one of four methodologies used to value a business or shares in a trading enterprise. The DCF “involves calculating the net present value of projected cash flows using a discount rate which reflects the risk associated with the projected cash flow stream” that is, it allows for the *future* value to be taken into consideration based on projections made in the present and reduced accordingly in respect of associated risks like tax, market and equity.<sup>28</sup> Based on the DCF methodology the share value and share ratio exchange<sup>29</sup> was calculated to be:<sup>30</sup>

<i>Share value</i>	
AWI shares	\$29.50
MI shares	\$112.38

<i>Share-ratio exchange</i>	
1 new share for 3.8 AWI shares	
1 new share for 1 MI share	

When considering whether the amalgamation would ‘add value’ the Incorporations were each given a valuation as independent operating entities.<sup>31</sup>

AWI	\$37.1m
MI	\$5.2m
Combined value	\$42.3m

The corporate finance advisers proposed that \$3.9m would be the added value of planned management improvements that could be realised without amalgamation.<sup>32</sup> However, there was a potential to add \$7.4m through cost

<sup>28</sup> Atihau-Whanganui & Morikaunui Incorporations (2004). Proposed Amalgamation. Whanganui, Atihau-Whanganui & Morikaunui Incorporations. p16.

<sup>29</sup> The share exchange ratio is the number of shares each person will get for each AWI share and each MI share that they presently have.

<sup>30</sup> Atihau-Whanganui & Morikaunui Incorporations (2004). Proposed Amalgamation. Whanganui, Atihau-Whanganui & Morikaunui Incorporations. p16.

<sup>31</sup> Burleigh Evatt (2004). Report to Atihau-Whanganui and Morikaunui Incorporations. Wellington, Burleigh Evatt Holdings Limited.

<sup>32</sup> Ibid.

savings and risk reduction.<sup>33</sup> This added value would only occur through amalgamation.

Further information was provided on the current shareholding of both Incorporations with a view to highlighting the commonality of shareholding between the two Incorporations.<sup>34</sup>

### Financial performance

The financial performance of the AWI highlighted the costly nature of resuming leased lands with regard to payment of compensation, costs for stocking the land and capital expenditure. The high costs served to explain that the realising of higher dividends could better be achieved once all land was resumed and farms “brought up to full production”.<sup>35</sup> However this needed to be viewed alongside the relatively low financial returns of pastoral farming and the need for the new Incorporation to grow “the scale of its business” to maintain dividend levels against the growing number of shareholders.<sup>36</sup> The proposed amalgamation would therefore enable the expansion of Incorporation activities. A dividend policy was recommended for the new Incorporation to give an assurance to shareholders that dividends would not decline below a minimum level.

### *Issues raised*

Questions were raised about the policy for minimum shareholding. There was concern that the setting of such a limit would mean that shareholders would lose shares, no matter how small, and therefore a subsequent loss of connection with the lands. The general manager replied saying that there is no minimum limit.

Also raised was the question as to what would happen to those shareholders who held less than one share in terms of the share exchange ratio. The ratios

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<sup>33</sup> Ibid.

<sup>34</sup> See discussion on shareholding in chapter 4.

<sup>35</sup> Atihau-Whanganui & Morikaunui Incorporations (2004). Proposed Amalgamation. Whanganui, Atihau-Whanganui & Morikaunui Incorporations. p7.

<sup>36</sup> Ibid. p5.

had been discussed in round figures and if a shareholder held for example, .0094 of a share, how would this be exchanged for a share in the new Incorporation. The committee gave an assurance that no shareholding would be lost in the amalgamation and if necessary, shareholdings would be increased to ensure that such shareholders would be protected.

The setting of minimum shareholdings in incorporations is "to prevent a situation from arising in which the cost of administering an interest is greater than its market value (for example, a few cents). Though negligible in any one case, the total saving in an incorporation could be considerable".<sup>37</sup> Such a policy has not been evident in the Incorporations although if shares continue to be succeeded to the number of shareholders will grow with an increasing fragmentation of interests. The setting of minimum shareholdings has been a difficult one for the committees of management to deal with. On the one hand it would save on administrative costs while on the other it would remove a person's link with the land, in effect their turangawaewae.

... title to an interest, is title to turangawaewae and to an identity that money cannot buy. And this would be never more true than those living away from their ancestral roots.<sup>38</sup>

In terms of financial performance, the MI had been debt-free for a number of years. A concern was raised that amalgamation would prevent it from developing in its own right; independent of the AWI. Despite the fact that there were overlaps in the business, it was perceived that an amalgamation would cement its future and commit its resources. Some have felt that the MI should be able to progress its own future.

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<sup>37</sup> Kawharu, I. H. (1979). Some Social and Sociological Aspects of Incorporations. *Trends in ethnic group relations in Asia and Oceania*. UNESCO. Duculot, Belgium, UNESCO. p274.

<sup>38</sup> Kawharu, I. H. (1996). "Rangatiratanga and Sovereignty by 2040." *He Pukenga Korero* 1(2). p14.

... as far as Morikau goes, Morikau is a different kettle of fish. Morikau helped out Atihau which was good. Atihau can stand on its own two feet. Morikau should be looking in another direction of where it wants to go and what it wants to achieve. Because they're side by side, one tends to ... follow the pattern of the other.... Whatever one goes into the other goes into and although it was good to start off with, the two Incorporations combining themselves together, my opinion is [that] Morikau should identify itself into a direction it wants to go other than where Atihau wants to go.... Atihau ... has a different kaupapa.<sup>39</sup>

Naturally, economies of scale for the joining of two successful Incorporations would no doubt be termed a success if viewed in commercial terms. Without a doubt many Maori incorporations are very successful business ventures today.<sup>40</sup> And although Kawharu observes that incorporations are about people and profits, he also cautions that "people ... will have to make judgements about the balance needed between the pursuit of profit and the pursuit of goals that enhance a continuing Maori identity and rangatiratanga".<sup>41</sup>

With respect to the proposed amalgamation and the strategic direction, the enhancement of a Whanganui identity and rangatiratanga was not evident in any real way. Suffice to say that retention and protection of the ancestral estates seems to be the way in which the incorporations cater for these enhancements.

### Constitution

The constitution for the new Incorporation would retain the status quo provisions with additional provisions for a shareholder reference group, major and material transactions and redeemable preference shares and capital notes.<sup>42</sup>

A shareholder reference group had worked alongside the COMs leading up to the meetings for amalgamation. The inclusion of a clause in the constitution

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<sup>39</sup> Interviewee 3. 13 August 2002. Transcript of oral interview.

