MAORI LAND DEVELOPMENT SCHEMES, 1945 - 1974

WITH TWO CASE STUDIES FROM THE HOKIANGA

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Abstract

This thesis is a study of Maori land development schemes during the period 1945 to 1974, and contains two case studies from the Hokianga. Apirana Ngata introduced the schemes to New Zealand's legislature in 1929, giving the state direct legal and financial responsibility for assisting Maori people to develop and farm Maori land. The thesis briefly outlines the historical background to the schemes, and their social objectives. It details the development scheme legislation and policy, including its practical implementation and administrative structure. The two case studies reveal the complexities of the schemes at a local operational level, and shifts in the department's policies and approach since the 1930s.

Title improvement policies have been integral to the operation of the schemes. The government has consistently viewed multiple ownership of Maori land as an impediment to bringing Maori land into full production, and the schemes relied on various devices for improving Maori land title to facilitate secure tenure arrangements for Maori farmers (including sole ownership) and to allow land development to occur. These various devices include consolidation, conversion and amalgamation. Ultimately though, the prolonged emphasis on title improvement was unwarranted. The legislation made ample provision for development to occur regardless of the number of owners or the state of the title.

During their first twenty years, the schemes provided subsistence level farming. They supported many Maori communities through depression and war, provided modern conveniences in modern homes, and reasonable incomes for families. Maori farmers and land owners responded variously to the schemes. Some were completely comfortable with the schemes, others struggled. But ultimately, the large-scale corporately run schemes would have the best chance of surviving as long term propositions. The smaller farms would eventually bow to the pressure of the demands of changing overseas markets.

In the post-war years, the Department of Maori Affairs increasingly bureaucratised and formalised its land development programme, and pressed ahead with reforming Maori land titles. In the process, the department became responsible for ensuring the long term success of the schemes, and protecting the interests of the parties involved, including itself, the public, and the owners and occupiers of the schemes. The overall effect of the department's policies was to create a protected environment in which the department assisted Maori farmers into the modern farming industry, while protecting them from the cruelty of the modern economy.

This thesis looks at how these things occurred by reconstructing the policy and legislation that created and maintained the schemes, discussing some of the key issues and difficulties that arose, and drawing on the experiences of the two schemes that are the subjects of the case studies in chapter five. A great shift in policy occurred as government struggled to balance its socio-economic responsibilities to Maori people and its economic responsibilities to the nation. Ultimately, schemes that began as a response to local development needs in Maori communities, emerged in the 1970s as primarily concerned with maximising the production potential of Maori land, for the benefit of the national economy.

Nga mihi

E rere atu ra tenei mihi ki te hiku o te ika tae noa ki te ngutu o te manu. He maha nga kaikoha i awhinatia mai ki ahau me taku mahi nei, ahakoa kei te Whanganui a Tara etahi, kei Te Taitokerau etahi, kei Tamaki makau rau, kei hea ranei. No reira koutou ma, tena koutou, he nui aku mihi ki a koutou. Kua mutu taku mahi mo tenei wa.

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Ko taku mihi whakamutunga, he mihi ki te whanau me aku hoa mo o koutou manawanui hei kaiwhakarongo ki aku maharahara, aku awangawanga mo taku mahi nei. Katahi ano ahau ka tae ki te mutunga, ahakoa ko te mutunga he timatanga. Heoi ra, ka huri.

Many people contributed to this thesis, as professionals, as workers, as participants in Maori land development schemes, and as supportive family and friends, waiting patiently for me to finish. To all those people, I am immensely grateful. I hope this completed work, which is really just a beginning, does justice to their contributions.

Aroha Harris
Auckland, June 1996.

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Abbreviations

AJHR	Appendices to the Journals of the House of Representatives
BMA	Board of Maori Affairs
CFRT	Crown Forestry Rental Trust
consol	consolidation
conversn	conversion
devpt	development
eg	for example
NA	National Archives
n.d.	no date
no.	number
NZG	New Zealand Gazette
NZOY	New Zealand Official Yearbook
NZPD	New Zealand Parliamentary Debates
p/pp	page/pages
pt	part
succn	succession
succr	successor
vol	volume
Wgtn	Wellington

Chapter One

Introduction

This thesis discusses Maori land development schemes, as expressed in the Maori Affairs Act 1953 Part XXIV, focussing on the post-war period from 1945 to 1974. Successive governments laid the legislative foundations for the schemes over a long period, beginning in 1984 when the government legally provided for the incorporation of Maori land, and the exchange of land for consolidation purposes.[1] James Carroll and other politicians of the early twentieth century greatly influenced this legislative foundation by advocating and supporting policies of conserving unoccupied Maori lands, and of encouraging schemes for Maori farming.

The schemes with which this thesis is concerned were originally introduced to the legislature in 1929 by Apirana Ngata by which government, for the first time, accepted direct financial responsibility for a comprehensive programme of training and supervising Maori people to farm Maori lands. The thesis reconstructs the policy and legislation that created and maintained the schemes, and discusses some of the key issues and difficulties that arose. It examines the experiences of some of the people who participated in the schemes, as farmers, staff of the Department of Maori Affairs or the judiciary.

Chapter two, draws on existing literature to outline the historical background to the schemes, discuss their social objectives, and introduce title reform as a primary focus in ensuring their success. Primarily descriptive, chapter three details the development scheme legislation, administrative structure and process, and uses graphs to illustrate some relevant statistics. In chapter four, the thesis examines the procedures various governments have implemented in order to improve titles to Maori land - such as consolidation, conversion, and amalgamation - and acknowledges the persistence of communal ownership in the face of these reforms. Using case studies, chapter five details the experiences of a single unit scheme and a development scheme station.

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[1] The Native Land Court Act 1894.

Finally, chapter six looks at the sheltered environment the department created within which to operate the schemes, considering specific aspects such as relief, tenure and supervision; and chapter seven concludes the thesis.

Method and sources

Specifically, research for this thesis aimed to reconstruct and analyse the policy surrounding Maori land development schemes. In doing so, the research considered, first of all, the available secondary sources. These sources have been used mainly to reconstruct the historical background to the schemes and their first years of operation, as well as the social objectives and social impact of the schemes as discussed by previous authors.

Official publications were a key source in gathering the evidence for this thesis. The main publications used were the annual reports of the Department of Maori Affairs, published in the Appendices to the Journals of the House of Representatives each year; and New Zealand statutes relative to Maori land development and Maori affairs. The statutes record the law that governs the schemes. The department's annual reports summarise its activities for each year, and its views on changing policy and legislation. Less widely used were the New Zealand Parliamentary Debates, and the New Zealand Gazette.

The bulk of the detail about the schemes, especially that contained in chapters four, five and six, was discovered through the records of the Department of Maori Affairs and the Maori Land Court. The court records used are all held at the Maori Land Court registry in Whangarei, and include application files, minute books, title binders (which contain current information about Maori land titles), and block order files (which contain copies of all orders of the court relevant to each Maori land block). The relevant records for each of the two case studies in chapter five were used to compile the studies and compare the written and oral records.

The department records searched for this thesis are all held at National Archives in Wellington, and belong to the Maori Affairs series. The department files relevant to Maori land development number in their hundreds, and quite possibly thousands when all

the district files are counted. As well as general national files, and general files for each district, there are also sets of files for each development scheme and settler or farmer. An initial search of the archives series lists or indexes identified more than 260 potentially relevant files. Eventually, evidence was taken from 32 files, including files relevant to individual schemes and units, general policy, title improvement, manual instructions, development committees, relief measures, and training and supervision.

The oral evidence contained in this thesis was collected from transcripts of in-depth, face to face interviews with people who variously participated in the schemes as farmers, land owners, departmental staff or Maori Land Court judiciary. One participant from each of the case studies was interviewed - one a farmer of a single scheme unit (with her husband) and the other a land owner in a development scheme station, and later chairperson of the relevant incorporation. These two people also made their personal and, in the case of the latter, incorporation records available for perusal during their interviews.

To protect the identity of one family in particular, none of the people interviewed are named, and nom de plumes are used where appropriate. For the same reason, the names of the schemes used as case studies have also been changed. However, the interviewees' combined experiences with the schemes include:

- living as a child on a development scheme station;
- farming a single scheme unit with her now deceased husband;
- representing disaffected owners of a station, later as an advisory trustee;
- being chairperson of a Maori incorporation;
- being District Officer in the Department of Maori Affairs;
- being Field Officer and later District Field Supervisor in the department; and
- being Judge of the Maori Land Court.

The experiences of four of the five people interviewed occurred in the Taitokerau district. Two of those four people also had some national experience, working for parts of their careers at the Department of Maori Affairs, Head Office. Each interview lasted

between one and a half and two hours, and was informally structured, asking each interviewee to speak freely of their experiences with the schemes.

All research participants were asked their about their views and experiences with respect to changing attitudes to Maori land ownership and shareholding, including the new trust provisions provided by the Ture Whenua Act 1993. The interviewee who had been a judge of the Maori Land Court was asked about the extent of the court's involvement with the schemes, and the legal implications of title reform. The interviewees who had been involved with the two case studies were asked about their relationships with the department and its staff, their farming achievements generally, and their contribution to and relationships with the communities in which they are located. Interviewees who had worked for the Department of Maori Affairs were asked similar questions, and responded from their point of view as officers of the department. They were also asked about any development issues that were peculiar to Te Taitokerau in comparison to other parts of the country, and shifts in departmental land development policy since 1945.

Finally, this thesis contains two case studies which reconstruct an example of a single unit Maori land development scheme and a station. The oral evidence, the records of the Maori Land Court, and the departmental files for each scheme were used to write the case studies. Both case studies are located in the North Hokianga, the kainga tuturu of the author, and the area from which her whakapapa derives.

Limitations of the research

Whilst researching and writing this thesis, a number of limitations and matters for further research became apparent, stemming to a large degree from the vastness of the subject area, coupled with the absence from library shelves of a single comprehensive work focussing solely on Maori land development policy. Notwithstanding this observation, a number of secondary sources contribute significantly to current understandings of the schemes, for example, Asher and Naulls (1987), Hohepa (1964), Kawharu (1977), McHugh (1980) and Miles (1993) among others.[2]

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[2] G Asher & D Naulls (1987) *Maori Land*, Planning paper no. 29, New Zealand Planning Council, Wellington;

Ngata (1931,1940) wrote in some detail himself about the design of the schemes, and his intentions for them.[3] Other authors have considered the schemes in other contexts, for example, within the context of the lives of certain individuals such as Apirana Ngata, Whina Cooper and Te Puea Herangi;[4] within the context of the work of the Department of Maori Affairs;[5] or as a characteristic of rural Maori communities.[6] Yet even though Maori land development has been integral to Maori Affairs policy for more than sixty years, Miles offers the only recent work that looks exclusively at Maori land development, a work that investigates the circumstances of just one scheme, in the context of a claim to the Waitangi Tribunal. Therefore, this thesis has relied on primary sources to a significant extent to describe even some of the most basic aspects of the schemes.

As mentioned above, the Maori land development schemes cover a huge subject area, having been integral to the Maori Affairs sector and dominating Maori land utilisation policy since 1930. Consequently, numerous aspects receive only brief attention throughout the thesis, for example, farm training programmes, incorporations, annual meetings of owners and owners' development committees. Really, any one of these and other aspects of the schemes could constitute a thesis topic on their own.
Obviously, this thesis could have done the Department of Maori Affairs a greater justice by including coverage of the period from 1974 to 1989. Some research participants felt research for the thesis did the department a disservice by failing to cover the period in which the department, under the leadership of Kara Puketapu, instituted major policy

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P W Hohepa (1964) *A Maori Community in Northland* Bulletins of the Auckland University Anthropology Department Number 1, Anthropology Department, University of Auckland;
I H Kawharu (1977) *Maori Land Tenure: studies of a changing institution,* Oxford University Press, Oxford;
P G McHugh (1980) *The Fragmentation of Maori Land,* Legal Research Foundation Inc, publication No. 18; A Miles (1993) *Te Horo Development Scheme,* Waitangi Tribunal Research Series 1993/13, Wellington.

[3] A T Ngata (1931) *Native Land Development,* Government Printer, Wellington; and A T Ngata (1940) 'Maori Land Settlement' in I L G Sutherland (ed) *The Maori People Today,* Whitcombe & Tombs, Wellington.

[4] G V Butterworth (1968) *Sir Apirana Ngata,* Reed, Wellington;
M King (1977) *Te Puea: a biography,* Hodder and Stoughton, Auckland, and (1983) *Whina: a biography of Whina Cooper,* Hodder and Stoughton, Auckland.

[5] G V Butterworth and H R Young (1990) *Maori Affairs Nga Take Maori,* Iwi Transition Agency, GP Books, Wellington.

[6] Hohepa (1964) and J Metge (1964) *A New Maori Migration: rural and urban relations in northern New Zealand,* Melbourne University Press / The Althone Press, London.

changes under the Tu Tangata banner. Other research participants, who were a part of the case studies, agreed that the Tu Tangata policies, especially the encouragement of Maori management of Maori land, were more favourable than previous policies. The Maori Affairs sector, during any period, is not a static environment, and where this thesis leaves off is not necessarily any indication of how Maori land development proceeded thereafter.

Chapter Two

Maori land development, 1891 - 1945

E tipu e rea mo nga ra o to ao
Ko to ringa ki nga rakau a te Pakeha hei oranga mo to tinana
Ko to ngakau ki nga taonga a o tipuna Maori hei tikitiki mo te mahunga
Ko to wairua ki te Atua nana nei nga mea katoa.[1]

Sir Apirana Ngata

An historical background

The modern day Maori land development scheme, as expressed in the Maori Affairs Act 1953, perhaps has its genesis in the Rees Commission of 1891. In his report dissenting from his Rees Commission colleagues, James Carroll publicly signalled his own aspirations for developing Maori land, perhaps foreshadowing his long term political objectives:

> Is it not a somewhat melancholy reflection that during all the years the New Zealand Parliament has been legislating upon native land matters, no single bona fide attempt has been made to induce the natives to become thoroughly useful settlers in the true sense of the word? No attempt has been made to educate them in acquiring industrial knowledge or to direct their attention to industrial pursuits. Whatever progress they have achieved in that direction is owing entirely to their own innate wisdom and energy.[2]

At the turn of the century, Carroll was instrumental in shifting the focus of the Liberal government from purchasing Maori land to retaining and developing it. This shift is indicated in the preamble to the Maori Lands Administration Act 1900 which acknowledges the act is a response to recent Maori petitions urging the Crown to ensure Maori retained what little Maori land remained (about 5 million acres at the time). A

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[1] Translation: Grow to fulfil the needs of your generation; your hand clasping the weapon of education for your physical well being; your heart centred on the treasures of your Maori ancestors as a diadem on your head; your soul given to God, the author of all things.
[2] quoted in Ngata (1940) p 125.

central theme of the act is the settlement and utilisation of 'unoccupied and unproductive' Maori land. Carroll hoped Maori land owners would lease any lands surplus to their immediate needs, and use the lease moneys to develop the land they kept for their own use. The preamble of the act said it was expedient in the interests of both Maori and Pakeha to provide for:

> the better settlement and utilization of large areas of Maori land at present lying unoccupied and unproductive, and for the encouragement and protection of the Maoris in efforts of industry and self help.[3]

Both Maori and Pakeha quickly began to oppose the act. Pakeha settlers and politicians disliked the so-called 'taihoa policy' that developed out of the act, on the grounds that it took too long for Maori land to become available for leasing and settlement. Maori people, on the other hand, felt the Maori land councils set up under the 1900 act took away their power to administer and manage their own land. However, by 1905, the councils had assisted more than 30,000 Maori land owners to obtain titles to their land without the protracted sittings and high expenses that the Native Land Court usually attracted.[4]

In 1905, the Maori Land Settlement Act substantially revised the 1900 act. The basic principle of vesting administration of Maori land in District Maori Land Boards remained. But restrictions on private leasing were removed, and government purchasing of Maori land resumed. Carroll was able to negotiate some concessions into the 1905 act. In Taitokerau and Tairawhiti, for example, Maori land was exempted from government purchasing, and all lands the owners did not need for their own occupation were compulsorily vested in the Maori land boards. Seddon promised state advances for developing Maori land, and the 1905 act empowered the Minister of lands to lend up to one third of the unimproved value of Maori land on mortgage. Although this provision was extended in 1906 it was essentially nullified when Seddon died in June that year. According to Butterworth (1990) Seddon's successor, Joseph Ward, refused to fund a

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[3] The Maori Lands Administration Act 1900.
[4] Butterworth and Young (1990) p 62.

Maori land development programme.

The Native Land Commission had some influence over the loss of Maori control over Maori land which occurred under the 1900 and 1905 acts. The two commissioners, Sir Robert Stout and Apirana Ngata, met with Maori land owners throughout the country during 1907 and 1908, investigating three million acres. The commission sought to reach an agreement with owners as to which of their lands ought to be:

- used immediately by the owners;
- set aside as papakainga and/or to fulfil future needs;
- leased to owners or people outside the land owning group; and/or
- sold as surplus to requirements.[5]

The Native Land Settlement Act 1907 was in many respects the government's legislative response to the Ngata Stout Commission. The act vested land identified as surplus to requirements in the Maori land board. The board was to lease half of such land, and sell half. The board also administered land reserved for Maori use, arranging leases to Maori and finance for land development and incorporation. Within three years of the act, 328,187 acres had been vested in the boards, while only a fraction - 4,106 acres - had been conclusively dealt with.[6] Though government followed much of the commission's advice, between 1911 and 1920 Maori land holdings were reduced by more than half.[7]

In 1909, parliament passed the largest piece of Maori legislation to date, the Native Land Act 1909. The act placed the Maori land boards under the supervision of the Native Land Court; and gave the court wider powers to consolidate and exchange land. It enabled whanau and individuals to consolidate scattered interests into one block big enough to farm. It encouraged the leasing of Maori land to Maori farmers; and empowered meetings of Maori owners to deal with their land. The act favoured leasing Maori land over selling Maori lands, providing sufficient safeguards were implemented to

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[5] ibid (1990) p 67.
[6] Crown Forestry Rental Trust (1994) *The Maori Land Legislation Manual,* Crown Forestry Rental Trust, Wellington, p 245.
[7] W H Oliver - ed. (1981) *The Oxford History of New Zealand,* Oxford University Press, Wellington p 285.

prevent owners from becoming landless.[8]

Although Carroll failed to achieve all he had set out to achieve, he did have a successful term as Native Minister. By 1912, he had relieved Maori from major government land purchase programmes, and laid a legal foundation for developing Maori farming.[9] Together, Carroll and Ngata urged parliament to apply resources to solving Maori land title problems; providing agricultural instruction for Maori farmers; and providing financial assistance for developing Maori farms. Over the years, the two men were instrumental in gradually strengthening the legislation and policy dealing with Maori land development. This policy vied with Crown and private purchases of Maori land. The Crown exercised its pre-emptive right whenever it thought desirable, the most recent extensive application occurring in the 1910s.[10] Even so, progress in land development policy was cautious.