<sup>40</sup> Federation of Maori Authorities (2003). *Hei Whakatinana i te Turua Po: business success and Maori organisation governance and management study*. Wellington, Te Puni Kokiri.

<sup>41</sup> Kawharu, I. H. (1996). "Rangatiratanga and Sovereignty by 2040." *He Pukenga Korero* 1(2). pp16-17.

<sup>42</sup> Atihau-Whanganui & Morikaunui Incorporations (2004). *Proposed Amalgamation*. Whanganui, Atihau-Whanganui & Morikaunui Incorporations. pp19-20.

would formalise the arrangement and determine roles, rights and responsibilities. It was not stated how membership would be determined.

The provision for approval by shareholders on major financial or material transactions “outside the ordinary course of business” was to ensure transparency, protection of assets and regulating the potential of entering into “ill-judged” ventures.<sup>43</sup>

The issuing of capital notes and redeemable preference shares are alternatives to raising capital for development. Due to the land being vested in the Incorporation and not ‘owned’ by the limited liability companies, capital notes and/or redeemable preference shares would be issued to the companies.<sup>44</sup> These would then be used to raise capital for development without having to use the land as security. Neither carries with it voting rights therefore not “diluting the voting control of shareholders”.<sup>45</sup> Capital notes pay interest quarterly while redeemable preference shares accrue an annual dividend.<sup>46</sup> Interest and dividends would be paid to the Incorporation that would then pass on the income to shareholders as part of their dividend.

### *Issues raised*

No issues were raised regarding the constitution although this matter does deserve some consideration taking into account the trusteeship role that the Incorporations perform and the obligations inherent in carrying out this role

### **Trusteeship**

In 1996, Kawharu presented some insights into the nature of rangatiratanga and trusteeship. In the debate on rangatiratanga and sovereignty the New Zealand Maori Council had observed that while:

...rangatiratanga may indeed mean possession, it also means much more than that.... In its essence working out of a moral contract between a leader, his people, and his god. It is a dynamic not static concept, emphasising the reciprocity between the human, material and non-

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<sup>43</sup> Ibid. p19.

<sup>44</sup> Ibid. p20.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

material worlds. In pragmatic terms, it means the wise administration of all the assets possessed by a group for that group's benefit: in a word, trusteeship.<sup>47</sup>

The notion of trusteeship therefore suggests that an incorporation has a responsibility to not only look after the assets that it holds but that the benefits derived will contribute to the tribal group. If it is acknowledged that the 'assets' are 'tribal assets' then this would provide the fundamental basis for the reasons why the Incorporations exist. Rigidly maintaining the legal convention that requires Incorporations to carry out their business "in the best interests of the shareholders"<sup>48</sup> has only served to eclipse tribal considerations and perpetuate a commercial and individual position.

Recognition of tribal responsibilities was clearly evident under the leadership of the first Chair. Metekingi utilised the MI and later the Whanganui Trust, to advance matters of importance to Whanganui iwi. In his time, commercial considerations were only about how profits could best support such initiatives – it was not the driver. The challenge is to once again affirm tribal imperatives in the ethos of the organisations - whether it is an incorporation or another structural arrangement.

### **Organisational arrangements**

The AWI and the MI were set up as vehicles through which land held for many years by the government could be returned to tribal ownership.

It was in a time of struggle and contestation to the further erosion of the collective interest and the rights to protect and enhance tribal systems, resources and authority. If this is acknowledged then the institution of incorporations and its resultant shareholder constituency was merely a construct which provided for the return of lands to tribal control.<sup>49</sup>

During the presentations on the proposed amalgamation, the pure focus on the structure of the new Incorporation only served to highlight the predisposition that commercial imperatives will be the driver for the future and will satisfy its

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<sup>47</sup> Kawharu, I. H. (1996). "Rangatiratanga and Sovereignty by 2040." *He Pukenga Korero* 1(2). p12.

<sup>48</sup> Proprietors of Atihau-Whanganui Block (1997). Statement of Accounts: For the year ended 30 June 1997. Whanganui, Atihau-Whanganui Incorporation.

<sup>49</sup> Personal communication. 19 November 2004. Tiwha (pseudonym).

shareholder constituency. Such an assumption did not entirely fare well. Particularly for those who publicly reminded the COMs that the lands the Incorporations administer and manage belong to particular hapu groups. These admonitions sent a word of caution that collective considerations should not be forsaken for the benefit of individuals. More importantly perhaps, was the need for the Incorporations to examine their role in the wider scheme of Whanganui tribal development aspirations. Three considerations are offered as steps towards achieving this.

### **Constitutional arrangements**

First, it is proposed that tribal groups will be afforded special constitutional recognition as the original custodians of the land. This belief is strengthened not only by tribal trends where iwi groups like the the Whanganui River Māori Trust Board and the Whanganui Iwi Education Authority consist of tribal representatives but also in the number of hapū who have registered claims with the Waitangi Tribunal for the blocks of land currently managed by the AWI Incorporation. The constitution should reflect the aims of Whanganui tribal development. This may not find immediate acceptance but is consistent with the rights of tribes and the evolving Whanganui iwi position.

### **Dialogue**

Of importance to the process will be the way in which this dialogue occurs. Participation in the tribal arena will give rise to the visibility of the Incorporations in tribal matters. For too long they have been invisible on the tribal front. The obligatory annual general meeting falls short of achieving meaningful dialogue and participation in tribal matters. While individual COMs are tribal members and some participate actively in their respective tribal districts, they do so under a different mantle. Having the Incorporation face seen will facilitate confidence that tribal input is a priority along with the gaining of an appreciation of contemporary tribal development. The primary point for this matter is that the Incorporations need to initiate the dialogue with the various tribal groups and organisations that exist in Whanganui.

## Collaboration

The final consideration is that collaboration and co-operation will need to occur with other tribal organisations to ensure better alignment of wider tribal goals. Agreements could also be arrived at with respect to areas in which attention could be focussed between the respective tribal organisations. Collaboration and co-operation in the pursuit of shared goals is the key. Perhaps the challenge will be agreement as to what those goals are. Nevertheless, underlying the issue of collaboration is the acknowledgement of relationships and how best these relationships can be given substance and form in the moves towards Whanganui tribes achieving self-autonomy:

Focussing on the nature and value of relationships, rather than structures, offers greater potential for useful alliances, cooperative ventures and sharing of scarce resources. Consequently, Maori organisations need to demonstrate their capability to function in a legal context while maintaining shared Maori values and principles, including the much-revered principle of *whakawhanaungatanga* – the establishment of common bonds and alliances.<sup>50</sup>

## Summary

Puketapu has observed that too much energy tends to be focussed on the organisational structures themselves to the detriment of the ultimate goals that they were established to achieve:

Structures should be the servant of aim. Too much energy and too much dissent hinge on the search for structures that say more about the past than the future. It is unhelpful to suppose that the structure arrangements that guided Maori in the centuries past will provide the best models for today and tomorrow. As goals change, so structures must move with them. The identification of key goals is likely to be a more useful pursuit than the slavish commitment to structures that are a decade, or a generation, or a century, out of date.<sup>51</sup>

The fundamental question is whether an incorporation structure will continue to be the ideal means through which its unresolved imperatives will progress. The debate surrounding whether organisational change is necessary cannot take place until agreement has been reached about the goals of land retention.

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<sup>50</sup> Puketapu, B. T. (2000). Maori Organisation and Contemporary Maori Development : strengthening the conceptual plait. *Maori Studies*. Palmerston North, Massey University. p312.

<sup>51</sup> *Ibid.* pp312-313.

Neither will it be useful if the goals of land retention do not serve an enhanced Whanganui iwi position.

Despite the shortcomings of the reasons for amalgamation, good gains have been made since the tribal estates of Whanganui hapu were removed from their control at the turn of the 20<sup>th</sup> century and these should at the very least be acknowledged, indeed applauded. The AWI Incorporation, at a substantial cost, has resumed two-thirds of the 100,000 acres originally vested in the Aotea Maori Land Council. The MI and the Whanganui Trust had historically catered for the tribal conscience in providing the economic means to protect and advance matters of tribal importance. Although this responsibility has not been evident in recent years, it is nevertheless salvageable. The three organisations are in a financially stable position. These achievements have been realised through the foresight, dedication and commitment of past and present committee members and the many tupuna who protected the lands from the constant onslaught of government legislation and concerted campaigns by European lessees for freehold title. The desire that the lands return to tribal jurisdiction was achieved in the establishment of the two Incorporations.

The challenge for the future is reaching agreement regarding the goals of land retention. Commercial and individual imperatives are not discounted as irrelevant because they indeed have a place. Nevertheless, the way in which land retention contributes to tribal aspirations is surely more than the sum of the two.

A new phase for the Incorporations is on the horizon. The question of organisational arrangements will be secondary to the primary consideration of the Incorporations responsibilities as custodians of the Whanganui iwi tribal estate.

**He āo āpōpō  
He āo tea<sup>52</sup>**

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<sup>52</sup> Metekingi, R. (1979). "He Matapuna: Some Maori Perspectives." *New Zealand Planning Council* 14. p6. "The world tomorrow holds a bright future."

## Conclusion

The persistence of Whanganui tribal groups to retain measures of control over the future of the land blocks bears testimony to the firm resolve of several generations of tribal leaders who sustained the vision of ancestral land retention within an environment that was invariably changing, often hostile, and realising a need for adaptation as the ground constantly shifted beneath them. The historical record demonstrates this in which Whanganui tribal groups were relentless in their campaigns to find mechanisms to halt overwhelming colonial pressure for land alienation.

Prior to the formation of the Incorporations, the histories of the lands in Morikaunui and Atihau-Whanganui were different in respect of the original vesting requirements in the Aotea Maori Land Board (formerly the Aotea Maori Land Council), the legislation provisions for vestment, and land utilisation prior to the formation of the Incorporations. Atihau-Whanganui lands were vested *voluntarily* under the Maori Lands Administration Act 1900 while the Morikaunui lands were vested *compulsorily* under the Maori Land Settlement Amendment Act 1906.

The provisions of the Maori Lands Administration Act 1900 found favour with many Whanganui tribes. First, lands were protected from sale through long-term leasing to Europeans. Second, Whanganui tribal interests were protected by the Aotea Maori Land Council whose representatives were predominantly Maori. Whanganui tribes demonstrated their confidence by voluntarily vesting over 100,000 acres. Optimism was soon dulled however with new legislative provisions in 1903 that seriously jeopardised the likelihood of the lands return to tribal control. Compensation for improvements on leasehold lands instigated an expensive legacy - a burden that was assumed when the Atihau-Whanganui Incorporation was established in 1969 and one which still confronts the Incorporation today. This has affected the way in which wider tribal obligations are reflected in the Incorporation.

Established in 1910 and farmed for over four decades by the AMLB, the Morikaunui lands were originally intended to support hapu groups through the provision of training in agriculture, employment and assistance to develop papakainga lands under the Morikau Farm. Efforts by the tribal collective to effect positive development was stymied through the lack of government financial assistance, unsatisfactory support from the AMLB and successive farm managers' indifference to the plight of tribal members. After World War II, concerted campaigns by hapu groups to effect the return of the lands to tribal jurisdiction was pursued with success in the establishment of the Morikaunui Incorporation in 1955. The advancement of tribal matters was a key focus for the Farm and the Incorporation. This was demonstrated through contributions to marae development, national Maori initiatives and representing Whanganui tribal and non-tribal groups in 1967 to the Parliamentary Select Committee for the Maori Affairs Amendment Bill. The establishment of the Whanganui Trust by the Morikaunui Incorporation was investigated to demonstrate how the tribal conscience was reflected in through its activities alongside those of the Morikaunui Incorporation. The chapter illustrated that commercial goals supported tribal imperatives.

Following the establishment of Atihau-Whanganui the two Incorporations worked together to progress tribal and commercial goals. In contemporary times finding a balance between the two has been difficult to achieve. The explicit commercial nature of the Incorporations' activities was examined to reveal that the resumption and retention of tribal lands has dominated the practices of Morikaunui and Atihau-Whanganui. Commercial success brought with it an increased expectation that individual gain would be catered for by raising the level of annual dividend payouts. Although the Incorporations have remained cautious in this regard, it has nevertheless impacted on the strategic direction in that commercial and individual considerations have received more attention than tribal and collective imperatives.