In 1912, the incoming Reform government promised to make more freehold land available for settlement, rather than continuing the leasing system favoured by the Liberals. The new Native Minister, William Herries, adopted a 'use it or lose it' attitude towards Maori land. He was also devoted to Crown acquisition of Maori land. Accordingly, the Land Laws Amendment Act 1912, included Maori freehold land in a general land act. The act allowed land owners to hand their estates to the Crown to arrange surveys, roading and subdivision. The cost of these services were charged as a first mortgage against the land, to be paid out of the lease or sale money raised on the subdivided land. Both Ngata and Peter (Te Rangihiroa) Buck objected to including Maori land policy in a general land act as opposed to the Native Land Act.

Despite his attitude, Herries did make some positive contributions to Maori land legislation. His Native Trust Act 1920 established the Native (now Maori) Trust Office, and appointed the Native Trustee. The act empowered the Maori Trustee to lend money to Maori to develop their land. The trustee's funds came from the Maori land boards and the Public Trustee. While the trustee could lend for land development, such lending

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[8] CFRT (1994) p 271.
[9] Butterworth and Young (1990) p 67.
[10] Ngata (1940) pp 128-9.

failed to occur to any significant degree because cash for lending purposes was unavailable to the trustee. Most of his assets were in the form of securities. But from 1923 onwards, the trustee was able to gradually convert his securities to cash for lending, from which a Maori dairying industry developed.[11]

Gordon Coates, who later became Prime Minister, took over the Native Affairs portfolio when Herries retired in March 1921. Coates was committed to putting Maori in a position to farm their own lands, and by 1928 had established a legislative framework from which Ngata would later launch the Maori land development schemes. Building on the shift Carroll had begun, Coates re-oriented the work of the Department of Native Affairs from land purchase to land development. Overhauling Maori land title became one of the key foci of the department, as it set about consolidating individual and whanau interests into economic blocks.

As Prime Minister, Coates increasingly utilised Apirana Ngata in Native Affairs work. In 1927, Coates appointed Ngata to head a commission that supervised consolidation work and negotiated compromises to clear rates charged against Maori land. Ngata realised that people with special skills were needed to ensure the success of the consolidation schemes. By 1928 he had recruited Maori men as consolidation officers in Taitokerau, Waikato-Maniapoto, and Waiariki. These officers had the cultural and mediation competencies needed to balance the legal and administrative skills required for the job.[12]

Apirana Ngata (later Sir) became Minister of Native Affairs in December 1928 when the United Party came to power. With the legislative foundations for Maori land development laid, Ngata used his ministry to implement a Native Land Development Scheme designed to his own specifications. He aimed to institute an irreversible programme of state-aided Maori land development, and largely succeeded. He passed critical legislation in each of his first three years as Minister, first establishing and then strengthening his powers to develop Maori land. Under Ngata, the development schemes dominated all other activities of the Department of Native Affairs. Their main

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[11] CFRT (1994) p 303.
[12] Butterworth and Young (1990) p 73.

aim was to train Maori people, in the course of developing their lands, to become efficient farmers, and to assist them to farm the land in a businesslike manner once settled. At last Ngata had implemented a development scheme for which parliament was financially responsible, and that Maori leaders had appealed for thirty-eight years earlier.[13]

The development scheme policy had two major features - title reorganisation, and development assistance. Both features attempted to fix something that was wrong with the way Maori people owned and used their land. Title reorganisation addressed difficulties with administering and raising finance on multiply owned land. State sponsored development assistance offered Maori farmers financial assistance similar to that offered their European counterparts.

While land development remained integral to the schemes, Ngata set them in a much wider socio-economic context. They provided incomes for Maori families and a modern economic basis for tribes. They enhanced traditional Maori social values and organisations, as Maori leaders participated in the schemes, and Ngata encouraged rural Maori communities to build wharenui. Ngata successfully attracted resources from other sectors (eg labour) and from within the Maori Affairs sector (Native Trustee) to the schemes. He also began the Department of Maori Affairs' housing programme, providing state housing on development scheme units, although financial constraints kept the total number of houses to a minimum.

During Ngata's ministry, expenditure on Maori land development increased more than three thousand per cent. By 1935, nearly 654,000 acres of Maori land had been gazetted for development, nearly 105,000 acres of which were actually under development. At the time, the schemes provided work for 2,635 men. But Ngata's administration of the schemes came under critical scrutiny as quickly as he implemented them. The media criticised Ngata for dismissing Pakeha supervisors, which Ngata had done to ensure the

supervisors could work appropriately among the Maori workforce. Meanwhile

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[13] Ngata (1940) pp 144-145.

Treasury, the Audit department, and the Public Service Commission were uncomfortable with Ngata's unconventional hands-on administrative methods, and the increasing level of expenditure on the schemes.

Ngata's enthusiasm for the schemes was sidelined in 1933 when a Public Service Commission employee replaced Judge Jones as under secretary of the Department of Native Affairs and Native Trustee. A number of administrative changes, inquiries and debates eventually led to the establishment of a commission of inquiry into the administration of the department. The commission admitted the integrity of the land development programmes, but severely criticised Ngata's administration. Consequently, Ngata resigned as minister. But the schemes survived the fallout of the scandal. Ngata's policy remained in tact, and Ngata himself remained influential.

The incoming Labour government continued the development schemes, as did National when it took office in 1949.[14] Ngata had set about to ensure the schemes were enduring, and even to the present, the schemes have held on in some form or another, no matter the changes in legislation or policy, social or economic circumstance. The tenacity of the schemes to endure was perhaps foreshadowed by Ngata himself when, in 1940, revealing his own zealousness for the schemes, he wrote:

> Every resource, physical, mental and spiritual, was marshalled in the argument to support the inception of the project. It was one chance in one hundred years of British rule in this country offered to the Maori people and it must not fail.[15]

With Michael Joseph Savage as Prime Minister, Labour embarked on a major programme of social reform, and strived for equality of treatment between the races. Within this policy framework, the land development schemes as designed by Ngata remained, and were even substantially expanded under the Labour government. During Labour's term in office, the Native Department 'emerged from the shadow of the Native Land Court'.[16] It reported directly to parliament as a discrete department rather than as

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[14] Butterworth and Young (1990) p 67.
[15] Ngata (1940) p 145.
[16] Butterworth and Young (1990) p 82.

administrator for the court and the Maori Land Boards. Its core business was Maori land development and other land programmes. But it was also very active in employment promotion and housing during Labour's office. Labour itself was very active in health and education. Expansion of the land development schemes suited the economic and social policies of the Labour government, particularly its employment promotion programme and its strengthening of the housing programme.

World War Two began in September 1939. As government resources were reoriented towards the war effort, the pace of Maori land development in the 1940s slowed. The source of labour for the schemes was channelled into the armed forces and essential war driven industries. In 1940, Labour adopted a policy that decreased risks on the schemes. It would only undertake new development on good quality land. Lands already under development were brought into full production. Within two years, no new development occurred because of a lack of fertiliser and other materials. Similarly, the housing programme that had been operating on the schemes declined as attention turned to building defence works.

The setbacks in Maori land development were temporary. From 1945 onwards government revived its policies, not just in land development, but also in a comprehensive range of social and economic objectives introduced by the Maori Social and Economic Advancement Act 1945. Also in 1945, the government developed a renewed interest in rehabilitating returned servicemen, although only on self-supporting farms. Where development was necessary, wages were paid until the farm became economic. Returned servicemen also received training in farming.

Land settlement policies were particularly revived under Peter Fraser's direction. He took over the Maori Affairs portfolio from Rex Mason when he reshuffled cabinet after the 1946 elections. The post war drive for increased production provided an appropriate environment within which land development could be progressed. Fraser stepped up consolidation and began amalgamating uneconomic holdings He also extended the farm training offered to returned servicemen to include Maori youths. Alongside land development, Fraser also progressed state housing, for all New Zealanders not just Maori. He also recognised that urbanisation was fast becoming an irreversible trend for

Maori. He took an intersectoral approach towards this changing Maori society, setting up a permanent interdepartmental committee on Maori education and employment.[17]

National came to power as exports in New Zealand boomed, and has dominated this country's party politics since 1949. During the 1950s and 1960s, Maori land problems continued to dominate the activities of the Department of Maori Affairs. National's handling of the Maori land development schemes was punctuated by a major revision of Maori land legislation in 1953 to create the Maori Affairs Act, the Hunn Report, and the Maori Affairs Amendment Act 1967. With Corbett at the helm of Maori Affairs, National approached the Maori land development schemes from the point of view that every landholder had a duty to the nation to make full use of their lands. Public criticism of idle Maori land was a constant reminder of that duty.[18] Corbett said New Zealand's national economy demanded that all lands be made productive to their fullest capacity, and that no lands, no matter who held them, should be poorly utilised.[19] But National's approach was not too great a departure from Labour's. Through the schemes, National aimed to facilitate the economic development of Maori to a point that Maori and Pakeha were economic equals, thus maintaining the notion of 'equality for all' for which the first Labour government is now remembered.[20]

Maori land development and social policy

While primarily about the economic development of Maori land, and training Maori people to be farmers of their own land, the Maori land development schemes had strong and deliberate links with the social policy of government. Throughout the history of the schemes, politicians have variously described and elaborated on those links. As Native Minister, Carroll was quick to connect his proposed land reforms with health and other social reforms. In particular, he linked land to the social reform objectives advocated by Te Aute College Student's Association (which later became known as the Young Maori Party). The party itself became very important to Carroll's objectives, and Carroll told Maori people there were two evils that afflicted them - the evils that killed the land, and

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[17] ibid pp 90-91.
[18] CFRT (1994) pp 394-5.
[19] AJHR 1954 G-9 p 18.
[20] AJHR 1953 G-9 p 1.

the evils that killed the body.[21]

It is worthwhile noting the use of terms like social reform and social rehabilitation in connection with Maori land development. It is as if land development was to be a vehicle for socialising Maori people into a modern New Zealand society, and has echoes of missions to christianise Maori in the early nineteenth century. For the leaders and politicians involved, the period of land purchase was over and Maori could now enjoy what land remained to them. But there was a preferred way in which Maori were to enjoy their land, that is, Maori were to be included as industrious citizens in a modern New Zealand society and economy, while at the same time retaining their cultural distinctness. This point is really the nexus of all the things with which Ngata involved himself. The land development schemes were about much more than economic utilisation of land - they were an expression of his now oft quoted dictum 'e tipu e rea mo nga ra o to ao', which carries a message to Maori youth to progress in the world by taking the best from both Maori and Pakeha cultures - the heritage passed down from one's ancestors, and the western education available in the mainstream. As an expression of this dictum, the schemes would enable Maori people to participate, on their own terms, in the industrial and economic life of the country, while at the same time maintaining the essence of being Maori.

Among the existing literature about Maori land development, the most prominent authors have recognised the relationship between the schemes and the social organisation of the Maori population. King (1977, 1983) examines the way Ngata made use of Maori leadership to first of all support the schemes, and then accept key roles in implementing and monitoring the schemes at a local level. Although the department's consolidation officers and supervisors were available to development scheme farmers, in their earliest years the schemes depended for success upon the support of local Maori leaders. King also provides local examples of the initial success of the family farm or unit, and its ability to provide a living, housing and fresh milk and meat - all of which was good for Maori health and family life. In the communities that King examines, the success of the schemes also led to a revival of interest in Maori culture - an integral part of the

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[21] Butterworth and Young (1990) p 58

development programme that Ngata referred to as 'putting back the mana'.[22]

Hohepa (1964) and Metge (1964), in their community studies of Waima and Kotare respectively, examine the schemes from the point of view of their contribution to the local economy, and as part of the socio-demographic fabric of rural Maori society.[23] Dairy farming, as established by the development schemes, was the dominant form of land utilisation at Waima and Kotare.[24] Yet the proportion of each community that lived off the earnings of their farms alone was relatively small. Most of the Maori dairy farmers in each community supplemented their income with social security payments, and the migration of younger family members to the cities eased the pressure on limited resources and overcrowded homes. Hohepa, who uses his community study to analyse cultural persistence in the face of change, emphasises that the development schemes were essentially state sponsored economic change. Despite this and other changes, cultural rites and beliefs remained. In fact, Metge explains that the schemes facilitated participation in some aspects of Maori culture by providing families with the resources to gift labour and goods to hui, in fulfilment of their obligations to kin.

Kawharu (1977) looks at the schemes, and other aspects of Maori land tenure, in terms of their impact on tribal organisation, and the changes that occur during the post-war years. In particular, Kawharu analyses the range of relationships between the people involved in the schemes, both internal and external to the participating communities. The relevant relationships include those between owners and occupiers and the Department of Maori Affairs, local and absentee owners, farmers and supervisors, individuals and communities. In terms of community relationships, the schemes offered a new platform from which a modified Maori leadership could express itself. That leadership was modified to meet the economic and legal concerns of property owning groups and those who farmed the land, whether individuals or incorporated committees of management.

For Ngata, the land development schemes were clearly linked to the wider issues concerning the general welfare and wellbeing of the Maori population, within a

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[22] King (1983) p 125.
[23] Hohepa (1964) and Metge (1964).
[24] Kotare is not the real name of the community Metge studied.

framework of cultural adjustment between Western and Maori cultures. He acknowledged efforts to educate Maori, improve Maori health and 'correct the malign influences of certain elements in European culture'. But he felt these efforts would fail to produce long lasting results unless they 'centred round and assisted in an industrial development based principally upon the cultivation of land'.[25] Ngata's view was consistent with that he had shared with Robert Stout more than twenty years before the schemes began when, as fellow-commissioners, they reported to the government on Native Land and Native Land Tenure in 1907.[26]

In launching the land development policy, Ngata assessed what he considered to be all the relevant factors: historical, traditional, cultural and psychological. He examined the 'current tendencies' within the Maori population, and particularly considered elements of Maori leadership and the persistence of tribal organisation.[27] Under Ngata, if an area proposed for inclusion in the development schemes lacked leadership, or if an iwi or hapu displayed 'undesirable characteristics' in its history and traditions, then the proposal was delayed or refused, even if other conditions were favourable. But, according to Ngata, the 'human element' was regarded as the principal and deciding factor after taking into account the quality of the land, accessibility, suitability for subdivision, and other settlement conditions.[28]

The land development schemes were part of a much grander plan for Maori development that took in cultural, social and economic aspects. For Ngata, the schemes were part of a modern day machinery that would strengthen leadership and social organisation within tribes, at the same time providing economic sustenance for Maori families. Ngata used Maori leaders at a local level to both support and work for the consolidation and development schemes - leaders such as Te Puea Herangi, Whina Cooper, and Turi Carroll. Perhaps to both stimulate and build on the cultural renaissance, Ngata encouraged Maori communities to build marae in tandem with developing their land. While developing individual family farms was the primary goal of the schemes, Ngata

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[25] AJHR 1931 G-10 p vii.
[26] AJHR 1907 G-1C (p 15).
[27] Ngata (1940) pp 144-45.
[28] AJHR 1931 G-10 p xv.

thought it could only be achieved once the Maori farmer was immersed in the Maori culture. As Native Minister, he successfully rallied the support of other sectors to contribute to the schemes through employment promotion and housing resources.[29]

In 1940, Sir Apirana Ngata, Te Rangihiroa Buck, Horace Belshaw and numerous other authors contributed to the collection of essays, *The Maori People Today*, edited by I G Sutherland (1940). The authors looked at the modern social circumstances of the Maori people, including Maori land development, and forecast the outcome of the changes, such as urbanisation, that were upon the Maori population. Later authors, like Metge, Hohepa and Kawharu had the luxury of both observing and reconstructing the rapid social change that Ngata, Buck, and Belshaw could only anticipate. But the writers in 1940 did recognise the significant change that had already begun, and the additional responsibility those changes placed on the Native Department.

By 1940, the Maori population had experienced a rapid increase - at one point increasing at two and a half times the rate of the European population. The Board of Native Affairs claimed that the 1920s and 1930s witnessed a Maori renaissance, consisting of population increase and a revival of Maori arts and crafts, inter-tribal hui, community buildings and a general feeling of pride in being Maori. The board anticipated that by fostering Maori land development a foundation would be laid for socially rehabilitating the Maori people. But the board also realised that the remaining Maori land was insufficient to support the entire Maori population, and many would have to be absorbed into other pursuits or avenues of employment in the towns and cities.[30]

In the midst of the rapid change occurring in Maori society, the Maori land development schemes had proven their value in a number of ways. By 1940, there was abundant evidence that the development schemes had facilitated improved living conditions, including housing, sanitation, diet, clothing, nutrition and health. Belshaw regarded the improvements in children's health as the most convincing social value of the development

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[29] Butterworth and Young (1990) pp 74-5; and P Buck (1940) 'Foreword' I L G Sutherland - ed. *The Maori People Today: a general survey,* the New Zealand Institute of International Affairs and the New Zealand Council for Educational Research, Whitcombe & Tombs, Wellington pp 14-15.
[30] Buck (1940) pp 21-2.

schemes.[31] Many of the improvements in social circumstances arose from the new found economic security available through the schemes. But, as Buck points out, lack of such security for all drew large numbers of Maori people to the towns to seek employment.[32] While acknowledging the contribution of the land development schemes, it was clear, even by 1940, that there was insufficient land to afford economic independence to more than a quarter of the growing Maori population - even if the population remained static. Options for future development included migration or intensified and diversified cultivation of the land.