A proposal to amalgamate the two Incorporations was considered in 2004. Central to the reasons for amalgamation was the ability to service the future commercial activities of the Incorporations and increase the capability to pay

reasonable, consistent dividends to individuals. The information presented to support the reasons for amalgamation focussed primarily on financial and structural issues. Less evident in the proposal was consideration for, and alignment with, the wider goals of Whanganui tribal development. The focus on organisational arrangements for the amalgamation detracted from key considerations such as how tribal and collective aspirations would be reflected in the new scheme. The notion of trusteeship was highlighted to demonstrate that Incorporations administer and manage tribal assets. As such, the thesis argued that there is a responsibility to tribal groups and that this should form the basis for the activities of the Incorporations.

Three steps were offered towards the inclusion of Whanganui tribal imperatives. The first was affirming the status of tribal representation and goals in the constitutional arrangements. Second, participation in tribal forums and meaningful dialogue with tribal groups would give the Incorporations visibility and an understanding of the wider Whanganui iwi position with regards to current development issues. Finally, opportunities exist for collaboration and co-operation with other tribal organisations. Through this, the energies expended in separate areas could be harnessed in a collective arrangement where the pursuit of common goals can be more readily achieved.

While commercial and individual imperatives are not discounted in this study as being important, it is asserted that tribal and collective imperatives should once again be made visible in the Incorporations thinking and practices.

The Morikaunui and Atihau-Whanganui Incorporations are stable commercial ventures today. Such a position bears testimony to the foresight and dedication of successive committees of management and the legacy that they inherited from the many tūpuna who remained steadfast in their determination that the lands would return to tribal control. A century has passed and this aspiration has almost been realised with the resumption of two-thirds of the original 100,000 acres. The immediate challenge that confronts the present committees of management is to provide tribal leadership and set in place arrangements that will progress the aspirations of Whanganui iwi for the next 100 years.

# Appendix A

## Morikaunui & Atihau-Whanganui Incorporations

### Old Maori Trustee Files (vault)

Block	MA File	File Details
Ohorea Station	6/45/18	Balance Sheet Data (1958-67)
Ohorea Station	6/45/18	Balance Sheet Data (1967-70)
Ohorea Station	6/45/23	Electrical Reticulation (1958-70)
Ohorea Station	6/45/24	Miscellaneous Receipts (1961-62)
Ohorea Station	6/45/34	Insurance (1966-70)
Ohorea Station	6/45/35	Taxation Returns (1968-70)
Ohorea Station	6/45/9	Miscellaneous Sales
Ohorea Station	6/45/10	Shearing (1958-60)
Ohorea Station	6/45/11	Roading
Ohorea Station	6/45/12	Buildings (1962)
Ohorea Station	6/45/12	Buildings (1964-65)
Ohorea Station	6/45/12	Buildings (1965)
Ohorea Station	6/45/12	Buildings (1966-67)
Ohorea Station	6/45/12	Buildings (1968-70)
Ohorea Station	6/45/13	Fencing (1965-67)
Ohorea Station	6/45/14	Manager and Staff (1968-69)
Ohorea Station	6/45/14	Manager and Staff (1969-70)
Ohorea Station	6/45/14	Manager and Staff (1958-64)
Ohorea Station	6/45/14	Manager and Staff (1964-68)
Ohorea Station	6/45/15	Manager Reports and Diaries (1958-63)
Ohorea Station	6/45/16	Water Supply (1965)
Ohorea Station	6/45/6	Livestock Returns (1961-64)
Ohorea Station	6/45/6	Livestock Returns (1964-65)
Ohorea Station	6/45/6	Livestock Returns (1966-67)
Ohorea Station	6/45/6	Livestock Returns (1967-68)
Ohorea Station	6/45/6	Livestock Returns (1968-69)
Ohorea Station	6/45/6	Livestock Returns (1969-70)
Ohorea Station	6/45/6	Livestock Tallies (1957-61)
Ohorea Station	6/45/7	Livestock Sales (1968-70)
Ohorea Station	6/45/7	Livestock Sales (1962-68)

Ohorea Station	6/45/8	Wool (1963-1966)
Ohorea Station	6/45/8	Wool (1967-70)
Ohorea Station	6/45/0	General (1958-63)
Ohorea Station	6/45/0	General (1964-67)
Ohorea Station	6/45/0	General (1965-67)
Ohorea Station	6/45/0	General (1967-70)
Ohorea Station	6/45/2	Contracts (1960-63)
Ohorea Station	6/45/2	Contracts (1963-64)
Ohorea Station	6/45/2	Contracts (1964-65)
Ohorea Station	6/45/2	Contracts (1965)
Ohorea Station	6/45/2	Contracts (1965-66)
Ohorea Station	6/45/2	Contracts (1966)
Ohorea Station	6/45/2	Contracts (1966-67)
Ohorea Station	6/45/2	Contracts (1967-68)
Ohorea Station	6/45/2	Contracts (1968-69)
Ohorea Station	6/45/2	Contracts (1969-70)
Ohorea Station	6/45/2A	Blain Buildings Contract
Ohorea Station	6/45/3	Balance Sheets (1966-70)
Ohorea Station	6/45/3/1	Meeting of owners (1968-69)
Ohorea Station	6/45/3/1	Meeting of owners (1962-66)
Ohorea Station	6/45/4	Authorities for Expenditure (1957-62)
Ohorea Station	6/45/4	Authorities for Expenditure (1962-65)
Ohorea Station	6/45/4	Authorities for Expenditure (1965-68)
Ohorea Station	6/45/4	Authorities for Expenditure (1968-70)
Paetawa		
Paetawa	9/7/0	Paetawa A Rent Files
Paetawa	9/7/1	Paetawa A Rent Files
Paetawa	9/7/1	Paetawa A Rent Files
Paetawa	9/7/2	Paetawa B Rent Card 467
Paetawa	9/7/3	Paetawa C
Retaruke	9/6/0	Retaruke General Corres (1911-1938)
Retaruke	9/6/1	Retaruke No 1 Rent Card 672 (1933-70)
Retaruke	9/6/2	Retaruke 1 - J Dempsey
Retaruke	9/6/3	Retaruke 2 - W R Birdling
Retaruke	9/6/4	Retaruke 4B - N Holder
Retaruke	9/6/5	Retaruke 4C Rent Card 3502 (1969-74)
Retaruke	9/6/5	Retaruke 4C Rent Card 3502 (1960-66)
Retaruke	9/6/5	Retaruke 4C Rent Card 3502 (1958-63)