Buck said that the aspect of Maori culture that had held out most tenaciously through the changes of the twentieth century was the system of social organisation. This opinion was a reference to tribal kinship, unity through the tie of blood, and an opinion with which Ngata agreed.[33] Belshaw agreed that tribal loyalty was a source of strength, but also regarded it as a factor impeding the mobility of labour.[34] Nonetheless, from the Maori point of view, kinship kept marae functioning, and enabled traditional Maori leaders to promulgate government policy. The notion of the modern marae complex grew alongside the development schemes, and the 'individualised' farmers that were the product of the schemes were positioned to contribute to not only marae, but also parish, school and other community appeals. By 1940, it had become important to develop activities centering around the marae, including adult education through which Maori leadership might be developed and expressed. The schemes themselves provided new fora through which Maori leadership might be developed and expressed such as dairy co-operatives and committees of management.

Central to these discussions of not only the development schemes, but also urbanisation, was the socialisation of the Maori people. To be successful, it was hoped this socialisation would occur in such a way that Maori people could actively and independently participate in a modern economy while at the same time maintaining a certain cultural distinctiveness. Sutherland, Belshaw, Ngata and Buck all recognised the

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[31] H Belshaw (1940) 'Economic Circumstances' in I L G Sutherland (ed) *The Maori People Today*, Whitcombe & Tombs, Wellington p 210.
[32] Buck (1940) p 10.
[33] ibid p 7.
[34] Belshaw (1940) p 195.

tensions between the traditional and cultural aspects of Maori life and socialisation into mainstream New Zealand. Belshaw said the object for Maori people should be to become economically self-sufficient, but to retain Maoritanga. The difficulty though, was to:

> effect a compromise between traditional attitudes and the imperatives of a changing capitalism.[35]

Belshaw could not see how Maori settlers could fit into an individualist farm economy without weakening existing community relations and traditions. The more successful the policy of training Maori as commercial farmers, the more likely it was that community relations would change.[36] Buck, on the other hand, hoped that Maori would not have to choose between economic success and racial identity, and that standards in health, housing and living could be achieved without sacrificing tribal loyalty and interest in tribal matters conducted on marae. In fact, Buck pointed out, that Maori people were already practised at allowing certain customs and observances to change in order to fit the times. The marae itself, while maintaining its Maori individuality, had changed in ways that represented gradual adjustment to Pakeha standards.[37]

In summarising the 1940 survey of the Maori situation, *The Maori People Today,* Sutherland identified the main issue facing the Maori people.

> Is it possible to provide the Maori with the technical equipment of the *pakeha* so that his material well-being is in many ways provided for and economic self-support achieved while at the same time maintaining, as the Maoris most surely desire to do, the individuality of the race with a selected cultural background? Are the economic necessities and the spiritual needs of the Maori people incompatible and irreconcilable? Will the Maori yield in the economic struggle in order to survive culturally as a distinct people? Will he, as many seem to expect him to do, attempt all-round *pakeha* standards and so lose his racial identity?

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[35] ibid p 194.
[36] ibid pp 194-212.
[37] Buck (1940) p 16.

> Variously stated this is the central issue that emerges from the present survey and regarding it several opinions have already been expressed or implied.

Almost 30 years later, Erik Schwimmer picked up the theme of cultural adjustment, and used the Maori land development schemes to illustrate his 'inclusion' and 'biculturalism' theory on Maori social development. He examined the success or otherwise of the schemes to socialise Maori, and appraised the work of Sutherland (1940) and his contributors, Buck, Ngata and Belshaw. Schwimmer borrowed the term inclusion from American sociologist, Talcot Parsons. Parsons applied the term to African Americans who, Parsons argued in 1965, did not have 'full citizenship' or 'full membership in the societal community'. Similarly, Schwimmer argued that few people could claim that Maori were fully included in New Zealand's societal community in 1968. The three measures by which Schwimmer could judge this lack of inclusion of the Maori people were:

- equal civil rights;
- full sharing in the pursuit of the collective goals of society; and
- equality of the resources and capacities needed to make equal rights into fully equal opportunities.

The variable that prevented Parson's application of inclusion from providing New Zealand with a blueprint was that Maori wanted to retain the right to be *excluded* sometimes. Whereas African Americans wanted to be included and not rejected, Maori were intent on retaining their culture, and in many ways, Maori people wanted culture to be part of a mainstream New Zealand culture. This is where Schwimmer introduces biculturalism to his theory of social development - biculturalism being Pakeha acceptance of Maori concepts, in this instance, concepts of land tenure and land use.[38]

In Schwimmer's theory, inclusion and biculturalism were the sources of stress in a number of aspects of society, including Maori land tenure and land use. The stresses

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[38] E Schwimmer - ed. (1968) *The Maori People in the Nineteen-Sixties: a symposium,* Blackwood & Janet Paul Ltd, Auckland pp 9-64.

occurred between races (Maori and Pakeha) and within races (among Maori, and among Pakeha). In a sense, effecting a comfortable balance between inclusion and biculturalism are the cornerstones of many of the analyses of Maori land development written to date - particularly if inclusion can be taken to mean Maori adoption of and participation in the Pakeha farming economy, and biculturalism the acceptance of Maori maintaining and practicing Maoritanga on their own terms. The long term goal for government's has been to provide the right balance between the two. Since 1945, governments have responded variously to the challenge. Labour, for example, pressed on 'in an excess of zeal' with the land development schemes, without regard for either the Maori leadership or tribal organisation that Ngata had been so careful about, making Labour's policies tantamount to assimilation. In other words, the first Labour government, in pursuing what might be described as an intensive policy of inclusion, failed to achieve biculturalism, pursuing inclusion to such an extreme point that it might be called assimilation.[39]

While land development for Maori was quite clearly linked to social and cultural development, it was also part of a much bigger, and perhaps inescapable, picture of export-led economic development, progressing New Zealand's status as a trader in international markets. Schwimmer provides a glimpse of this bigger picture. He acknowledges the Maori conception of land as 'indissolubly linked with the corporate life of a human group', and the Pakeha use of individually owned land as a 'freely marketable entrepreneurial resource'. Export industries, based on maximum production from land built New Zealand into the modern, prosperous country it was in 1968. It was in maximum production from the land that the development schemes were really participating. For Schwimmer, this was an 'overriding national objective which cannot be compromised to any great extent for the sake of biculturalism'.[40] So, any balance between inclusion and biculturalism would depend on the influence of national objectives.

By 1977, Maori communities were still working at balancing the relationship between

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[39] ibid pp 15-16.
[40] ibid p 20.

what Schwimmer called inclusion and biculturalism. Tribal organisation persisted in a modified form, and Maori families participated in the mainstream Maori economy, as Kawharu explains:

> There are still many communities in which a compromise between full participation in a money economy and complete attachment to the traditional system continues to be worked out. That is, the amount of wealth diverted from current consumption into savings or invested in purely economic enterprises may continue to be influenced by decisions both to accept obligations to a wide range of kin and to recognize some traditional criteria of tribal status.[41]

Even after considerable analysis from writers since 1940, the key issue remains. What has been central to Maori development in the twentieth century is the tension between being culturally distinct as Maori, while simultaneously participating in mainstream New Zealand society. And even though Schwimmer argues that Sutherland and others missed some of the intricacies of these relationships, most commentators have realised the central core of the tension which, over the years, has been variously expressed as biculturalism, inclusion, assimilation, integration, participation and, no doubt, numerous other terms.

Maori land development and title reform

> *Everybody's land is nobody's land. That, in short, is the story of Maori land today. Multiple ownership obstructs utilisation, so Maori land quite commonly lies in the rough or grazes a few animals apathetically, while a multitude of absentee owners rest happily on their proprietary rights, small as they are.*[42]

No discussion of Maori land development could be considered complete without some examination of Maori land title and its reform. The historiography of the development schemes applies considerable emphasis to title reform, and chapter four of this thesis

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[41] I H Kawharu (1977) p 300.
[42] J K Hunn (1961) *Report on Department of Maori Affairs (1960) with Statistical Supplement*, Government Printer, Wellington p 52.

consists entirely of a detailed examination of that reform, or title improvement as it became known. The notion of reforming Maori land title is really as old as the Maori Land Court itself. Since its inception, it has been a function of the court to investigate and determine title, the long term result being multiply owned and fragmented holdings.

The communal nature of Maori land tenure has been at the bottom of title reorganisation, reflecting an historical political desire to limit the number of owners in any given block of Maori land. For the development schemes, title reorganisation was necessary to facilitate financial assistance, because banks and other financiers had traditionally been reluctant to finance Maori land development due to its multiple ownership. Title reform is also one of the key points at which tension between maintaining Maori cultural values and succeeding in a western farming economy emerges for Maori farmers. Communal ownership of Maori land was simultaneously the main obstruction to developing and farming Maori land, and part of the fabric of Maori society, integral to determining the nature of tribal organisation. Yet the aspect that received greatest attention from policy makers was that, for a long time, multiple ownership and fragmentation of Maori land seriously obstructed the capacity to develop and use Maori land.

While mainstream New Zealand bemoaned the idleness of Maori land, successive governments tried a range of legal processes, like consolidation and amalgamation, to reconfigure Maori land tenure to something more suited to economic development. Ngata himself identified Maori land title as the 'root difficulty' in regard to the settlement of Maori lands by Maori people. Worse still, it seemed the lands most suitable for Maori farming had the most congested titles. Partition was an option for some families, but was mostly undesirable and impracticable.[43] Western legal and administrative systems met the culture of whanau and Maori communities head on in the consolidation process. Implemented under Ngata's watchful eye in the 1920s, the consolidation programme proposed:

> a major social revolution by which whanau would have to give up interests in

[43] Ngata (1940) pp 139.

some land with ancestral significance to gain an economic farm.[44]

Initially, consolidation preceded the development schemes, consolidating the scattered interests of individual families or related groups into one or more compact areas. Ngata regarded consolidation as a slow and difficult process, but one which, if well done, provided the best method of defining and locating the landed interests of individuals and families. During the 1950s and 1960s, government policy introduced other methods of title reform. For a number of years conversion was widely used. Widely criticised, conversion allowed the Maori Trustee to buy 'uneconomic' shares, until the practice was finally abolished in 1974. In other attempts to reform Maori land title, the Maori Land Court has amalgamated series of Maori land titles into one and, on succession, encouraged families to arrange their land interests in ways that avoid fragmentation.[45]

Since early this century, Maori land owners have been able to opt for incorporation of owners or some system of trusteeship to administer their lands. These options allowed multiply owned lands to be administered as if owned by one body corporate or trust. Initially they operated most popularly on the East Coast and parts of the Bay of Plenty. The trusts and incorporations were able to attract private financial assistance, and operated along the same lines as a company.

Ngata described the system of incorporation of owners as 'an adaptation of the tribal system', the traditional hierarchy of chiefs being represented by the incorporation's committee of management.[46] Hunn (1961) regarded incorporations as an expression of the principle of sole ownership, and sole ownership of Maori land, in perpetuity, was the best ultimate goal of title reform. According to Hunn, the ideal remedy for the ills of multiple ownership was for all Maori tribes to be incorporated by statute as land-owning bodies. The incorporations could buy up all uneconomic interests in their tribal districts, and eventually become the sole owners of all tribal land, in trust for all members of the tribe. Thus, incorporations could both attend to their obligations to tribe and kin and

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[44] Butterworth and Young (1990) p 73.
[45] Metge (1976) *The Maoris of New Zealand: Rautahi,* second edition, Routledge and Kegan Paul, London p 114.
[46] Ngata (1940) pp 139-140.

reform Maori land title.[47]

Despite the numerous measures that government introduced to combat multiple ownership and fragmentation of Maori land interests, the title situation remained a difficult and complicated one. The greatest difficulty was shifting the Maori mindset where land was concerned. Ngata himself recognised the objective of individualisation of title was to empower families or individuals to make decisions about their land without interference from others.[48] But ultimately too many Maori people clung to their land interests to make wholesale conversion to individually or family owned blocks of Maori land possible.

Metge admits that the obvious solution to Maori land title problems, for Pakeha onlookers, is for the smaller shareholders to sell to either the larger shareholders or the occupiers. But, Metge wrote, most Maori land owners were reluctant to sell:

> For their shares, no matter how small, are part of their ancestral heritage and visible evidence of their 'belonging'. Younger Maoris see belonging as a matter of feeling and action rather than land ownership, but even those who have settled in urban areas still sometimes hesitate to dispose of such a tangible link with their origins.[49]

Hunn regarded turangawaewae as the principal reason that Maori people refused to give up even the smallest interest in Maori land. However, he also believed that a growing number of Maori would be comfortable selling their fractional interests in Maori land. He hoped that Maori could change their attitudes to turangawaewae and come to regard owning a modern home in town or country as their claim to speaking on the marae, rather than 'an infinitesimal share in scrub country' representing scarcely a token of ownership. Hunn proposed that turangawaewae based on home ownership would acknowledge the citizenship of those Maori who had 'proved themselves' and

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[47] Hunn (1961) pp 58-60.
[48] Ngata (1940) p 142.
[49] Metge (1976) p 114.

demonstrated their love of a particular plot of land in a practical way. [50]

Initially, the development schemes aimed to settle as many Maori families as possible on their own farms. But after World War Two, when farming became more and more a business proposition, the individual farms into which the schemes were divided, proved too small to be economic. In the 1970s, the department settled comparatively few new settlers on individual farms each year, turning instead to the trend towards returning the schemes to Maori incorporations to farm and administer. In mid 1973, the department controlled 76 schemes containing some 260,000 acres throughout the nation. In all, the schemes produced about one per cent of the wool and one per cent of the meat produced in New Zealand each year. [51]

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[50] Hunn (1961) p 52.
[51] Metge (1976) p 116.

Chapter Three

Part XXIV: legislation, policy and procedure

In its land settlement policy the department aims to assure for Maori settlers a good title to their farms, to assist them to develop the land, to teach them modern methods, and to establish farming as a way of life that can be regarded as economically and socially rewarding.[1]

The establishing legislation, 1929-1936

Throughout the 1920s, the Maori Land Boards, sometimes in conjunction with Maori Trust Boards, advanced money for farming purposes to Maori who used their land as security. The amount the boards were able to advance was limited. But the department saw the boards' activity in this area as an indication that Maori were prepared to 'improve their condition and maintain themselves as respectable members of society'.[2] Experience in the Far North and south of Auckland seemed to prove the boards could achieve a reasonable level of success developing Maori land.[3] Also, Maori farmers had made major contributions to dairy farm production during previous seasons. In the 1927-1928 season a Maori-owned dairy factory in the Bay of Plenty produced 284 tons of high grade butter, and 550 Maori farmers in the far north supplied butterfat valued at £53,000 to local factories.[4] Working within their legislative constraints, the Maori Land Boards and Native Trustee applied their limited resources to encouraging Maori land owners to farm their lands. The funds they applied to Maori land development were all Maori-owned, and despite repeated and influential representations to parliament state funds for developing Maori land were not forthcoming until the government passed the 1929 act, and Ngata implemented the schemes.

The government passed the Native Land Amendment and Native Land Claims Adjustment Act into law in November 1929, at a time that parliament was sanctioning a

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[1] AJHR 1954 G-9 p 18.
[2] AJHR 1928 G-9 p 2.
[3] AJHR 1930 G-9 p 2.
[4] AJHR 1929 G-9 p 2.

scheme to develop unoccupied Crown lands preliminary to selection. Parliament decided to apply similar provisions to lands owned or occupied by Maori. Thus sections 23 to 27 of the act established the Maori land development scheme. In effect, the legislation stepped over the issues arising out of multiple ownership of Maori land which had deterred the private sector from financing Maori land. Its main purpose was to provide for the:

> better settlement and more effective utilization of Native land or land owned or occupied by Natives, and the encouragement of Natives in the promotion of agricultural pursuits and of efforts of industry and self-help.[5]

Section 23 authorised the Minister of Native Affairs to bring any land owned or occupied by Maori under the scope of a development scheme. Once the land was gazetted part of a scheme, owners could only exercise their ownership rights with the minister's consent, and they were forbidden from interfering with or obstructing the development work. The Governor General could prohibit the alienation of Native land included in the schemes for up to twelve months. The Governor General could also make any regulations that may be required to give effect to the various legislative provisions pertaining to the schemes. Thus the legislation circumvented any difficulties arising from the multiplicity of Maori land titles, and made land development and settlement the prime consideration.

In implementing the schemes, the act gave the minister a number of powers related to improving, equipping, and financing the land for settlement. For example, the minister could survey, drain, reclaim, road, bridge, fence, clear, grass, plant, top-dress, manure or otherwise improve the land. He could build, maintain and insure buildings, and buy equipment and livestock.

The state provided the funds for development, the spending of which was supervised by government officers. In an ironic twist, government allocated the funds from the Native Land Settlement Account, previously ringfenced for buying Maori land. The minister

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[5] The Native Land Amendment and Native Land Claims Adjustment Act 1929 s 23(1).

could advance money from the account to any Maori who applied for assistance to farm lands they owned or leased. All Crown funds spent on land development were interest bearing, and secured by way of mortgage over the land concerned (and additional collateral as determined). The advances were restricted to 'an amount equivalent to three-fifths of the value of the land or interests in land included in the mortgage'. Section 23(4) of the 1929 act gave the Maori Land Court responsibility for making the appropriate charging orders against the land when required. If need be, the court could enforce such charges by appointing a receiver, or by vesting sufficient land to satisfy the charge in the Crown.

The minister could delegate the powers conferred on him by the act to any Maori Land Board or the Native Trustee, and both these bodies were to become well utilised in implementing the development schemes process. The minister could also appoint advisory committees as required to inquire into and report on any matter submitted to them.

Later amendments tweaked the various provisions of the legislation, but the basic principle of state aid for developing Maori land has persisted throughout history. In 1930, amendments to the legislation allowed the minister to direct Maori land boards to apply its funds to Maori land development, and established a system for the Native Trustee to control development using the trustee's own resources. The Minister of Lands and Native Minister could also agree to include any Crown land in a development scheme that came within the sphere of the scheme. When the government, for the second time this century, consolidated and amended the laws relating to Maori land in 1931, the provisions for the land development schemes were transported into that act unchanged.

Probably the greatest legislative changes that occurred for the development schemes between 1929 and 1953 arose from the Native Land Amendment Act 1936, passed into law by the first Labour government. Again, however, the basic principle of state assistance remained. One of the key specific changes to result from the 1936 act was that the powers previously vested in the Minister of Native Affairs were now vested in the Board of Native Affairs, established in 1935 as a direct result of the inquiry into

Ngata's handling of the schemes. Section 3 of the 1936 act made it the duty of the board to:

> promote the settlement and more effective utilization by Natives of Native land and of land owned or occupied by Natives, and to encourage Natives to engage in farming and in other industries related thereto.

In Part I, the 1936 act also added some detail and specificity to the existing provisions, as the first Labour government prepared to breathe even more life into the schemes. The board was to direct survey work using duly authorised surveyors. The act identified punishment for trespassers or people who obstructed work on the schemes. Assembled owners could agree to declaring the land subject to the development scheme provisions. The board could use development scheme land as a base farm for breeding, raising, holding, or depasturing stock or for experimental, educational or demonstrational purposes. The board could also engage advisors to advise and instruct Natives in developing, improving or farming Part I land. It could cut and remove trees or timber, and compensate owner(s); and enter into share-milking, cropping, farming or similar contracts. The board had discretion to consider Part I land for industries other than farming. The act restricted Part I leases to a maximum of 50 years.

In practice, the details of the scheme anticipated that the Maori population would supply the land, and also the labour at a bare sustenance rate, ranging from six to nine shillings per day. The Crown would advance the funds necessary for developing the land and turning it into several farm sections through the Maori Land Boards, which supervised the expenditure. The sections would be allocated to those workers who proved themselves capable of becoming farmers. The schemes would supply the farmers with stock who would then be allowed 'to work out their own destiny' although still under the Maori Land Boards' supervision. The expense of preparing the land for settlement and the cost of stock was to be charged against the land, and the persons receiving the farm sections would be responsible for eventually repaying the debt.[6]

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[6] AJHR 1930 G-9 p 2.

The Horohoro scheme was the first area selected for what the under secretary of Native Affairs, Judge Jones, called 'the experiment'. Horohoro comprised 8,342 acres of pumice land near Rotorua. Jones wrote it would be interesting to watch the result. He said the Maori involved were very enthusiastic and were working hard to make the scheme successful. People who had seen the scheme in operation, according to Jones, spoke very highly of it. By 31 March 1930, twenty schemes were in operation throughout the country. Jones felt that the Mohaka scheme was 'perhaps the one that will be the best illustration of the effect upon the Maori mind'. Maori at the Mohaka scheme could be seen:

> working at all hours erecting new fences and putting old ones into order, clearing the blackberry and building cow-sheds, and in addition are busily engaged in breaking in the land to provide feed for dairy stock. Already over 150 dairy cows have been supplied to the Maoris, who are still calling for more stock, so that there is ample evidence that the Maoris are imbued with the right kind of spirit.[7]

The development schemes quickly began to dominate the department's activities. Jones himself identified promoting the development of land owned or occupied by Maori as the department's main activity for the 1930-31 financial year. Parliament had granted the department £77,770 to apply to Native land development for that year. Consequently, there were 29 schemes in progress at 31 March 1931, compared to 20 the previous year. Jones wrote that even a casual observer could see the 'fresh life and vigour' that the hope of using their own land had injected into the Maori population.[8]

Ten years on, through depression, war and a change in government, Maori land development remained dominant amongst the department's activities, along with Native housing, which was often carried out in conjunction with the schemes. In 1940, both these activities - housing and land development - had expanded proportionately to previous years. Because it was necessary to maintain primary production during the war period, it was likely that land development activity would intensify even more. In 1939-

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[7] ibid.
[8] AJHR 1931 G-9 p 2.

1940, the department employed 4,000 Maori workers. Expenditure on wages totalled £454,600, £383,000 of which was applied to development schemes. The balance was applied to improving privately owned Maori land, and building homes financed from the Special Housing Fund. Employment subsidies on land development schemes ranged from 50 to 100 per cent.[9]

The 1953 legislation

When Corbett became Minister of Maori Affairs under the first National government in 1949, he acted quickly to fine tune the legislation and policy surrounding the use of Maori land. In 1950, he ushered the Maori Purposes Act through the house, the main purpose of which was to facilitate the profitable use of Maori land. The act was a specific response to public criticism of Maori lands lying idle. For Corbett land was the foundation of prosperity, and it was the duty of every landholder make full use of the soil.[10]

Part II of the 1950 act concerned Maori reserved land which, at the time, was mostly administered by the Maori Trustee. It compulsorily required farm leases to compensate lessees for improvements, thus providing an incentive for lessees to invest in improving the land. Part III of the act enabled the Maori Land Court to appoint the Maori Trustee to lease unoccupied Maori lands or Maori lands that were not cleared of noxious weeds, owing rates, not being diligently farmed or where no owner could be found. Corbett explained that this policy provided for the use of the land but retained the fee-simple to the beneficial owners as 'alienation' in the act was intended to be by lease only.[11] Within three years the department was dealing with 111 blocks of this 'unoccupied and idle' land, involving more than 15,000 acres. Most of the blocks were either being leased, under offer of lease to the owners, or advertised as available for lease by public tender. The trend was that most of the leases were granted to Europeans, and, despite Corbett's assurances, some land had been sold.

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[9] AJHR 1940 G-9 pp 1-6
[10] NZPD vol 293 (1950) pp 4722-4731, 4747-4754.
[11] CFRT (1994) pp 394-5.

The first National government's greatest contribution to the abundance of Maori land legislation was the Maori Affairs Act 1953, which governed Maori Affairs policy and activity for forty years, until the passage of the Ture Whenua Act in 1993. The 1953 act was mainly a consolidation of Maori land legislation since 1931, and certain other legal provisions relating specifically to Maori. But the 1953 act also introduced new provisions dealing with the National government's concerns about the nature of title to Maori land, a vestige of a communal way of life where land was owned by tribes. The new provisions reinforced existing provisions to rationalise, or 'improve' as the term became known, title to Maori land. Probably the most controversial of the new provisions was conversion, which allowed the Maori Trustee to acquire uneconomic interests in Maori freehold land.

Corbett said a drastic change in titles to Maori land was necessary for Maori farmers to participate in the modern farming economy. Blocks of Maori land were best owned by one person, or by small groups of co-owners with whom it was easy to deal. Each land owner's interests should be as little scattered as possible, and consolidated into economic farms (or substantial parts of economic farms). Corbett said the act would ensure that Maori land remained in Maori ownership. He proposed that, under the new legislation, Maori land would continue to be multiply, and even tribally owned. But it would be easier for owners that held substantial interests to deal with their land. They would be able to consolidate their interests and farm their land.[12]

Part XXIV of the 1953 act set up the modern legislative machinery for the development schemes. The basic principles of the 1929 and 1936 acts remained in the 1953 version of the legislation, and lands that were subject to Part I of the 1936 act were automatically declared subject to Part XXIV of the new act. The Board of Maori Affairs had primary responsibility for the schemes, and Part XXIV set out the board's duties with respect to that responsibility, prescribing protocols for the complexities of administering the schemes. The main purpose of Part XXIV was to:

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[12] AJHR 1953 G-9 p 1.

promote the occupation of Maori freehold land by Maoris and the use of such land by Maoris for farming purposes.

Section 330 empowered the board to declare certain classes of lands subject to the Part XXIV provisions. It could apply this power, where the lands concerned were suitable for development, to Maori freehold land, European land, Crown Land or land it had acquired on the Crown's behalf. Declarations concerning Crown Land first of all required the consent of the Minister of Lands. Before declaring any lands subject to Part XXIV, the board was required to 'take adequate steps to ascertain the wishes of the owners concerned' and give full consideration to any objections.

Generally, the board could improve and develop Part XXIV land as it saw fit, including doing all those things specified in the original 1929 legislation, such as surveying, draining, roading, fencing, clearing, grassing and building and maintaining buildings (section 336). As in the 1936 act, the board could use land as a base farm for experimental or educational purposes (section 337). In improving and developing the lands, the board could buy and sell livestock and equipment as required by any of the farms (section 338). The Part XXIV farms could be occupied and farmed by the board itself or its nominated occupiers or lessees (section 335). From 1960, the board could also include sole owners of Maori land in the schemes.

The board appointed nominated occupiers of the schemes under section 339. The nominated occupier could also be an owner in the land concerned. But the board had the discretion to appoint non-owners. The board controlled and supervised all occupation under the schemes, and occupiers were prohibited from disposing of any produce, stock or chattels without the board's authority.[13] Until 1949, it was most common for nominated occupiers to possess the lands they farmed on rather informal terms, without secure tenure agreements or defined understandings of the relative rights and interests of owners and occupiers. That situation was initially acceptable and not problematic, and in some respects was justified, from the government's point of view, due to the urgency

[13] The Maori Affairs Act 1953 s 339.

with which the government pursued the development of Maori lands. [14] But in the post-war period, the numerous instances of insecure tenure and ill-defined equity presented considerable difficulties for the department and the board, and in 1949 it became a prerequisite of new development arrangements to contain definite principles of tenure.[15]

Basically, the board could advance money to lessees for any reason it approved, but particularly to:

- buy equipment and material required to develop, improve or farm the land;
- discharge any liabilities incurred against the land (eg rates, taxes, rent, mortgages, insurance);
- farm, develop, improve and maintain the land, and meet working expenses; and
- buy existing improvements at the beginning of the lease.

All money the board spent on any area of Maori freehold land, or any European land owned by Maori people, became a charge on the land, and the act set out protocols for the board to impose, register, vary and enforce those charges (sections 363 - 367). As security on its advances, the board could take charges over lessees' land interests, stock, chattels, machinery, implements, produce of the land, stock, revenue derived from farming the land, or any other property of the lessee. The board determined the terms and provisions of the securities, and could also partly discharge or cancel them. The act required the board to exhaust all securities before otherwise enforcing any charge on the land (section 369).

Finally, Part XXIV of the act gave the board extensive special powers allowing it to:

- acquire cutting and other rights on behalf of the Crown for the purposes of Part XXIV;
- grant or acquire easements;
- build or buy waterworks;

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[14] AJHR 1954 G-9 p 21.
[15] AAMK 869/410a: *15/0 pt 2, Development schemes policy, 1946-52,* National Archives, Wellington.

- employ advisors, outside of the public service, to advise and instruct Part XXIV settlers;
- remove trees, timber or other substances;
- enter into sharemilking, cropping, farming or other contracts;
- pay revenue from the land to the owners/shareholders instead of to satisfying charges; and
- use Part XXIV land for industries other than farming.

Administrative structure

Within the department, the Land Development and Settlement Division was primarily responsible for servicing and administering the development schemes. In conjunction with the owners, the division arranged to bring suitable land under the provisions of the development scheme legislation. It recommended loans to the board and recovered the loan repayments. The division also supervised all land development operations, including station management and farming on unit properties. Part of the function of supervising settlers included training them, sometimes formally, and sometimes through the guidance and encouragement of the supervisors.[16]

The Board of Maori Affairs was a statutory body chaired by the Minister of Maori Affairs. It controlled certain of the department's principal activities, including the development and settlement of Maori lands.[17] The board was the lending authority for the schemes, which it financed out of the Land Settlement Account.

In 1950, the National government set up a District Maori Land Committee in each Maori Land Court District. The committees each consisted of the District Officer and District Field Supervisor of the Department of Maori Affairs, the District Commissioner of Crown Lands, and one reputable well-known Maori farmer in the area. Corbett said the committees were set up to meet a need for such bodies to use their local knowledge to make recommendations to the Board of Maori Affairs on land development matters.[18] Establishing the committees also fulfilled an explicit policy to ensure that supervision of

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[16] AJHR 1954 G-9 p 19.
[17] AAMK 869/3a: *1/1 pt 1, History and aims of department, 1940-60,* NA, Wgtn.
[18] MA 1 Accn W2490, 51/3/1 vol 1: *District Maori Land Committee Decisions, 1950-58*, NA, Wgtn.

the schemes was fully appreciative of the value of local representation, and to improve and maintain the relationship between the department and Maori land owners.[19]

Initially the District Maori Land Committees operated in an advisory capacity only. But in 1952 the board delegated certain official functions to the committees. In 1954, Corbett commented that this delegation had been most successful. He said that the committees' work facilitated the flow of departmental work and sped up the decision making process. By the end of 1954 each committee had visited all the schemes and stations in their districts, and Corbett reported that the presence of the committees in districts gave owners and farmers a renewed confidence in the administration of the schemes. In practice, the committees acted as a kind of screening committee for the board, grading prospective settlers and recommending their appointment or otherwise to the board.[20]

The Maori Land Boards were abolished the same year the Board of Maori Affairs vested various of its functions in the district Maori land committees. The 1952 act abolished the Maori Land Boards and spread their functions between the Maori Land Court, the Maori Trustee and the Board of Maori Affairs. The rights, powers and duties, and all personal and real property of the Maori land boards were transferred to the Maori Trustee. The Board of Maori Affairs assumed authority over the Maori Land Boards' securities and leases. The government's aim in implementing the legislation was to simplify Maori affairs administration and thus make utilising Maori land easier. Corbett said the act relieved the Maori Land Court judges of their administrative duties as members of the Maori land boards. Consequently the judges could focus their attention on clearing up the complex title problem which, according to Corbett, was probably the major factor preventing Maori people from effectively farming their land.[21]

The process

Within the legislative framework laid out by the 1953 act, the department's policy aims were to ensure Maori farmers had reliable titles to their farms, assist them to develop the

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[19] AAMK 869/3a: *1/1 pt 1, History and aims of department, 1940-60,* NA, Wgtn.
[20] MA 1 Accn W2490, 51/3/1 vol 1: *District Maori Land Committee Decisions, 1950-58*, NA, Wgtn.
[21] NZPD vol 297 (1952) 771-779.

land, teach them modern farming methods, and have farming be a way of life that was socially and economically rewarding for them.[22] The government said the availability of suitable land, and the availability of men were the key criteria it considered when planning its development programme. The availability of men took priority because it was with the 'development of men' that the department was primarily concerned.[23] The government said it still stood by the now forty three year old recommendation of the 1907 Ngata-Stout commission, that Maori people should be encouraged and trained to become industrious settlers. But within its commitment to see all land contributing to the national economy, the government ultimately aimed to develop all suitable Maori land that was then lying idle or inefficiently utilised. The government pursued this aim by annually appropriating funds to begin development on between 10,000 and 20,000 acres each year.[24] In practice though, the department found it increasingly difficult throughout the 1950s to develop 10,000 acres of new land annually within the funds granted for the programme.[25]

At 30 June 1954, the department was handling 445,281 acres of land under the Part XXIV development schemes, all at various stages in the process between gazetting and final disposal. Of this area, 260,114 acres were in the development scheme stations, yet to be subdivided into units. The remaining 185,167 acres were farmed by unit settlers supervised by the department's field staff. In addition to these areas, the Maori Trustee was administering 46,918 acres in six development scheme stations.[26]

The standard and level of development, farming, and production on the stations was on a par with similar farming enterprises, with stock from the stations having won high distinctions in many agricultural shows. Average production on the single unit schemes, which were mostly dairy farms, was below the national average. But the department was confident that it would succeed in bringing these farms up to the average New Zealand level, butterfat production having steadily increased from year to year.[27]

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[22] AJHR 1954 G-9 p 5.
[23] ibid p 19.
[24] ibid p 18.
[25] AAMK 869/3a: *1/1 pt 1, History and aims of department, 1940-60,* NA, Wgtn.
[26] AJHR 1955 G-9, statistical data.
[27] AJHR 1954 G-9 p 18.

Theoretically at least, and put simplistically, the development schemes went through four key phases: preliminaries, development, farming and settlement. The preliminary stage initiated a proposal to bring land into the ambit of the schemes with the agreement of the owners, and investigated the land and titles. During development, the land was cleared of bush and scrub, was grassed and stocked, and provided with the buildings required for use as a station. The department then farmed the stations until the debt was reduced to a sum comparable to the valuation of improvements, at which point they were subdivided into smaller, but economic farms, for settlement by Maori farmers, or settlers, to use the terminology of the schemes. The settlement phase then had its own process of selecting, financing, supervising and training settlers.[28]

In fact, Ngata allowed a variation on these theoretical phases almost immediately the first schemes began. During a visit to the Taitokerau in 1930 he realised that, generally, the north lacked the compact, connected tracts of Maori land common to other parts of the country where, despite being held in numerous titles, blocks of Maori land adjoined each other and could therefore be treated as a single development area. Instead, blocks of Maori land in the north were discontinuous and tended to cluster around villages and natural food supplies. Ngata responded to this situation with what became known as the North Auckland system, which later applied to other districts where Maori land holdings were mainly scattered. The system divided Taitokerau into four administrative groups - Mangonui, Hokianga, Bay of Islands and Kaipara - which Ngata said were practically tribally based.[29]

Under the North Auckland system, single unit schemes became common. These schemes virtually collapsed the development, farming and settlement phases into one. There were two kinds of single unit schemes, those of sole owners and those of nominees of the owners. In each case, the units or settlers applied to develop a block or blocks of Maori land to form a single farm, taking possession immediately with out the intermediary step of having the farm be part of a station.[30] Both the North Auckland system and the single unit schemes required close and constant supervision. Also, increased overhead costs

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[28] Hunn (1961) p 50 and AJHR 1954 G-9 pp 18-22.
[29] AJHR 1931 G-10 p xvi.
[30] AAMK 869/410c: *15/0 pt 4, Development scheme policy, 1958-62,* NA, Wgtn.

during development were expected, although it would be balanced by lower labour costs and the department's ability to assist a greater number of units than in the larger schemes.[31]

The preliminary work

Even preliminary to development the department made use of its field staff, their negotiation skills and their familiarity with both the people and the land at a local level. In theory the Maori land owners had to initiate any proposals to bring their land under the development schemes themselves, by applying to the board. Sole owners of Maori land simply applied in writing to the appropriate district office of the department. In applications where there was more than one owner, the applicant had to provide written consents from the other owners. Alternatively, a meeting of owners could resolve to bring their land under development.