Retaruke	9/6/6	Retaruke 4C Rent Card 716 (1956-57)
Morikau 2	9/2/0	Morikau No2 Vol I to 1930
Morikau 2	9/2/0	Morikau No2 Vol II from 1930
Morikau 2	9/2/1	Rarete S1 B9 Rent Card 45 WD&BR Bell
Morikau 2	9/2/3	Makotuku S3 B5 Rent Card 44
Morikau 2	9/2/4	Makotuku S4 B5 Rent Card 687 H Hopkinson
Morikau 2	9/2/4	Makotuku S4 B5 JR Hopkinson
Morikau 2	9/2/5	Rarete S5 B12 Rent Card 25 C Beard
Morikau 2	9/2/5	Rarete S5 B12 Rent Card 25 C Beard
Morikau 2	9/2/6	Rarete S6 B12 Rent Card 840
Morikau 2	9/2/7	Rarete S7 B12 Rent Card 683
Morikau 2	9/2/7	Rarete S7 B12 Rent Card 683
Morikau 2	9/2/8	Makotuku S8 B9 J R Hopkinson Rent Card 266
Morikau 2	9/2/9	Makotuku S9 B9 Lease 626
Morikau 2	9/2/10	Rarete S10 B11 Rent Card 30 R A Bamber
Morikau 2	9/2/12	Rarete S12,13,14 B12 Lease 26 C Beard
Morikau 2	9/2/13	Rarete S13 B12 Rent Card
Morikau 2	9/2/14	Rarete S14 B12
Morikau 2	9/2/15	Rarete S15 B12 Rent Card 227
Morikau 2	9/2/16	Rarete S16 B15 Rent Card 31 R A Bamber
Morikau 2	9/2/17	Rarete S17 B15 Rent Card 32 R A Bamber
Morikau 2	9/2/18	S18 B15 Rarete H Duigan Lease No 27
Morikau 2	9/2/19	S19 B15 Rarete H Duigan Lease No 78
Morikau 2	9/2/20	S20 B12 Rarete R Ritchfield Rent Card 2046
Morikau 2	9/2/21	S21 B15 Rarete W C Wilson Rent Card 66
Morikau 2	9/2/22	S22 B15 Rarete W C Wilson Rent Card 65
Morikau 2	9/2/23	S23 B15 Rarete W C Wilson Rent Card 66
Morikau 2	9/2/24	S24 B12 Rarete W C Wilson Rent Card 61
Morikau 2	9/2/25	S24 B12 Rarete W C Wilson Rent Card 62
Morikau 2	9/2/26	S25 B8 W C Wilson RC 62
Morikau 2	9/2/27	S27&28 B9 Makotuku SD Rent Card 303
Morikau 2	9/2/27	S26 B8 W C Wilson Rent Card 63
Morikau 2	9/12/0	Morikau 2 S1-28 V.II from 1930 General Corres & Index
Morikau 2	9/12/0	Morikau 2 S1-28 V.I to 1930 General Corres & Index
Morikau 2	9/12/1	Morikau 2 Rarete B9 S1 WD&BR Bell
Morikau 2	9/12/3	Morikau 2 Makotuku B5 S3 RC44
Morikau 2	9/12/4	Morikau 2 B5 S4 HH Hopkinson RC687
Morikau 2	9/12/4	Morikau 2 Makotuku B5 S4 JR Hopkinson
Morikau 2	9/12/5	Morikau 2 Rarete BXII S5 C Beard
Morikau 2	9/12/5	Morikau 2 Rarete BXII S5
Morikau 2	9/12/6	Morikau 2 Rarete BXII S6 Pt S6 XII Lease 840
Waharangi	9/13/0	Waharangi Blocks No1-5 General Corres
Waharangi	9/13/0	Waharangi Blocks No1-5 General Corres
Waharangi	9/13/0/1	Correspondence - Roads in Waharangi Blocks
Waharangi	9/13/1	RC 783 Rarete B14 Pt S2 Miles & TeKowhai Dev Co
Waharangi	9/13/1	RC 783&2041 Rarete B14 Pt S2 Miles & TeKowhai Dev Co
Waharangi	9/13/2	RC 714 Rarete B15 S7
Waharangi	9/13/3	RC 713 Rarete B11 S3
Waharangi	9/13/4	Waharangi 5 Rarete S4&5 B11 RC297
Waharangi	9/13/6	Waharangi 5 Rarete S15 B11 RC875
Waharangi	9/13/6	Waharangi 5 Rarete S15 B11 RC875