In practice, Maori lands were brought into the schemes by a combination of the owners' own initiative, and on the advice and encouragement of the department. The department claimed that behind every successful land development scheme lay a history of long meetings and discussions with both owners and occupiers. It said these meetings and discussions were necessary if the department was to enamour Maori people to the development scheme process and so enable them to succeed at farming.[32]

Many of the preliminary meetings and discussions between the department and the owners sought the owners' acceptance of the land development policies of the Board of Maori Affairs. After the second world war, this acceptance required the owners to agree to a number of specific conditions, including agreement to:

- cancel all internal partitions where the land concerned was held in more than one title;
- develop the land, according to the board's policy and procedure, for the purpose of eventually subdividing it into economic farms which individual qualified farmers would settle;

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[31] ibid, and AJHR 1931 G-10 p xvi.
[32] AJHR 1959 G-9 p 8.

- nominate the settlers, which nominations would then be subject to the board's approval; and
- grant secure tenure to the occupiers in either a freehold title or a lease with minimum terms of forty-two years and compensation for improvements.

The owners were paid compensation for existing improvements and a rental based on the unimproved value of the land. Prior to taking possession of their farms, the occupiers had to agree to the department's supervision and budgetary control regime.[33] These conditions, to which the owners and occupiers agreed, were quite a departure from the relative informality of the pre-war situation. One of the key characteristics of Maori land development in the 1930s was that the nominated occupiers farming the lands had no agreed tenure or equity in the farms. They merely had sufficient protection to farm the land without interference. The land got developed and farmed, and people were given work. But in the post-war years, the department determined to ensure the occupier was better protected, hence the conditions placed upon the owners prior to commencing development.

While the conditions of development would arguably have been unacceptable in the 1930s, the department said it experienced few objections in the fifties. People seemed more aware that some conditions were necessary if the farms were to prosper, and the department was certain that giving secure tenure to suitable Maori settlers for economic farms was the best way of 'preserving the Maori land heritage'. But having Maori land owners agree to alienating their ancestral land under a development scheme required a lot of careful discussion, and the department was prepared to work unhurriedly through the process, especially because the changes bought about by the schemes struck so deeply into the Maori community.[34]

Besides preparing the owners and occupiers for the actual land development process, and having them agree to the various conditions of development, other preliminary considerations included investigating the land and its title. The investigation supplied the

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[33] ibid p 16, and AAMK 869/1315a: *60/1 pt 5, Policy and legislation for development of Maori land, 1953-56,* NA, Wgtn.
[34] AJHR 1959 G-9 p 16.

Board of Maori Affairs with an up to date search of the title including a sketch plan of the land proposed for development, and any land transfer notes if a land transfer title existed. Besides details of the ownership, acreage, legal description and location of the land, the title search noted such particulars as whether the land was surveyed; whether any charges, duties or fees were due on the land; whether any alienations of the land were complete or pending; whether the land was incorporated; and whether there were any appeals or applications for partition or exchange pending.

For each application for assistance, the appropriate supervisor prepared a comprehensive report describing the physicality and state of the property, and estimating both the potential productivity and the resource requirements of the property. Within this report, the supervisor was also required to comment briefly on the so called 'personal element' of the applicant(s) and any special features of the proposal. Where single unit development was proposed, the applicant was required to supply particulars of his or her finances. [35]

The supervisors' report, complete with recommendations and supported by the particulars of title and sketch plan(s), was sent by the district officer to head office, for submission to the board, who ultimately held the power for approving or declining the proposal. Some supervisors' reports reached the board via the district Maori land committee, depending on the specific details of the proposals, but mostly when selecting occupiers or granting leases or licences to occupy were involved.

Title improvement may also be said to belong to the preliminary phase of Maori land development. But title improvement is something governments worked on ongoingly, not just in preparation for individual schemes. Successive governments throughout the twentieth century evolved numerous methods of rationalising multiple ownership of Maori land including partition, consolidation, incorporation, conversion, amalgamation, exchange and purchase. Title improvement was consistently a key characteristic of Maori land development, governments regarding it as the only way to prevent

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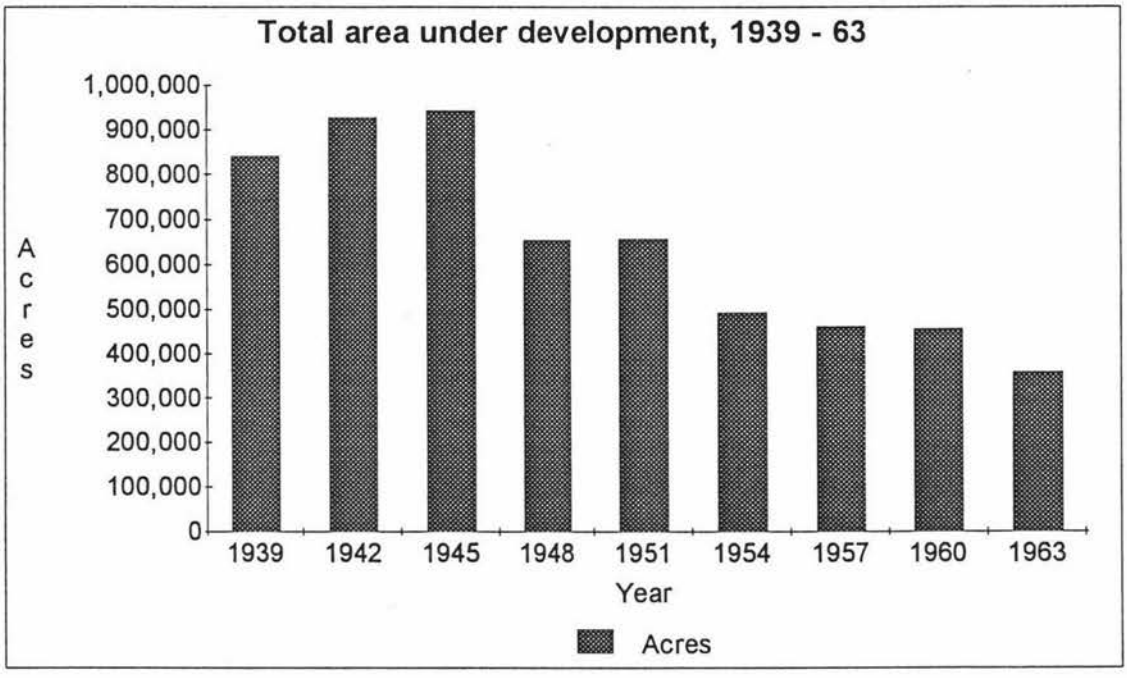
[35] MA 1, 53/9/1, *Manual: Maori land development and settlement, 1962-64,* and see, for example, AAMK 869/466a: *15/1/965, Unit file, 1937-73,* NA, Wgtn.

succession to 'useless and uneconomic' land interests, and an inducement to individuals and family groups to centralise their land holdings into a more useful single property. The individual methods of title improvement are discussed in chapter four.

It could take months and even years for development staff, owners and occupiers to work through the preliminary phase of obtaining agreements, completing land and title investigations and reports, and ultimately, obtaining the board's approval so that development could begin. In terms of the rate at which new land came into development, Ngata probably did it faster, possibly because he did not require the stringent preliminary agreements as to tenure and equity. But even though informal tenure arrangements were acceptable in the 1930s and 40s, where applicable, applicants still had to have written consents from their co-owners.

Figure 1



Source: New Zealand Official Yearbook, 1939-1963 and AJHRs G-9, 1953-1964.[36]

[36] Up to 1951, the area shown is the area gazetted under The Native Land Amendment Act 1936, Part I. Thereafter, the area shown is the area of stations under The Maori Affairs Act 1953, Part XXIV plus the total area of units gazetted and farmed by settlers.

Development

Once the preliminary agreements, investigations, and approvals were completed, actual development could begin. Generally, development consisted of fencing, clearing any bush and scrub, grassing and fully stocking the property, and providing the appropriate farm buildings and utilities including water supplies, drainage, and electricity.[37] The department instructed its staff to ensure all development work was carried out as economically as possible and to remember that the future occupier of the land would have to repay the capital expenditure.[38]

Under the 1936 legislation, the department often appointed a foreman on the larger of the development schemes. Sometimes a foreman would also be appointed to a group of single unit schemes. The foreman controlled development and farming activities. He was directly responsible to the supervisor for spending on the property, controlling the workers employed to complete the development work, and caring for scheme equipment, stores and livestock. The foreman organised the procurement of development scheme equipment which he did by requisitioning the material. The supervisor then recommended its purchase to the registrar (later district officer), and the clerical staff checked the requisition against the department's stores rules. Similarly, the foreman prepared contracts for the development work to be completed, submitting them for the supervisor's approval.[39]

Generally, the department also appointed a stockman on land development schemes and base farms. Base farms assembled, held and distributed livestock to surrounding schemes, or were used for experimental, educational or demonstration purposes. The stockman cared for and attended to the livestock, and was responsible to the foreman.

The process varied for single unit schemes. During the development period, the board paid the single unit settlers a wage for the work they did until the farm began producing revenue. At that point it was most common for the settlers to be placed under budgetary

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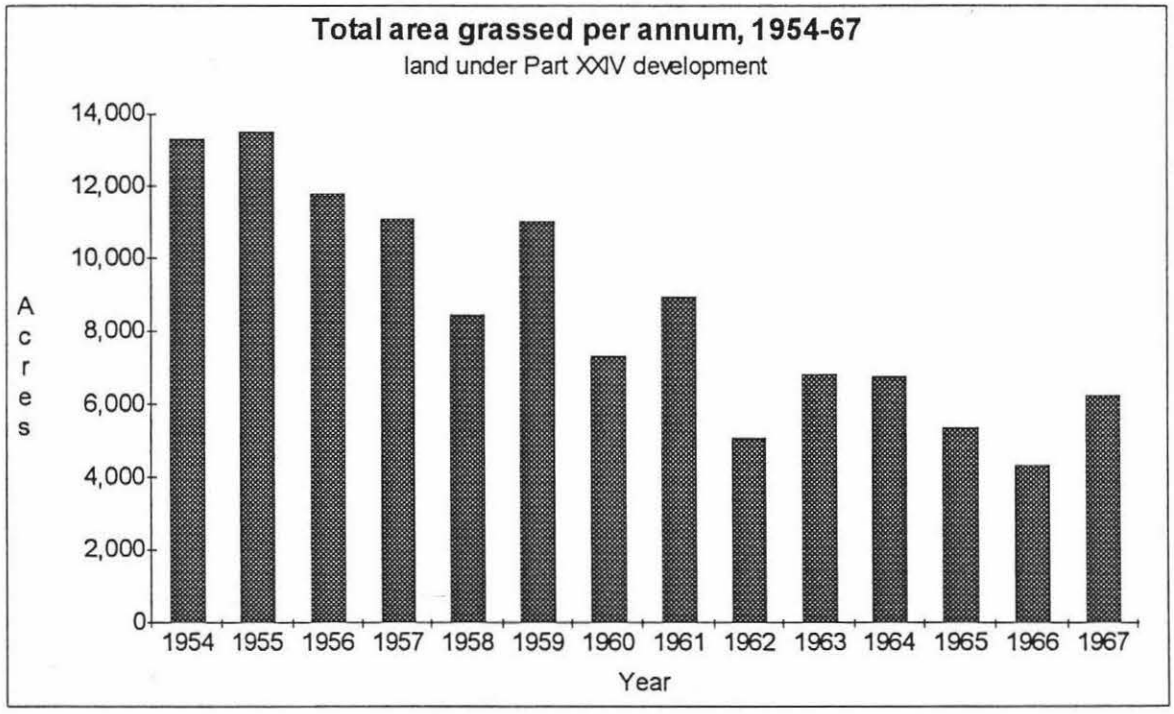
[37] AJHR 1954 G-9 p 20; MA 1, 53/9/1 *Manual: Maori land development and settlement, 1962-64,* NA, Wgtn.
[38] MA 1, 53/9/1 *Manual: Maori land development and settlement, 1962-64,* NA, Wgtn.
[39] ibid.

control.[40] The department had an expectation that extraordinary circumstances may cause the cost of development on single unit schemes to increase to the point that a write-off was required. However, staff were instructed not to anticipate a write-off.[41]

Hunn described *true* land development as new grassing. The rate at which new land was grassed under the schemes varied greatly over the years. The first ten years after Ngata introduced the schemes were probably the best, peaking in 1939 and 1940 when more than 21,000 acres of new land was grassed in each year. The low in new grassing occurred during the last two years of the war - 1944 (6,800 ares) and 1945 (5,700 acres). In 1949, Cabinet committed to grassing 200,000 acres of land in the next decade.[42] But this goal, which required an average of 20,000 acres of new grass each year, was never achieved. New grassing throughout the fifties varied between 8,500 acres in 1958, and 13,600 acres in 1955.[43]

Figure 2



Source: AJHRs G-9, 1955-1968.[44]

[40] AAMK 869/1315a: *60/1 pt 5, Policy and legislation for development of Maori land, 1953-56,* NA, Wgtn.
[41] AAMK 869/410c: *15/0 pt 4, Development scheme policy, 1958-62,* NA, Wgtn.
[42] Hunn (1961) pp 46-7.
[43] ibid p 144 and AJHR 1953 - 1960, G-9 of each year.
[44] 1966 and 1967 figures are for schemes and stations only, and exclude land farmed by unit settlers.

Developing the land was probably the most labour intensive phase, requiring workers to erect and repair fences, build farm sheds and clear the land. Between 1933 and 1948, the government offered unemployment and employment promotion subsidies for developing privately farmed land owned by both Maori and Pakeha. These subsidies may, to a large degree, be credited with the relatively extensive rate of development of Maori land during this period. The government granted the subsidies towards developing Maori land from the Unemployment Fund Account, the Employment Promotion Fund and later, the Consolidated Fund. Throughout those years, the government granted a total of £2,850,000 for Maori land development schemes, granting no such subsidies beyond 1948.[45] The level of the subsidies for the schemes ranged from 50 to 100 per cent.[46] The department said the prime purpose of the subsidies was to create work for Maori who were unemployed. As a consequence, much 'idle' Maori land was developed sooner than may have otherwise been possible.[47]

During the eight years following the second world war, the department's major new development operations had focussed on the pumice country of the Waiariki district, extending from Manunui to Taupo and Mangakino to Rotorua.[48] Indeed, the first scheme ever begun was in this district - the Horohoro scheme near Rotorua.[49] The department described the results in this area as 'visually spectacular'.[50] The pumice lands responded well to development by machinery, keeping costs comparatively low, and bringing land into high production quickly.[51]

Schemes in the Horohoro-Tikitere belt were show pieces for many years, receiving a constant stream of political and official visitors. But by 1953, the Lands Department had eclipsed Maori Affairs in its scope of land development, and the Rotorua office felt it had virtually reached the stage where unit settlement at Horohoro-Tikitere could be written down as a failure.[52] Simultaneously, the department was seeing reason to begin more

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[45] AJHR 1953 G-9 p 14.
[46] MA 1, 53/9/1 *Manual: Maori land development and settlement, 1962-64,* NA, Wgtn.
[47] AJHR 1953 G-9 p 14.
[48] AJHR 1954 G-9 p 20.
[49] AJHR 1930 G-9 p 2.
[50] AJHR 1954 G-9 p 20.
[51] AJHR 1953 G-9 p 4 and 1954 G-9 p 20.
[52] AAMK 869/410b: *15/0 pt 3, Development scheme policy, 1953-58,* NA, Wgtn..

comprehensive development operations in the Tokerau and Waikato-Maniapoto districts. Te Taitokerau had the pressure of its large Maori population, and the department said it should develop any land worth developing with a view to settling Maori farmers upon it. The Waikato-Maniapoto district also had a relatively large Maori population, as well as considerable areas of Maori land that had become covered in noxious weeds. The department said that in fairness to adjoining occupiers, such land ought to be brought into production and cease to be the source of the spread of noxious weeds. From 1953, the department gradually lessened its operations in the pumice country, and increased its Maori land development activities in Te Taitokerau and the Waikato-Maniapoto, both meeting demand there and providing for Maori farmers to settle on their lands.[53]

Often, development operations benefited from progress with public works and utilities such as roads and electricity. For example, development on the Waihi-Pukawa scheme, on the western shore of Lake Taupo, was interrupted by the advent of the second world war, but was given a new lease of life and additional facilities when the state highway from Manunui to Tokaanu was completed in 1949. Similarly, in 1948, the hydro-electric development at Mangakino inadvertently provided road access to the Pouakani scheme. The Pouto station in the Kaipara both benefited from and led to the development of community facilities. After development began, good access by a metalled road was developed and a rabbit board formed and run successfully. By the mid-fifties electric power had been reticulated to the area, and by 1959 a school was being built, and a daily cream run about to commence.[54]

Besides being labour intensive, the development phase of the schemes was also expensive. By 1960, the department was concerned about the high cost of developing land from its natural state to improved productive farms, especially because Maori farmers had difficulty meeting their loan repayments, while at the same providing for living expenses, pasture maintenance, production and stock. In the pumice land area, where development costs were comparatively low, the cost of land development increased from an average of £58 per acre in 1950, to £76.16.0 per acre in 1959. This

[53] AJHR 1953 G-9 p 4 and 1954 G-9 p 20.
[54] AJHR 1959 G-9 pp 16-18.

average cost per acre was based on developing a 125-acre dairy farm, including grassing the property, constructing the appropriate farm buildings and a home, fencing, metalling roads and making farm tracks, supplying water and installing electricity. Stocking the properties and supplying milking plant, tractors and farm implements were an additional cost. Meanwhile, the butterfat payout had not kept abreast of the increases in development costs, such that a good average farmer in the pumice lands, could only expect a cash surplus of £110 in 1960.[55]

Farming

The farming phase was really no more than a bridge between development and settlement. In entering into the development scheme, owners were required to agree that settlement of the land would only occur once the development debt was reduced to an amount equivalent to the market value of the stock and chattels. In the meantime, the department continued farming the land. Sometimes stations were unsuited to subdivision for close settlement, or the owners preferred to farm the stations themselves. Even so, the hand over of stations to their owners would only occur once the financial position of the station was sufficiently sound so as to pave a smooth path for successful management in the future.[56]

Settlement

Under the 1936 amendment act, as soon as the department decided to settle a station, it submitted a proposal to establish settlers to the Board of Maori Affairs. The submission gave particulars of the area to be settled, the names of the proposed settlers, the estimated cost of settlement for each, the carrying capacity of the farms, and the basis of settlement. The submission also nominated a *future* date on which the settlers would assume occupancy of their farms. The proposed date had to allow the board time to notify its decision.[57] Once the board consented to the department's proposal, the settlers' accounts were opened and valuations completed as at the date of settlement.

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[55] AJHR 1960 G-9 pp 9-10.
[56] AJHR 1953 G-9 p 5.
[57] The board became strict about the department nominating a future date from some time in the late 1940s, following a number of instances in the past of backdating board authorities for establishing settlers. As a result, expenditure had been erroneously charged to station accounts instead of to settlers' accounts.

Then the department sought the board's final approval for advances to the settlers, and for any additional expenditure required to effect settlement.[58]

The board (through the department) and the land owners selected the settlers jointly. While the legislation gave the board the power to nominate an occupier, this power was generally only used with the owners' consent. Often the occupier would also be an owner, sometimes with considerable interests, in the land concerned. Originally, the board nominated occupiers without fixing any formal agreement between owners and occupiers. This practice was abandoned in 1949, although leaving the department with a significant backlog of nominated occupiers with whom to negotiate a formal agreement.[59]

After 1952, the district Maori land committees became more immediately involved in the settlement process by selecting and grading potential settlers, although in conjunction with the owners' wishes. In fact, a grading from the district Maori land committee became an imperative for appointing settlers. The committees gave preference to landless graduates of the farm training schools, especially those who had saved a large deposit. However, previous training, while very desirable, was not essential. One of the main factors for which the committees accounted was a good and able work history. They could also consider the suitability of the wife in terms of her assisting with household and financial management. This consideration did not exclude single men from being chosen as settlers, although the circumstances leading to their selection would have to be exceptional.[60]

Sometimes the land owners preferred nominees that the committee found unacceptable. In these cases the owners were asked in a general meeting to agree to the department choosing suitable settlers, preferably from the same district. If they failed to agree to this arrangement, the department asked the owners to submit proposals to assume control of the station and repay the debt themselves.[61] Eventually, handing stations back to owners

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[58] MA 1, 53/9/1 *Manual: Maori land development and settlement, 1962-64,* NA, Wgtn.
[59] AJHR 1954 G-9 p 21.
[60] AAMK 869/411a:*15/0 pt 6, Development scheme policy, 1967-71,* NA, Wgtn.
[61] ibid.

as going concerns became quite common place. Incorporated committees of management became the preferred format for owner control. In handing back stations, the department sought assurances that the owners had both the finances and the qualifications to manage such large-scale operations.[62]

There was no legal requirement that settlers should be Maori. But in practice, the board was guided by the main purpose of Part XXIV of the 1953 act which was to promote Maori farming of Maori freehold land. Maori farmers could be settled on Crown land under Part XXIV, non-Maori could not. However, a non-Maori man could be considered for settlement on Maori land if he was married to a Maori woman who was either an owner in the land concerned, or the descendant of an owner who had nominated her husband for settlement. In these cases, the board made its advances to the husband and wife jointly, and they were made joint lessees if the tenure was leasehold.[63]

The grading and selecting process required the district office to submit a formal application for grading to the district Maori land committee. Each candidate, and his wife if he was married, appeared before the committee for grading. The field supervisor in charge of the particular farm or scheme could also be present and had the right to question the applicants. The committee could grade the applicants in one of three categories:

- suitable for probationary period on wages;
- in need of further experience and training; or
- unsuitable.

The committees also had discretion to recommend the probationary period be waived for applicants who were clearly able to settle their farm immediately.[64] The committees were expected only to recommend reliable men who would farm the land to advantage. But it

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[62] AJHR 1954 G-9 p 20 and 1958 G-9 p 21.
[63] AAMK 869/411a:*15/0 pt 6, Development scheme policy, 1967-71,* NA, Wgtn..
[64] ibid.

was quite common for women to be nominated occupiers or lessees, and also to win the Ahuwhenua trophy - for which settlers competed annually.[65]

A comprehensive file supported the selection and grading process, requiring the department to keep a full record of graduates from the training farms, potential settlers and grades. But in many ways, the paper work and the department's activities only just began once the settler was appointed. Thereafter followed a comprehensive supervision and training programme for each settler or unit.

Supervision of Part XXIV farmers was essentially an exercise in departmental control of Maori farming activity, brought about by the department's three-fold duty in the matter, requiring it to simultaneously serve the State, the owners, and the occupiers. The state financed the schemes. The board was the lending authority, and the department was the agent of the state that ensured the money was wisely spent and loans recovered. The owners gave their lands to the schemes, accepting that the state funds spent on their property would become a mortgage on their lands. The department's duty was to protect the owners interests in their lands, including wise use and efficient maintenance. Finally, the department served the settler, by assuring him or her of peaceful occupation of the land, and providing supervision and instruction services in order to have the settler achieve the maximum production or return for his or her labours.[66]

The bulk of these supervision tasks were carried out by field supervisors. Technical supervision was carried out over all land development operations to both safeguard the state's securities, and achieve the economic and social ends of land development. In 1954, the department claimed the supervisors were:

> in constant contact with both owners and settlers and concerned with every stage of farming operations: they direct development operations, and to the settlers they act as moneylenders, property supervisors, and agricultural consultants.[67]

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[65] ibid.
[66] AJHR 1954 G-9 p 22.
[67] ibid.

The department also said the supervisors were often called on to act as counsellors, especially during the days before the department had welfare officers. That the supervisors would often act as welfare officers for their clientele had been a phenomenon Ngata had quickly recognised during his years, and one that seemed to justify his commitment to using Maori leaders in fulfilling his development policy. But in 1954, the department said the supervisors' most important role was their 'very delicate educational role'.[68]

The training process often began before a station was subdivided, and was closely linked to the supervision of the farmer from probation, to budgetary control, to relaxed control and finally, to being released from the provisions of Part XXIV. A typical scenario might begin with a trainee receiving responsibility for a herd and a defined area within a station proposed for subdivision into dairy farms. Over a period of about two years, and under the supervision of the field supervisor, the trainee learned to farm - managing the herd, pastures and feed, and keeping appropriate farm records, such as shed and herd records. Once the trainee achieved a set standard for butterfat production, and provided he had performed satisfactorily as a farmer, he qualified for settlement.[69]

On settlement, the department placed the trainee or settler on budgetary control for at least a year. The training process continued, this time focussing on the fundamentals of financial management. After a certain period both budgetary control and farming supervision was relaxed. Under relaxed control the unit remained under the Part XXIV provisions, but took on a much greater responsibility for running the farm himself. The department said it used no set formula to decide how and when control was relaxed, taking each case on its own merits. Eventually, having proven his financial and farm management skills, the department gave the settler full control of his farm and finances, with access as required to his supervisor.[70]

To a large degree, and especially for the family dairy farms, which dominated Taitokerau's farming landscape, it is really the relationship between the supervisor and

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[68] ibid.
[69] AJHR 1960 G-9 p 8.
[70] AJHR 1953 G-9 p 5 and AJHR 1960 G-9 p 8.

the settler that is at the core of Part XXIV Maori land development. The settler-supervisor relationship is the nexus at which all Ngata's social and cultural aims for land development rested, as much as it was the nexus at which the government's economic aims rested. In fact, the department said:

> if a spirit of cooperation between the settler and the supervisor has been fully established the settler should by this stage have developed into a self reliant Maori farmer, making a valuable contribution to the national economy.[71]

> The success of failure of all the work that has been put into development and settlement depends on the ability of the field supervisor in obtaining co-operative teamwork with the settler.[72]

In all, the training aspect of supervision could take up to five years, from pre-settlement to relaxed control. Supervision itself could, of course, span generations. But supervision was not the only avenue through which Maori farmers could be trained. The department was keen to assist young Maori men into agricultural colleges such as Lincoln College, and training farms such as those established at Pouakani and Maungarangi in 1951. In some districts the department organised field days, lectures and film evenings for trainees and settlers. Visits to demonstration and model farms were also a popular form of training. These farms came under the Department of Agriculture's land improvement projects which selected farms in areas where farming had failed to take hold as an activity. Under the guidance of skilled officers, the selected farms became an example of what farming could achieve in a community. The projects were well publicised in order to display practical demonstrations of farm work, and inform discussions with other farms in the area. In Te Taitokerau, there was such a demonstration farm at Punaruku. There were others at Tikitiki and Rotoiti.[73]

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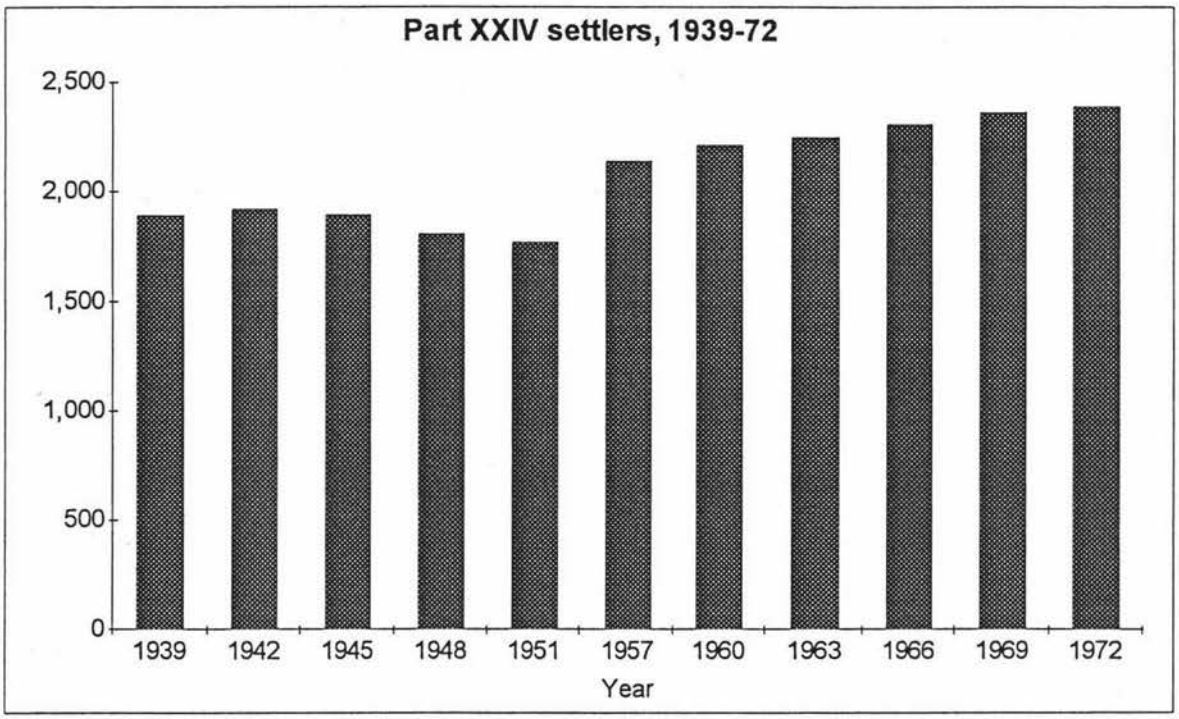
[71] AJHR 1960 G-9 p 8.
[72] AJHR 1954 G-9 p 22.
[73] AJHR 1960 G-9 pp 8-9.

Figure 3



Source: New Zealand Official Yearbook, 1939-72.[74]

Returning stations to owners

In the 1950s, returning stations to owners became a fixed policy for the department. The department operated developed properties as stations until their profits reduced the development debt to a sum commensurate with the value of the stock and chattels or improvements. In cases where the station was unsuitable for subdivision into smaller farms, or where owners preferred to farm the station themselves, the department would return the property to the owners as a going concern. Maori incorporations, constituted under part XXII of the 1953 act, became the preferred administrative body to which the department would return the property.[75]

By 1971, the department regarded the Maori Affairs Act 1953, section 460, as the principal method of assisting incorporations for large estate stations which required development finance. The kind of lending available under section 460 was equivalent to normal mortgage lending with security consisting of a mortgage over the land and collateral security over stock and plant. The board first made an advance under section

[74] The figures show all farms settled since 1931, recorded in the NZOY as number of settlers.
[75] AJHR 1953 p 5 and 1954 pp 20 -21.

460 in 1964. To the end of June 1970, the board made 16 of these advances totalling $1,054,914. In that time, these incorporations sowed 5,355 acres of new grass, and increased stock by 41.8% for sheep, and 8.8% for cattle. Wool production (in bales) increased by 44.4% for the same period.[76] In 1971, the total number of Maori incorporations - that is, including those not receiving financial assistance from the board - in the country, numbered 164 and occupied 754,698 acres.

Figure 4: Stations returned to owners, ex Part XXIV, to 30 June 1959

Station	*Capital Value (£)*	*Livestock (£)*	*Station*	*Capital Value (£)*	*Livestock (£)*
Okaroro	11,000	15,000	Ngamahanga	8,000	14,000
Opapaki	8,000	7,000	Nukutaurua	7,000	6,000
Ranui	15,000	13,000	Pipituangi	3,000	2,000
Okere	110,000	57,000	Takatahu	8,000	4,000
Taheke	50,000	16,000	Uruahi	18,000	14,000
Orete	10,000	15,000	Waipiro	5,000	2,000
Te Piki	6,000	5,000	Whareponga	17,000	14,000
Potikirua	10,000	16,000	Anaura	77,000	43,000
Waewaetutuki	21,000	6,000	Pohutu	40,000	36,000
Rotoiti	60,000	40,000	Opapa	8,000	12,000
Maungaroa	12,000	17,000	Haparapara	5,000	...
Akuaku	5,000	4,000	Mohoenui	70,105	67,894
Hoata	6,000	3,000	Mangaroa	21,620	12,020
Koura	14,000	11,000	Homewood	12,204	4,620
Marangairoa	4,000	5,000	Rakautatahi	29,013	16,327
Matakaoa	10,000	11,000	Wairau	5,636	...

Source: J K Hunn (1960) Report on Department of Maori Affairs.

[76] AAMK 869/411b: *15/0 pt 7, Development scheme policy, 1971-72,* NA, Wgtn.

Chapter Four

Title improvement

> *In land titles work, the aim is to preserve Maori land to the Maori people and to rationalize its ownership by preventing succession to useless and uneconomic interests and by encouraging individuals and family groups to acquire proper title to useful areas by succession, partition, purchase, exchange and the devices of consolidation and conversion.*[1]

History, anthropology, commerce, law and public policy have all, at some stage, identified multiple ownership of Maori land as the greatest impediment to its development, and justification for instituting comprehensive programmes to reform Maori land titles. Providing such an unattractive security for money lenders, multiply owned Maori land was one of the main motivations for pursuing state-aided development of Maori land. Even in contemporary times many potential investors and financiers are shy of lending against Maori land. But there have been other reasons successive governments focussed on title reform as part of their Maori Affairs platform. The communal nature of Maori land tenure was regarded also as an impediment to the overall progression of the Maori race and their cultural adjustment to the modern world, a retarding factor that indulged Maori people's so-called sentimental attachment to land.

It has been a function of the Maori Land Court to reform Maori land title since it was first established in 1862. Initially, the court transmuted the tenure of Maori customary land from the communal and consensually agreed to that which was cognisant with English law, allocating defined interests to individually named owners. Following this transmutation, the nature of title to Maori freehold land became such that, due to bilineal succession, the number of owners in any given block of land increased with every passing generation. Partition offered some reprieve by allowing land owners to subdivide their shares, but the persistence of bilineal succession sustained increases in the number of owners, in blocks of land that by partition became smaller and smaller. Each partition

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[1] AJHR 1954 G-9 p 12.

and each succession the court affected might rightly be called an instance of title reform. But in the twentieth century, Maori land law would give the court more far reaching methods to effect title reform, including consolidation, amalgamation, and conversion.[2]

When Maori leaders began lobbying for Maori utilisation of Maori land, they seem to have accepted that multiply owned Maori land repelled potential financiers. Indeed, therein lay justification for both state assistance to develop Maori land and title reform. The Young Maori Party advocated the principle of consolidation which was incorporated into the 1909 act, but which did not gain any significant impetus until the 1920s. Consolidation became the first comprehensive and systematic method of title reform to be used by the government on a large scale throughout the country, and preceded Ngata's land development schemes.

In many respects, title reform was as big an undertaking for the department as land development itself. But continuing title reform after the introduction of the schemes is something of a contradiction. Ngata said himself that the legislation let development occur regardless of multiple ownership.[3] Yet altering titles to facilitate more economic use of Maori land remained integral to any activity concerning Maori land. It seems that the court, as custodian of Maori land titles, first of all changed the Maori land tenure system - from customary to freehold - and then changed the function of that tenure system - from maintaining tribal ownership of land, to providing an economic ownership.

Consolidation

Consolidation grouped multitudinous interests in Maori land into economic farming units or residential sites. It aimed to give titles in severalty, but sometimes grouping owners into families was sufficient. For example, if 5,000 acres of land with 4000 separate interests held in unequal shares was suitable for subdivision into 50 economic farm units, the object of consolidation would be to create the 50 units and vest each in a single Maori owner or a manageable group of owners such as a family. Any given scheme might involve exchanges, partitions, amalgamations, purchases or any combination of these manoeuvres. Consolidation also had an important social objective:

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[2] Kawharu (1977) pp 89-130.
[3] Ngata (1940) pp 144-5.