Waharangi	9/13/10	Waharangi 5 Rarete S8 B11 RC884
Waharangi	9/13/10	Waharangi 5 Rarete S8 B11 RC884
Waharangi	9/13/13	Waharangi 5 Rarete S10 B12 Lease No23508
Waharangi	9/13/13	Waharangi 5 Rarete S10 B12 Lease No23508
Waharangi	9/13/13	Waharangi 5 Rarete S10 B12 Lease No23508
Waharangi	9/13/14	Waharangi 5 Rarete S11 B11 RC617
Waharangi	9/13/15	Waharangi 5 Rarete S9 B13 RC1139 PH Wise
Waharangi	9/13/15	Waharangi 5 Rarete S9 B13 RC1139
Waharangi	9/13/17A	Waharangi 3 Rarete S B RC
Waharangi	9/13/18	Waharangi 5 Rarete S12 B11 RC 2044
Otiranui	9/14/1	Otiranui 2 & 3 Rent File
Otiranui	9/14/0/1	Otiranui 2 & 3
Otiranui	9/14/0/1	Otiranui 2 & 3 Lease 732-733
Otiranui	9/14/0/1	Otiranui 2 & 3 General File
Raetihi	9/9/0	Raetihi Vested Blocks General Index
Raetihi	9/9/0	Raetihi Vested Blocks General Index
Raetihi	9/9/0/1	Raetihi 3B formerly 2-52
Raetihi	9/9/0/2	Raetihi Blocks Sale of timber by leases
Raetihi	9/9/0/3	Raetihi Blocks Roads and Bridges
Raetihi	9/9/0/3	Raetihi Blocks Roads and Bridges
Raetihi	9/9/1	Raetihi Pt 3A
Raetihi	9/9/1	Raetihi 3A Ranger & Sargeant Partnership
Raetihi	9/9/2	Raetihi 3B2B S5 B1 RC899
Raetihi	9/9/3	Raetihi 3B2B S8-10 B1 RC1181 Perham & Larsen
Raetihi	9/9/4	Raetihi 3B2B S9 B1 RC1182 Perham & Larsen Co
Raetihi	9/9/6	Raetihi 3B2B S11 B1 RC1967 Frederikson NF
Raetihi	9/9/7	Raetihi 3B2B S13 B1 DP3713 RC1964 Allan R
Raetihi	9/9/8	Raetihi 3B2B Goile EM
Raetihi	9/9/8	Raetihi 3B2B Lot 6 DP3802 Goile EM
Raetihi	9/9/8	Raetihi 3B2B Lot 6 DP3802 Wollett KE
Raetihi	9/9/10	Raetihi 3B2B Lot 1 DP3713 Allan AA
Raetihi	9/9/12	Raetihi 3B2B Lot 7 DP3802 RC667 Phillips HE
Raetihi	9/9/12	Raetihi 3B2B Lot 7 DP3802 RC667 Willis AR
Raetihi	9/9/17	Raetihi 3B&4B Lot3 DP4518
Raetihi	9/9/18	Raetihi 3B2&4B Lot 4 DP4518 RC1817
Raetihi	9/9/18	Raetihi 3B2&4B Lot 4 DP4518 RC1817
Raetihi	9/9/19	Raetihi 3B2&4B Lot 5 DP4518 RC1184
Raetihi	9/9/19	Raetihi 3B2&4B Lot 5 DP4518 RC1184
Raetihi	9/9/16	Raetihi Pt3A&4B Lot 2 DP4518 RC1942
Raetihi	9/9/15	Raetihi Pt3A&4B Lot 1 DP4518 RC1891
Raetihi	9/9/15	Raetihi Pt3A&4B Lot 2 DP4518 RC1891
Raetihi	9/9/20	Raetihi 3B&4B Lot6,8 DP4518 Perham Larsen Co RC4361
Raetihi	9/9/21	Raetihi 4B Lot 7 DP4518 Perham Larsen Co RC 1187
Raetihi	9/9/22	Raetihi 3B2&4B Lot 9&10 DP4518 RC778
Raetihi	9/9/23	Raetihi 3B2&4B Lot 9&10 DP4518 RC778
Raetihi	9/9/24	Raetihi vested lands Lot 10 DP4578
Raetihi	9/9/25	Raetihi 3B&4B Lot 11 DP4518 W Elliott RC794
Raetihi	9/9/26	Raetihi 3B&4B Lot 12 DP3230 W Elliott
Raetihi	9/9/32	Raetihi 4B B5 S4 JWK Weir RC1195
Raetihi	9/9/33	Raetihi 4B B5 S5 JWK Weir RC1196

Raetihi	9/9/35	Raetihi 4B B5 S7 RC1101
Raetihi	9/9/36	Raetihi 4B B5 S8 RC2112 Yock&Son
Raetihi	9/9/38	Raetihi 4B B5 S10 RC918 Mrs Gormack
Raetihi	9/9/39	Raetihi 4B B6 S1 RC731 Mclver & Simons
Raetihi	9/9/40	Raetihi 4B B6 S2 RC700 Yock & Son
Raetihi	9/9/41	Raetihi 4B B6 S3 RC721 Yock & Son
Raetihi	9/9/42	Raetihi 4B B6 S4 RC2049 Yock & Son
Raetihi	9/9/43	Raetihi 4B B6 S5 RC722 Yock & Son
Raetihi	9/9/44	Raetihi 4B B6 S6 RC3582
Raetihi	9/9/45	Raetihi 4B B7 S1 RC2728 R&W TeKaru
Raetihi	9/9/46	Raetihi 4B B7 S2&3 RC720 RE Frederick
Raetihi	9/9/47	Raetihi 4B B3 S3
Raetihi	9/9/48	Raetihi 4B B7 S4 RC910
Raetihi	9/9/49	Raetihi 4B B7 S5,6,10 RC2315 Ingram M
Raetihi	9/9/52	Raetihi 4B B7 S8&11 KY Young
Raetihi	9/9/52	Raetihi 4B B7 S8&11 KY Young Ohakune Catholic Church
Raetihi	9/9/53	Raetihi 4B B7 S9&13 RC706 HMA Hall
Raetihi	9/9/53	Raetihi 4B B7 S9&13 RC706
Raetihi	9/9/56	Raetihi 4B B7 S12 RC734 KY Young
Raetihi	9/9/58	Raetihi 4B B7 S14 RC1128 KY Young
Raetihi	9/9/59	Raetihi 4B B7 S15,17-19
Raetihi	9/9/70	Raetihi 4B B8 S5 J Coffin
Raetihi	9/9/73	Raetihi 4B B8 S8&9 AJ Young RC774
Raetihi	9/9/75	Raetihi 4B B9 S1 RC1105 HD Reid
Raetihi	9/9/76	Raetihi 4B B9 S2 RC707
Raetihi	9/9/77	Raetihi 4B B9 S3 RC1045 Goile EE
Raetihi	9/9/78	Raetihi 4B B9 S4 RC3835 Daisley KR
Raetihi	9/9/78	Raetihi 4B B9 S4 RC1055 Spry T
Raetihi	9/9/81	Raetihi 4B B9 S Pt6 RC1054 Young KY
Raetihi	9/9/82	Raetihi 4B B4 Lease and Metal Grant
Raetihi	9/9/82	Raetihi 4B B4 Lease and Metal Grant
Raetihi	9/9/82	Raetihi 4B B4 Lease and Metal Grant
Raetihi	9/9/82	Raetihi 4B B4 Mill Lease Gamman & Co
Raetihi	9/9/82	Raetihi 4B B4 Mill Lease Gamman & Co
Raetihi	9/9/82	Raetihi 4B B4 Mill Lease Gamman & Co
Raetihi	9/9/82	Raetihi 4B B4 Mill Lease Gamman & Co
Raetihi	9/9/60	Raetihi 4B B7 S16&21 RC2754 C Smith
Raetihi	9/9/61	Raetihi 4B B7 S17 RC2303 Williamson AB
Raetihi	9/9/63	Raetihi 4B B7 S19 RC862
Raetihi	9/9/64	Raetihi 4B B7 S20 RC820
Raetihi	9/9/64	Raetihi 4B B7 S20 RC820 Godfrey L
Raetihi	9/9/66	Raetihi 4B B8 S1
Raetihi	9/9/68	Raetihi 4B B8 S3 Small S
Raetihi	9/9/69	Raetihi 4B B8 S4-7
Raetihi	9/9/69	Raetihi 4B B8 S4-7
Makotuku	9/11/94	S1 B15 RC1083
Makotuku	9/11/102	S5 B15 Pt Ohotu 1C2 Lot 5 Pt RC552
Makotuku	9/11/103	S5 B15 Ohotu 1 DP10244 Lot 637
Makotuku	9/11/105	S5 B15 Lot 8 DP10244
Makotuku	9/11/106	S5 B15 Pt Ohotu 1C Lot 9 RC641 Mine TeWiki & Rangī Hawira
Makotuku	9/11/107	S5&6 B15 Lot 10 Pt