> to bring the lands which remain to the Maori people into full production for the benefit of the race and the Dominion in general. Thus consolidation will silence the frequent and, in many cases well founded criticism by the public, upon the idleness of Maori lands.[4]

Consolidation gained impetus as the primary system of title reform during the 1920s. Each scheme had to be approved by the Minister of Maori Affairs, who applied to the Maori Land Court for a scheme covering defined areas. In 1921, the Urewera Lands Act required consolidation commissioners to consolidate and locate various Crown and Maori interests in Urewera lands. During the same period, several consolidation schemes were also in progress on the east coast, where the benefits of consolidation had already been proven. The under secretary for Native Affairs said the advantages of consolidation were obvious, and once the examples on the coast became apparent to other Maori people, they too would adopt the system. Consolidation would save Maori people the expense of numerous partitions while incidentally lessening the work of the court and department.[5]

By the time Ngata introduced the 1929 legislation establishing the land development schemes, the department had been making steady progress with consolidation schemes for a number of years. But the department warned that consolidation ought to be approached with care, and that it would be some time before all the consolidation schemes would be completed.[6] In particular, the department viewed preparing the 'Maori mind' as a prerequisite to implementing consolidation. The department said that Maori people had a strong sentimental attachment to their ancestral lands, which could not be measured by any money value. The department went on to say that sometimes Maori people were unable to visualise the commercial advantage of amalgamating their divergent land interests, and therefore consolidation could not be unduly hastened. The work of Maori members of parliament and the 'special' consolidation staff, most of

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[4] MA 1 Accn W2490, 69/3/1, *Maori Land Consolidation (Bremner Winkel report) 1952-53*, NA, Wgtn.
[5] AJHR 1922 G-9 p 2.
[6] AJHR 1929 G-9 p 2 and 1930 G-9 p2.

whom were Maori, contributed greatly to encouraging Maori landowners to accept consolidation.[7]

In 1928, the court was preparing for large consolidation schemes in the Waikato-Maniapoto and Taitokerau districts. The Taitokerau schemes included all the Maori land in the whole district, divided into four large group applications - Mangonui, Hokianga, Bay of Islands and Kaipara.[8] The department hoped that the fruition of these schemes would assist in alleviating the difficulties associated with collecting the rates levied on Maori land, a problem which the department admitted had become very serious.[9] By March 1931 several of the minor consolidation schemes throughout the country had been completed. But a number of the larger schemes were in abeyance. One of the difficulties with the larger schemes was liquidating survey charges against the land, which often outweighed the value of the land.[10]

In 1940, the department described the consolidation schemes in Taitokerau as 'a task of great magnitude' and most of the court's work was thought to be related to consolidation. It said the origin and basis of practically all land development operations in Taitokerau lay in the stabilising of occupation that resulted from consolidation proceedings. Certain progress had been made in the four main scheme areas. However, progress with final schemes had been necessarily slow due to the pressure of other activities and a shortage of survey staff. Other districts saw more progress than Taitokerau. Some of the larger consolidation schemes in the Waikato-Maniapoto district were near completion, and the Tairawhiti district had progressed considerably with some of its larger schemes. In the Waikato-Maniapoto the court had arranged numerous exchanges between individual owners. These exchanges were similar in effect to the more comprehensive consolidation schemes, but limited in range.[11]

By the end of the war, consolidation activity in most districts had levelled off. Besides Taitokerau, only Waiariki and Ikaroa reported on consolidation schemes in the 1946

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[7] AJHR 1928 G-9 p 2.
[8] MA 1 Accn W2490, 69/3/1, *Maori Land Consolidation (Bremner Winkel report) 1952-53,* NA, Wgtn.
[9] AJHR 1928 G-9 p 2.
[10] AJHR 1931 G-9 p 2.
[11] AJHR 1940 G-9 pp 1-6.

annual report.[12] Consolidation work suffered some stalling in the post war years due to lack of trained staff. But the court effected interim arrangements by making exchange orders until the wider consolidation scheme could be completed.[13] After the war, operations on the Koutu Consolidation Scheme began. The department viewed the Koutu blocks as suitable for a Maori residential area. Consolidation would tidy up the patchwork of oddly shaped sections, providing individual building sites with full road access and reserves. In Ikaroa, the department was dealing with just one consolidation scheme, in the Horowhenua district. The scheme dealt with 1,925 acres in nineteen blocks. The department proposed to allocate compact areas to each family group, thus enabling the owners to farm their land themselves instead of leasing to European farmers as had previously been the practice. By contrast, consolidation in Taitokerau still represented a major task before the department and court. The area proposed for consolidation in Taitokerau comprised 522,287 acres, embracing 6,583 blocks which, at the beginning of the schemes, were owned by 42,266 owners.[14]

The actual consolidation process was time consuming and cumbersome, employing a team of clerical and field staff under the control of a consolidation commissioner. The staff's work began even before the minister applied to the court for a scheme of consolidation, investigating the proposal and having preliminary discussions with interested parties. In practice, the clerical consolidation staff were virtually part of the court section of the department, even assisting with court work when available. The field staff took care of matters that required personal contact with the owners and a physical appreciation of the land and environment. Field staff met with the owners to discuss how their various interests might best be grouped, to confirm details of deceased owners and their successors, and to establish agreement to the final arrangements proposed by consolidation. They ensured that the new blocks of land arising from the consolidation schemes had appropriate road access and water supplies. They also provided for reserves, and ensured the rights of European owners and the Crown were preserved. The field work played a major part in consolidation, but the department

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[12] AJHR 1946 G-9.
[13] AJHR 1947 G-9 p 5.
[14] AJHR 1946 G-9 pp 6-12.

estimated that clerical duties accounted for two-thirds of the time taken to complete a consolidation scheme.[15]

Consolidation regrouped the consolidation lands according to their value. Take, for example, the 5,000 acres mentioned in the earlier example. If the area had an unimproved value of £50,000 and was to be subdivided into 50 farms, each farm would have a value of £1000. This subdivision was implemented by determining the value of each interest in the 5,000 acres, and grouping together owners whose interests added up to approximately £1000. Once the interested parties consented, the court vested title to each unit in the appropriate group. Achieving this result required individual owners to agree to exchange certain of their interests for equivalent interests in other blocks, or to sell small uneconomic interests to other owners. It is in this activity that the clerical work occurred, determining relative values of land interests, and the individual court actions required to regroup those interests.[16]

One of the first things the consolidation staff did was prepare data lists for the schemes, compiling information from the court, the Maori land board, the Land Transfer Office, the Valuation Department, the Lands and Survey Department, and local bodies. For each title the data lists recorded full details of the area, location, plans, alterations, liens, interested parties, and owners and their shares. They recorded complete and pending alienations, private and government survey liens, outstanding rates and other charges such as fencing liens. Complete information was also obtained for any Crown or General lands which were to be included in the consolidation scheme. All these details contributed to the formulae for determining the distribution and location values. The distribution value was the net value of each owner's interest in the land - the value of each separate share belonging to each separate owner, less their proportion of any charges due against the block. The location value was the total value of each owner's aggregate interests in the scheme, used to ensure exchanges were of equal value or, where required, to compensate owners whose lands were part of an unequal exchange.[17]

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[15] MA 1 Accn W2490, 69/3/1, *Maori Land Consolidation (Bremner Winkel report) 1952-53,* NA, Wgtn.
[16] ibid.
[17] ibid.

Each consolidation scheme created a dense and intricate record, consisting of data lists, owners' cards, succession schedules, registers, group books, and in some cases, minute books.[18] Staff sorted through past successions, identified deceased owners and added new successors and their shares to the record. Copies of a fresh up-to-date list of living shareholders and their shares were made for the record, the field officer, and the owners. The names of the shareholders were carefully examined to detect aliases. All interests vested in the same person were sorted and amalgamated, and a summary showed the name of the block; name, age and sex of the owner; the owner's total shares in the title; and the distribution value of those interests. Informed by the field staff, the clerical staff reorganised the owners and their interests into the groups that would most probably form the ownership of the new titles. The field staff discussed the groupings in the field, seeking the owners' agreement to the final scheme. The clerical staff balanced the old titles with the proposed new titles, and the owners previous interests with their new and regrouped interests. It was after this intensive paper work was completed, and before the court ratified it, that the minister was required to approve the scheme. To obtain the minister's approval, the whole scheme was set out in detail showing what happened to each title, and how each owner's interests were satisfied.[19]

It might take years for the consolidation staff to complete the paper work assembling the various interests for every owner in each scheme. The majority of the consolidation work carried out in Taitokerau during the 1945/46 financial year had been the final assembly of owners' interests in preparation for the issue of title vesting orders. The four main schemes were each divided into several sub-schemes. By the end of March 1946, the court had completed the ground work for six sub-schemes, five in Hokianga. This ground work covered 50,000 acres and 18,500 owners. For the same period, staff had been working on twelve other sub-schemes - seven in the Bay of Islands covered 111,026 acres and 31,234 owners. The court had also effected a great deal of consolidation work using exchanges, combined partitions and arranged successions. In one such arrangement, using a combination of these methods, the court took land owned in common by numerous owners, and reorganised it into twelve separate holdings. In

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[18] For example, Hokianga, Mangonui, Bay of Islands and Kaipara consolidation minute books, Maori Land Court, Whangarei.

[19] MA 1 Accn W2490, 69/3/1, *Maori Land Consolidation (Bremner Winkel report) 1952-53,* NA, Wgtn.

another case the court consolidated 161 interests by making 42 exchange orders. These examples show ways in which the court typically used its ordinary jurisdiction to achieve the same results as consolidation, although on a much smaller scale, while avoiding the lengthy consolidation process. The department described the court's simplification of title as an invaluable preliminary to housing and development operations.[20]

The department's annual reports to government suggest it made considerable progress overall with its consolidation work through the 1930s and 1940s, although with some setbacks during the war period. But on reflection, that progress was less than desired by 1952. Winkel and Bremner, officers of the department and Public Service Commission respectively, investigated the court's consolidation work in May and June 1952. They visited three district offices and met various of the department's staff. They said the department's consolidation work had only scratched the surface. In the Waiariki district, where 1,000,000 acres had been approved for consolidation, final orders had only issued for 70,000 acres. Taitokerau was in a similar situation. Large areas had been approved for consolidation, but a relatively small area had been completed. The table below summarises the extent of the work required to complete the Taitokerau schemes, and the achievements to 1952.

Figure 5: Summary of Taitokerau consolidations, 1952.

Scheme	Total area (acres)	original no. of blocks	no. of original owners	no. of consol. succrs.	no. of sections after consol.	Area consol. (acres)	owners in consol. Title	no. of single unit schemes
Mangonui	130,883	1,119	8,303	8,868	428	28,630	1,575	221
Kaipara	80,378	555	3,096	5,966	243	11,664	642	90
Hokianga	102,352	2,000	12,351	18,290	504	27,841	2,146	335
Bay of Islands	208,674	2,909	18,516	15,070	118	13,000	723	237
TOTALS	522,287	6,583	42,266	48,194	1,293	81,135	5,086	883

Source: MA 1 W2490, 69/3/1, *Maori Land Consolidation (Bremner Winkel Report) 1952-53* National Archives, Wellington

The Northern Waiapu consolidation scheme provides a good example of just how long it could take to complete the larger schemes. Preliminary work for the Northern Waiapu

[20] AJHR 1946 G-9 pp 6-12.

scheme began prior to World War Two, but was abandoned due to the war. It was not fully and finally proposed until 1951 when, following a revaluation, it was possible to complete the details of existing ownership. Fieldwork began late in 1953. The scheme itself was not finally completed until 1957 when the minister confirmed its final stage, and the court made the relative orders. The final stage of the scheme embraced some 530 blocks of land, with an aggregate area of more than 110,000 acres. The department said it was practically the last of the Ngati Porou lands to be consolidated, and most suited for sheep farming.[21]

Probably the most cumbersome aspect of the consolidation process was the clerical work, all of which was carried out manually. In 1952 the department realised that reducing the time spent on this work would directly impact on any progress with consolidation, and considered options for mechanising the clerical work and otherwise speeding it up. Bringing the court's files up-to-date would have contributed greatly to reducing the work load, but required competent and experienced staff. However, Bremner and Winkel stressed the results that could be achieved in terms of increasing the efficiency of the work. All efforts to bring as much Maori land into production as quickly as possible were worthwhile. In 1952, the task in front of the department was huge, but the consolidation work had to be pushed ahead to obtain "the great benefits that [would] accrue both to the Maori people and New Zealand itself'.[22] This comment, and others like it, which are apparent in the department's files and published reports, hints at the primary motivation for consolidation and other title improvement methods employed by the court to bring Maori land out of its perceived state of idleness, and into full production, thus enabling Maori people to achieve full social and economic equality with Pakeha people.[23]

As has already been suggested, before the 1953 act introduced new methods for simplifying Maori land titles, the court had used other methods besides consolidation. For example, Te Taitokerau was the first district to make wide use of the amalgamated or combined partitions, for which the Native Land Act 1931 provided in section 146.

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[21] AJHR 1957 G-9 p 9.
[22] MA 1 Accn W2490, 69/3/1, *Maori Land Consolidation (Bremner Winkel report) 1952-53,* NA, Wgtn.
[23] eg AJHR 1959 G-9 and Hunn (1961).

The process grouped several adjoining blocks together and effectively cancelled all partitions. The court then regrouped the owners, eliminated all uneconomic interests, and repartitioned the amalgamated blocks into residential sections or economic farm units. Often, some sections would be sold to pay for the completion of roads and surveys, and discharge old encumbrances.[24]

Bremner and Winkel commended the Taitokerau district office for the work it was putting into settling Maori farmers on economic units through the use of amalgamated partitions. These partitions were regarded as a form of consolidation, very suitable for small areas. The clerical work was basically the same as for an approved scheme, but shortened in many respects. Bremner and Winkel suggested the practice be introduced in other districts, especially where amalgamation of small interests were urgently required. Head office was impressed with all the work the Taitokerau office put into simplifying title, which it often did while at the same time trying to secure tenure for Part XXIV settlers. Head office said it would always support sound economic proposals for simplifying titles, even to the point of agreeing, within reason, to finance the work.[25]

Other methods the court was able to use in conjunction with or in place of consolidation were exchanges and arranged successions. Orders of exchange were integral to any consolidation scheme, but they also commonly occurred outside of consolidation. Arranged successions allowed the court to implement successions on the basis of family arrangements. The case studies in chapter five provide good examples of these methods, but the actual extent to which these methods were used throughout the country is unclear, and varied between districts. It seems, however, that the department advocated more strongly for the use of title reform methods alternative to consolidation - including combined partitions, exchange and arranged succession - after the 1953 act was introduced. In fact, consolidation quickly lost favour as the preferred method throughout the 1950s, and by 1960 was virtually abandoned, used only on a small scale.

After nearly fifty years of operation, Hunn said the results of consolidation failed to

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[24] AJHR 1957 G-9 p 9.
[25] AAMK 869/410b, *15/0 pt 3, Development Schemes Policy, 1953-58*, NA, Wgtn.

justify the time and money involved. Nationwide, 28 schemes had been completed, embracing 287,674 acres. Consolidation looked impressive for some individual schemes, for example the Waihaua scheme completed in 1956 reduced the number of owners in an area of 1,350 acres from 1,023 to just 59. But Hunn said consolidation was 'a treadmill effort, endless and hopeless'. Consolidation was never really completed because ownership continued to proliferate by death and succession. Hunn was much more an advocate of the new title improvement methods available under the 1953 act, about which he made various recommendations for strengthening and using on a wider scale.[26]

Title Improvement under the 1953 Act

The first National government is often credited with introducing the most comprehensive title reform schemes when it passed the Maori Affairs Act 1953. It is true that the act introduced the controversial conversion process, but it was only building on existing trends, and a growing dissatisfaction with consolidation. Title reform had long been on the government's agenda before the first National government took office.

The act's new title improvement provisions represented National's ongoing concern with and commitment to simplifying Maori land titles, creating economic farms and residential sites from uneconomic holdings. Corbett said the new laws proposed to assist Maori economic development to bring Maori people to equality with the Pakeha. He argued that improving the state of Maori land would improve New Zealand's race relations generally by removing cause for public criticism of Maori land holders.

According to Corbett, the real reason so much Maori land lay idle and unproductive was multiple ownership, a remnant of a communal way of life that was not suited to the reality of the modern farming economy. He identified succession as the primary cause of the continual fragmentation of Maori land, and pointed out that the succession laws had in fact upset the balance previously provided by the traditional principle of *te ahi kaaroa* - land tenure based on long term occupation. In pre-contact times, a family's failure to maintain the *ahi kaa*, to keep the home fires burning, could ultimately result in that family losing their right in the land. Their loss was balanced with incoming new owners.

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[26] Hunn (1961) pp 54-59.

By contrast, the succession laws allowed the number of owners in a block to increase for eternity, as the shares of each deceased owner were split among his or her successors which, according to Corbett, made Maori land ever more unmanageable and unfarmable.[27]

The Maori Affairs Act 1953 was presented to parliament as a bill in 1952. Corbett said the existing position of Maori land titles required drastic change. He said the bill followed three main principles: it ensured that Maori people remained the owners of Maori land; it allowed multiple ownership to continue while at the same time gradually limiting the number of owners to those with substantial interests in the land; and, as much as possible, it simplified the machinery for dealing with the land.[28] As an act, the legislation maintained its emphasis on title improvement, providing new and improved procedures for attacking the perceived title difficulties. Most of the procedures, which are outlined below, required the court to use some discretionary power. In support of the process, the department began an active programme of identifying the cases where title improvement would be beneficial, and assisting those cases to come before the court.[29] The previously used expedient of consolidation soon lost favour as, in the department's view, it failed to get to the nub of the problem, continual fragmentation by which interests became so small they had virtually no value.[30]

The department said it pursued title improvement in order to achieve better utilisation, better control and/or easier administration of Maori land. Better utilisation would have the land effectively used, and better control would enable the owners to manage and deal with the land without difficulty. The department hoped that easier administration would lighten or even abolish the department's and the Maori Trustee's work loads arising from their management of the land and its revenue. In practice, the department found that a number of variables affected its approach to title improvement in each district. In some areas particular types of problems predominated, and relationships between the people and their land differed. Land in some districts was comparatively more valuable and

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[27] AJHR 1953 G-9 pp 1-2, NZPD vol 301 (1953) 2301-2322, and CFRT (1994) pp 417-418.
[28] AJHR 1953 G-9 p 1.
[29] AJHR 1956 G-9 p 8.
[30] AJHR 1954 G-9 p 12.

owned by fewer people. In other districts the land was more densely populated. However, the department did, it said, apply one predominant principle regardless of the district variables, that is, compulsory methods of title improvement were used only as last resort. The department's preference was to promote family arrangements and, in particular blocks, constantly consult with representative owners.

The 1953 act gave the department numerous options for effecting its title improvement work. Parts XVII and XVIII preserved the existing provisions for making orders of exchange and implementing consolidation schemes. Section 149 defined the main purpose of consolidation as consolidating and redistributing the interests of multiple Maori owners in Maori freehold lands so that the lands would be held in suitable and convenient areas that might then be profitably used to the owners' advantage and in the public interest. Provision for combined partitions also remained available to the court. The miscellaneous powers the act gave the court included powers to amalgamate the titles of adjoining lands into a single title, and to declare Maori land held by one owner to be European land. Facility for simple and inexpensive transfers of interests between owners and relatives was provided, subject always to the court's satisfaction.[31]

Conversion was probably the most far-reaching and controversial title improvement method the new legislation introduced. Part XIII established a conversion fund within the Maori Trustee's account for the purpose of acquiring uneconomic or other interests in Maori land. Uneconomic interests were those interests valued at less than £25. Once acquired, the Maori Trustee could sell those interests, the general principle being that they would be sold to Maori incorporations or Maori people, usually those who were building up their interests in order to gain economic and productive holdings. There were a number of points at which the Maori Trustee could exercise his purchasing or conversion powers. He could purchase any interest by agreement. He could exercise his power compulsorily on succession, and where recommended by the court on partition, consolidation, and on ordering a consolidation of title.