Makotuku	9/11/108	S5&6 B15 Lot11 Pt
Makotuku	9/11/109	S5&6 B15 Lot 12 RC3581 Pt Ohotu 1C2 E Houghton
Makotuku	9/11/110	S7 B15 Pt Ohotu 1C2 RC230 C G Houghton
Makotuku	9/11/111	S8 B15 Pt Ohotu 1C2 RC341
Makotuku	9/11/112	S9 B15 Pt Ohotu 1C2 RC1069
Makotuku	9/11/113	S10 B15 Pt Ohotu 1C2 C G Houghton RC231
Makotuku	9/11/116	S13 B15 RC 240 J R Hunter
Makotuku	9/11/117	S14 B15 RC 241 J P Hunter
Makotuku	9/11/168	S6 B16 RC273 R Lilburn
Makotuku	9/11/171	S9 B16 RC274 R Lilburn
Makotuku	9/11/172	S10 B16 RC130 C L Duigan
Makotuku	9/11/173	S11 B16 RC131
Ngamatea	9/11/121	Ngamatea 1 Township Res. TS Res S2/4 Ohotu 1 RC782 Cl Smith
Ngamatea	9/11/125	Ngamatea 1 Township Res. Ohotu TS Res S6 Ohotu 1 RC795
Ngamatea	9/11/127	Ngamatea 1 Township Res. TS Res RC3902 CJ Smith
Ngamatea	9/11/128	Ngamatea 1 S1&2A O'Neill lease 728
Ngamatea	9/11/130	Ngamatea 1 S2B B1
Ngamatea	9/11/131	Ngamatea B1 S3 O'Neill RC366
Ngamatea	9/11/132	Ngamatea B1 S4 Pt Ohotu 1C2 J F Forsyth
Ngamatea	9/11/134	Ngamatea B1 S6 Pt RC338 D D McLean
Ngamatea	9/11/133	Ngamatea B1 S5 RC 337
Ngamatea	9/11/138	Ngamatea B1 S9 R Lilburn Jnr RC564
Ngamatea	9/11/137	Ngamatea B1 S8 R Lilburn Jnr RC563
Ngamatea	9/11/136	Ngamatea B1 S7 R Lilburn Jnr RC270
Ngamatea	9/11/135	Ngamatea B1 S6 Pt
Ngamatea	9/11/140	Ngamatea B2 S1 F Bristol & C M Heinold Lease No 58
Ngamatea	9/11/141	Ngamatea B2 S2 R Lilburn RC272 see 9/11/136
Ngamatea	9/11/142	Ngamatea B2 S3 RC269 R Lilburn Jnr
Ngamatea	9/11/143	Ngamatea B5 S1 RC339 D D McLean
Ngamatea	9/11/144	Ngamatea B5 S2 RC276 R Lilburn and others
Ngamatea	9/11/145	Ngamatea B5 S3 K & A Cave RC87
Ngamatea	9/11/146	Ngamatea B5 S4 RC53 Estate of Robert James Boyd
Ngamatea	9/11/147	Ngamatea B4 S1 R Lilburn and others RC275
Ngamatea	9/11/148	Ngamatea B9 S2 J M Mason & R Lilburn RC712
Karioi	9/11/174	Karioi S1 B9 Lease 86 Ohotu 3 & 8
Karioi	9/11/175	Karioi S2 B9 RC133 H J Duigan
Karioi	9/11/176	Karioi S3 B9 Sec 4,5,6,7 RC388 Perham Larsen
Karioi	9/11/179	Karioi S6 B9 Lease No387 Perham Larsen
Karioi	9/11/180	Karioi S7 B9 RC553 Bristol
Karioi	9/11/181	Karioi S1 B13 ME Duigan RC135
Karioi	9/11/182	Karioi S2&3 B13 HJ Duigan RC134
Karioi	9/11/183	Karioi S3 B13 HJ Duigan RC134
Karioi	9/11/184	Karioi S4 B13 RC202 JB Martin
Karioi	9/11/185	Karioi S5 B13 RC530 J E Mott
Karioi	9/11/186	Karioi S6 B13 RC531 J E Mott
Karioi	9/11/187	Karioi S7 B13 RC 532 J E Mott
Karioi	9/11/188	Karioi S8 B13 RC129 CL Duigan
Tauakira	9/10/0	Tauakira 2 Vested Lands: General Corres and Index
Tauakira	9/10/1	Tauakira 2F Vested Lands Taken for Road See NZ Gaz 66. 1.10.25
Tauakira	9/10/2	Tauakira Vested Lands B.XVI, 2K 2L Pt 2GG Pt 2H RC633
Tauakira	9/10/2	Tauakira Vested Lands B.XVI, 2K 2L Pt 2GG Pt 2H RC633

Tauakira	9/10/3	Tauakira Vested Lands PT 2H PA O'Neill
Tauakira	9/10/4	Tauakira 2J Vested Lands Aotea Farms Ltd RC335
Tauakira	9/10/5	Tauakira 2K Vested Lands GH&DC Marshall
Tauakira	9/10/9	Tauakira Vested Lands PT2M6 Mrs M Marshall
Tauakira	9/10/10	Tauakira 2R Vested Lands Crown Land Gaz 65 22-9-27
Tauakira	9/10/14	Tauakira Subs 8&9 S3A B.XI K R Marshall
Ohotu	9/11/0/1	Ohotu Blocks Corres Re Occupation Licences
Ohotu	9/11/0	Ohotu Blocks General Corres Vol 2
Tauakira	9/11/1	Tauakira S1 B7 Pt Ohotu 1C2 A Bartrum
Tauakira	9/11/2	Tauakira S2 B7 Ohotu 1C2
Tauakira	9/11/3	Tauakira Lot 1 S3 B7 Ohotu 1C2 RC582
Tauakira	9/11/4	Tauakira Lot 2 Pt S3 Ohotu 1 B7 RC589
Tauakira	9/11/5	Tauakira Lot 3 S3 B7 Ohotu 1C2 N P Wereta RC587
Tauakira	9/11/6	Tauakira Lot 4 Pt S3 B7 Ohotu 1C2 PR Taituha
Tauakira	9/11/7	Tauakira Lot 5&7 S3 B7 Ohotu 1C2
Tauakira	9/11/7	Tauakira Lots 5&7 S3 B7 Ohotu 1C2
Tauakira	9/11/8	Tauakira Lot 6 Pt S3 B7 Ohotu 1C2
Tauakira	9/11/10	Tauakira Lots 8&9 DP10245 Pt S3 B7
Tauakira	9/11/12	Tauakira Ohotu 1C2 Raina Ranginui
Tauakira	9/11/12	Tauakira Ohotu 1C2 Miriama Nikorima
Tauakira	9/11/12A	Tauakira Ohotu 1C2 R&J Ranginui RC741
Tauakira	9/11/12B	Tauakira Ohotu 1C2 Lot 6 DP11815 Part Lot 10 DP10245 S3
Tauakira	9/11/14	Tauakira Lots12,13&21 S3 B7 Ohotu 1C2 RC583
Tauakira	9/11/14	Tauakira Lots12,13&21 S3 B7 Ohotu 1C2 RC583
Tauakira	9/11/16	Tauakira Lot 14 Pt S3 B7
Tauakira	9/11/17	Tauakira Lot 15&19 DP10245 Pt S3 B7 Ohotu 1C2
Tauakira	9/11/18	Tauakira Lot 16 DP 10245 Pt S3 B.7 Ohotu 1C2 RC750
Tauakira	9/11/22	Tauakira Lot 20 DP10245 S3 Ohotu 1 B7 T Hurimaroa
Tauakira	9/11/24	Tauakira Lot 22 DP102 45Pt S3 B7 Ohotu 1C2 T Ranginui
Tauakira	9/11/25	Tauakira S4 B7 CB Bartrum
Tauakira	9/11/26	Tauakira No 1 Sec B8 Pt Ohotu 1C2 CV Pearce RC 443
Tauakira	9/11/27	Tauakira S2 B8 Pt Ohotu 1C2
Tauakira	9/11/28	Tauakira S3 B8 Pt Ohotu 1C2 CV Pearce Corres RC444
Tauakira	9/11/29	Matahiwi TSR S1 Pt Ohotu 1C2 Corres
Tauakira	9/11/30	Tauakira S1-13 B1 S9-13 B2 S5&6 B1 Wickham JLL
Tauakira	9/11/34	Tauakira S5&6 Matahiwi TSR 1 Correspondence
Tauakira	9/11/36	Tauakira Pt Ohotu 1C2 Matahiwi TSR RC694
Tauakira	9/11/42	Tauakira S1 B6 Pt Ohotu 1C2 Matahiwi TSR
Tauakira	9/11/42	Tauakira S1 B6 Pt Ohotu 1C2 Matahiwi TSR
Tauakira	9/11/44	Tauakira S3 Matahiwi TSR 2 RW Lynch
Tauakira	9/11/59	Tauakira S3 B6 RC2297
Tauakira	9/11/60	Tauakira S4&7 B6 H Matene RC780
Tauakira	9/11/62	Tauakira S6 B11 Heeni Matene
Tauakira	9/11/66	Tauakira S1 B11 RC1897 Ranginui Pokairangi
Tauakira	9/11/66	Tauakira S1 B11 RC1897 Ranginui Pokairangi
Tauakira	9/11/67	Tauakira S2 B11
Tauakira	9/11/68	Tauakira S3 B11 RC 833 RH Marshall
Tauakira	9/11/69	Tauakira S3A B11 Lot 1 Pts Lots2-4 RH Marshall
Tauakira	9/11/77	Tauakira S3A Lot6/7 B11 RC3448
Tauakira	9/11/78	Tauakira S3A Lot 7 B11 T Pirita RC584

Tauakira	9/11/79	Tauakira S3A Lot 8 B11
Tauakira	9/11/81	Tauakira S3A Lot10 B11 R H Marshall RC834
Makotuku	9/11/89	Makotuku S3 B12 Pt Ohotu 3 Grant 1439
Makotuku	9/11/89	Makotuku S3 B12 Pt Ohotu 3 Grant 1439 Makotuku S3 B12 Pt Ohotu 3 Grant 1439 All royalty matters on 4/1652
Makotuku	9/11/89	Makotuku S3 B12 Pt Ohotu 3 Grant 1439 All royalty matters on 4/1652
Makotuku	9/11/90	Makotuku S4 B12 RC 1161
Makotuku	9/11/91	Makotuku S1 B14 Pt Ohotu 1C2
Makotuku	9/11/92	Makotuku S2 B14 RC 169 Forsyth Estate
Makotuku	9/11/92	Makotuku S2 B14 RC 169 Forsyth Estate
Makotuku	9/11/92A	Ohotu 1A2B B3 Ngamatea
Makotuku	9/11/92B	Ohotu1B Pt Ohorea Station (land not vested)
Makotuku	9/11/93	Makotuku S3 B14 (Pt Ohotu 1C2) JF Forsyth
Makotuku	9/11/94A	Makotuku Pt S1 B15
Makotuku	9/11/96	Makotuku S3 B15 (Ohotu 1C2) RC1071
Makotuku	9/11/96	Makotuku S3 B15 (Ohotu 1C2) RC1071
Makotuku	9/11/97	Makotuku S4 B15 (Ohotu 1C2) HA Wright
Makotuku	9/11/98	Makotuku S5&6 Lots 1,3,4 B15 RC824
Makotuku	9/11/98	Makotuku S5&6 Lots 1,3,4 B15 RC824
Makotuku	9/11/99	Makotuku Pt S5 B15 Lot 2 (Ohotu 1C2) now Pt Ohorea
Makotuku	9/11/104	Makotuku S5 B15 Lot 7 DP10244 RC1081
	9/11/111	MakotukuS8 B15 Pt Ohotu 1C2 TE MacLean
Ngamatea	9/11/120	Lot 1 DP3170 Pt Ohotu 1C2 RC894
Ngamatea	9/11/120	Lot 1 DP3170 Pt Ohotu 1C2 RC894
Ngamatea	9/11/126	Ngamatea 1 Pt Ohotu 1C2
Ngamatea	9/11/128	Ngamatea 1 S1&2A AP O'Neill Lease 728
Karioi	9/11/176	Karioi S3 B9 (also S4-7) Perham Larsen
Tauakira	9/11/189	Tauakira S1 B12 Trustees of Rotoiti Trust RC137

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MA6/45/0 – Ohorea Station: General

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