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[31] The Maori Affairs Act 1953.

Conversion occurred at succession under section 137 which prevented the court from vesting in any beneficiary any interest that would constitute an uneconomic share. The exceptions to the rule were interests specifically devised by will, interests that would be useable if in conjunction with other land, and interests which the Maori Trustee declined. As a matter of policy, the trustee would decline interests in Maori reservations, timber bearing lands, lands upon which houses stood, lands subject to heavy debt, lands in unsuitable locations, and lands for which unacceptable prices were asked.

The court often recommended arranged successions to avoid compulsory conversion under section 137. It assisted the successors, the families of deceased owners, to agree to an arrangement that shared the interests of the deceased in a way that kept each interest in tact. For example, a family of seven succeeding to their mother's interests in five blocks, might agree to having only two successors in each block, thus keeping the value of their interests above £25. In 1957, an amendment to the legislation strengthened the provisions for arranged successions by introducing the '£10 rule'. The rule allowed the court to exclude eligible successors in favour of others and without payment, provided the share of each excluded person did not exceed £10. Arranged successions quickly provided the department with examples of successful title improvement operations - similarly combined partitions, which had already proved their effectiveness prior to the passage of the 1953 act. The department also liked to practice consolidation of title. The court could make an order consolidating title which tidied up extensive lists of owners, and used a combination of the act's provisions, such as gifts and sales between owners, to eliminate small interests.

Two parts of the act seem to have been ancillary to the title improvement provisions, parts XXIII and XXV. Part XXV assisted the drive to bring Maori land into full production. Under this part, the court could appoint the Maori Trustee the agent of the owners in order to utilise unproductive Maori lands. In order to exercise this power, the court had to be satisfied the lands were unoccupied, not properly cleared of weeds, and encumbered with rates charges. The court also had to be satisfied the owners had failed to diligently farm or otherwise manage the land. The owners could exercise their own powers over their land under Part XXIII which ascribed the powers of assembled

owners. In fact, Part XXIII compulsorily applied to any proposed alienation of land in which there were ten or more owners. Part XXIII gave assembled owners the power to make certain resolutions including resolutions to incorporate, alienate, or appoint the Minister of Forests as agent for the owners. The quorum required for these meetings of owners was three individuals with voting rights, who had to be present for the entire duration of the meeting. Resolutions were passed by vote, either in person or by proxy. The winning vote was that which carried the largest aggregate share of the land, in other words, owners voted with their shares.

Conversion

Conversion was the cornerstone of the new title framework established under the 1953 act. The moneys contained in the conversion fund came from the Maori Trustee's accumulated profits. The trustee was authorised to acquire uneconomic interests in Maori land whether on succession, within a scheme of consolidation, on consolidation of title, or by purchasing from living owners - a process called live buying. As mentioned the trustee could only dispose of the interests he acquired to Maori people or Maori incorporations. The trustee could also dispose of those interests to the Crown, if for Maori housing or settling Maori farmers. A sum of £110,000 was earmarked for the conversion fund. But by 1957, because of other fiscal demands, the Maori Trustee had been unable to transfer that sum to the conversion fund. Instead, varying amounts of up to £10,000 had been made available in each district on the understanding that the amount would be used as a revolving fund.[32]

The basic principle of conversion had been suggested to the government at least as early as 1945, when the first Labour government still held office. The Whirinaki Young Farmers' Club, with the support of the senior consolidation officer, suggested the court be empowered to compulsorily vest relatively small interests in owners with larger interests. At the time, consolidation officers were finding it difficult in cases where numerous owners in a block held shares worth only a few shillings, especially when consolidation failed to increase the areas allotted to them. In these cases, the law required the consolidation officers to obtain the owners' consents before any such

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[32] AAMK 869/3a, *1/1 pt 1, History and Aims of the Department, 1940-1960,* NA, Wgtn.

interest could be bought or otherwise vested in any owner of larger interests. These cases had the effect of precluding individuals from obtaining clear title, quite a hindrance to units under the department's land development schemes. The young farmer's club suggested the legislation - the Native Land Act 1931 s 163(9) - be amended to dispense with the need to obtain the owners' consents to vest such small interests where the owner could not be traced, or where they had left the district, or where ever it was desirable to clear a tile of interests that were practically worthless to the owner, and an encumbrance to the occupier. The one consolation offered the owner, was the right to appear in court to voice any objections and the right to compensation.[33]

A kind of conversion was also suggested in 1952, and probably numerous times in between. By 1952, however, the proposal was more akin to what eventually emerged as conversion under the 1953 legislation. In 1952, Bremner and Winkel had attributed the need to simplify Maori land titles the utmost importance. They said the position of Maori land titles was chaotic, and that it was essential in the interest of Maori people that the methods the department was using, such as consolidation, ought to be supported and brought to fruition without delay. Eliminating multiple small interests in Maori land had to be tackled immediately. Bremner and Winkel, with support from regional offices, suggested the Maori Trustee be empowered to compulsorily acquire uneconomic shares. In their opinion, no worthwhile result would be achieved until power was given to dispose of small shares simply and expeditiously. In fact, by the they suggested conversion, provision had already been made in the Maori Affairs bill.[34]

When introduced to parliament, the Maori members strongly objected to compulsorily applied conversion, primarily on the grounds of the owners losing their mana and turangawaewae as a result. Omana held the view that even the smallest interest in Maori land bestowed speaking rights on Maori. Losing those land interests would set those Maori adrift from their tribe, and take away their speaking rights. Omana pressed for incorporated lands to be excluded from the conversion provisions, and predicted that hundreds of Maori people would become landless as a result of the policy.[35] The

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[33] MA 1, 29/2/4 vol 3, *Hokianga District Consolidation, 1945-71,* NA, Wgtn.
[34] MA 1 Accn W2490, 69/3/1, *Maori Land Consolidation (Bremner Winkel report) 1952-53,* NA, Wgtn.
[35] CFRT (1994) p 417.

department expected Maori people to oppose conversion on these grounds. It suggested that if speaking rights derived solely from a proprietary right in the land, tribal reservations could be created with ownership vested in the named members of the tribe.[36] When Hunn investigated the Maori land title system in 1960, he suggested a major cultural shift to base turangawaewae on home ownership. These suggestions did little, if anything, to appease those Maori who argued for the preservation of turangawaewae in a traditional sense. In fact, Hunn pointed out that in some districts people regarded conversion as a kind of confiscation. He felt that conversion actually achieved the very opposite of confiscation by keeping Maori land in Maori ownership and offered the slogan "Convert and hold; fragment and lose!".[37]

Once it had properly begun, not all Maori people opposed conversion. There were always many people who insisted on succeeding to and keeping every interest to which they were entitled, no matter how small. Some people even refused to enter into family arrangements. But there were also people who were quite comfortable with the live buying procedure, and who would offer their interests for sale to the conversion fund, or to other owners, In the Taitokerau district, where live buying was most commonly used on land development schemes, land owners who sold their interests were often housing applicants. They would use the money received from the sale of their shares to assist with the new housing, furnishings or renovations.[38]

If the department would be warned of one thing in its experiences with consolidation, it ought to have been its enormous bureaucracy and workload. But conversion only added to the burden. Head office drafted and redrafted the department's policies and procedures affecting conversion. It sent out comprehensive instructions, advice and interim advice to district offices about every aspect of conversion. Staff had to create nominal indexes to support the scheme, and each office had to purchase cabinets and stationery to support the indexes. New kinds of registers were established, and the massive increase in workload for the title officers became a real concern for districts. In

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[36] MA 1 Accn W2490, 68/3/pt 1, *Conversion Policy Scheme, 1952-55, NA, Wgtn.*
[37] Hunn (1961) p 52.
[38] MA 1, 68/2/1 vol 1, *Title Improvement and File Reconstruction Returns, Whangarei, 1955-71,* NA, Wgtn.

fact, virtually every aspect of conversion created its own sub-bureaucracy. For example, separate accounting instructions were issued for managing the conversion fund accounts, and buying and selling interests. Simply deciding upon purchase prices required staff to fully assess valuations, chattels and improvements, encumbrances, and timber growing on the lands concerned. The bureaucracy even reached into the Maori community, as staff networked with Maori organisations such as tribal executives and committees to contact absentee owners, or families who might be interested in buying converted shares.[39]

The growing title improvement system quickly impacted upon the staffing needs of the department. At one time, the department even considered restructuring to bring the work of the Titles Division and the Maori Trust Office closer together. Head office emphasised staff training to both improve efficiency and refocus on the new legislation and procedure. Although the department would employ new staff, head office also advised districts to look within their existing staff compliment for people who could assist with conversion. Head office suggested that consolidation staff could help, and development staff could help given the recent tendency towards relaxing state control of the land development schemes in favour of handing the properties back to owner control.[40] By 1958, the department was employing extra staff for the title improvement work, on the understanding that the work would be completed within five years, an understanding that would prove to be very wishful thinking in the long run.[41]

In practice, conversion presented the department with a number of difficulties. More than one district substantially objected to the provisions for family arrangements. Specifically, the department found it difficult to get valuations on an as required basis for each arranged succession. Also, in most cases of arranged succession, the department had trouble contacting all the people concerned. This particular difficulty was compounded by the huge proportion of successions to people who had been deceased for five years or more. In 1966/67 seventy percent of all successions, excluding those in the Waikato-Maniapoto district, were for people who had been deceased for more than five

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[39] MA 1 Accn W2490, 68/3 pt 1, *Conversion Policy Scheme, 1952-55,* NA, Wgtn.
[40] ibid.
[41] AAMK 869/3a, *1/1 pt 1, History and Aims of the Department, 1940-1960,* NA, Wgtn.

years, and nearly eighty percent of those for more than ten years.[42] Just contacting absentee owners by letter could present a formidable task, and sometimes, even when all owners responded, one owner could upset any arrangement by refusing to agree.

Those districts that objected to arranged succession said it made what was formerly a simple process a Herculean task. A great labour effort resulted in a small result, and the efforts of the staff would be best directed elsewhere. However, the Maori Trustee insisted that the greatest emphasis of conversion on succession ought to be put on encouraging people to make their own arrangements. When succession was involved, the conversion staff were to line up the interests, identify any scope for exchange or consolidations, contact the interested parties and have them attend court, and attend court themselves to assist with having the successors agree to their particular arrangements. Only after staff had made these efforts, without producing any reasonable result, would the Maori Trustee step in to compulsorily apply the conversion method.[43]

The table below provides an example of the results of purchasing uneconomic interests on succession. By far the majority of the interests so purchased were purchased in lands outside the ambit of development schemes and incorporations. By comparison, the districts that pursued live-buying preferred to do so within schemes and incorporations.

Figure 6: Uneconomic interests purchased on succession, 1 April 1966 to 31 March 1967

District	Devpt schemes (£)	Incorporations (£)	Other lands (£)	Total (£)
Taitokerau	1,398	427	5,741	7,566
Tairawhiti	375	5,525	12,900	18,801
Waiariki	744	1,067	16,024	17,835
Waikato-Maniapoto	11,414	3,096	70,586	85,096
Ikaroa	320	80	16,481	16,881
TOTALS	14,251	10,195	121,732	146,179

Source: MA 1, 1/16/19: *Proposed Crown Conversion Schemes - data, 1967,* National Archives, Wellington.

[42] MA 1, 1/16/19, *Proposed Crown Conversion Schemes - data, 1967,* NA, Wgtn.
[43] MA 1 Accn W2490, 68/3 pt 1, *Conversion Policy Scheme, 1952-55,* NA, Wgtn.

Conversion did not work in isolation or just at the point of succession. It worked rather successfully in conjunction with the other available methods of title improvement such as consolidation and combined partitions. The methods that obtained the best results varied from district to district. For example, Gisborne did not use the combined partition procedure to any great extent. It found that consolidation provided the desired results. Auckland felt similarly, although Auckland had used combined partitions, but not to the point where live buying was part of the process. The Taitokerau district had used both combined partition procedures and arranged successions for many years, even prior to the passage of the 1953 act.[44]

Head office acknowledged any procedure that had the effect of creating worthwhile sections owned either in severalty or by a small group only. It was anxious, however, that once the good work was completed, that a check be kept on successions to prevent further deterioration of the titles. Head office even asked the district officers to recommend a plan for monitoring successions and methods for avoiding continual fragmentation of interests. The district officer at Whangarei said it was largely up to the court to control further deterioration of titles. Conversion would assist, but the district officer felt the court ought to investigate the possibilities of arranged successions at every opportunity. He even went so far as to say the Court should have wide powers to press arrangements. To be fully effective though, a policy of arranged successions had to be based on reliable and complete information from the nominal index of land within each district. This suggestion meant more work, especially in districts where preparation and maintenance of the nominal index was lacking.[45] In the long term, effecting succession rather than monitoring it has remained a primary function of the court.

Live buying became a popular application of the conversion fund in some districts. It was sometimes common for owners to approach the conversion staff to sell their interests. For some staff, live buying became an option for avoiding making family arrangements, although the Maori Trustee quickly warned staff against doing so. The trustee was not opposed to the use of the live buying method - where living owners

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[44] ibid.
[45] ibid.

agreed to sell their shares to the Maori Trustee - but it had to proceed cautiously, and not be used to avoid other work such as that involved with arranged successions. Early instructions advised against using anything like a general high-pressure campaign for purchase, except in special, undefined circumstances. As the department publicly stressed on a number of occasions, owner agreement was preferred. Compulsion would only be exercised as a last resort.

Another rider the trustee placed on live buying was that it should only occur when there was an owner in mind to purchase the shares. This point occupied considerable debate throughout the 1950s. The minister and the Maori Trustee both stressed that quick turnover of the converted shares was of the essence. The trustee never intended to become saddled indefinitely with numerous fiddly interests in Maori land. The minister saw the Maori Trustee as an intermediary between owners of uneconomic shares and other owners who could increase their holdings by buying those shares. He hoped that owners of larger shareholdings would be only too happy to avail themselves of the benefits of conversion.[46]

To prevent the unwanted accumulation of uneconomic shares in the conversion fund, districts were instructed to proceed with live buying only with a particular end in mind, such as providing freehold tenure, or helping small farmers to add to their holdings. It was when conversion was used on development schemes that its benefits were most apparent. It was a useful tool for establishing secure tenure for part XXIV farmers. The Taitokerau district office also proposed that selling converted interests in development schemes was very advantageous as it gave the department greater freedom to choose settlers.[47]

It is difficult to determine just how committed the department was to preventing mass accumulation of uneconomic shares. The results of conversion efforts varied from district to district, as illustrated in the table below showing conversion operations to 31 March 1958. The Tairawhiti had disposed of 83 per cent of the interests it had acquired,

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[46] ibid.
[47] MA 1, 68/2/1 vol 1, *Title Improvement and File Reconstruction Returns, Whangarei, 1955-71*, NA, Wgtn.

compared to less than seven percent disposed of in the Ikaroa district. By March 1960 the Maori Trustee had spent £125,403 in buying 12,886 uneconomic interests and had disposed of 7,000 of these interest valued at £87,260.[48] But the balance between buying and selling, or converting uneconomic shares would not last in the long term and contrary to original intentions, the trustee would end up owning a stock of uneconomic shares.

Figure 7: Conversion operations to 31 March 1958

District	No. of blocks	No. of interests purchased	No. of interests sold	No. of acres in conversn fund
Aotea	4	5	3	9
Ikaroa	22	808	6	688
Tairawhiti	562	854	710	529
Waikato	176	211	77	-
Tokerau	371	4868	2818	9100
Waiariki	362	1215	763	451

Source: MA 1, 68/2/1 vol 1, *Title improvement and file reconstruction,* National Archives, Wellington.

Perhaps more telling than the statistics showing the turn over of uneconomic shares are those showing the reduction in numbers of owners as a result of title improvement. A sample of five blocks in the Wellington and South Island districts in 1958, shows that as a result of consolidated orders, the number of owners in each block reduced by between 57 and 97 per cent.[49] By 1960, consolidation schemes, combined partitions, consolidated orders and amalgamation orders had eliminated almost 90,000 interests that would otherwise have been included in existing land titles. In addition 5,614 arranged successions completed over a six year period since April 1954 had kept 29,070 successors from entering into the titles.[50] The table in figure 8 uses a sample of schemes in Taitokerau to show the extent to which live buying removed shareholders from Maori land titles. On average, Taitokerau reduced the number of owners in these schemes by 78 per cent by live buying.

[48] AJHR 1960 G-9 p 23.
[49] AJHR 1958 G-9 p 18.
[50] AJHR 1960 G-9 p 23.

Figure 8: Live buying - reduction in number of shareholders, 1967
(in selected schemes in the Taitokerau district)

Scheme	Purchase period	No. of owners when live buying began	No. of owners now (1967)	Reduction in number of owners
Awarua	4 months	258	69	73.25 %
Te Horo	6 yrs 8 mths	600	140	76.66 %
Oromahoe	5 months	495	189	61.81 %
Parengarenga	10 years	1,411	207	85.32 %
TOTAL		2,764	605	78.11 %

Source: MA 1, 1/16/19: *Proposed Crown Conversion Schemes - data, 1967*, National Archives, Wellington.

In the examples presented here, the vast majority of the owners from whom the department purchased interests by live buying were living away from the lands concerned, although not exclusively so. Most of those owners who sold their interests, were resident elsewhere within the Taitokerau district, particularly at Auckland and Whangarei. But there were also others living as far away as Hamilton, Hastings, Rotorua, Gisborne, New Plymouth and Timaru. About six per cent of the interests described in this table were valued at more than £25. Most of that six per cent were valued at between £25 and £50, but the department also purchased interests valued up to and more than £1,000.[51]

As it was, the definition of uneconomic shares was fairly arbitrary anyway. In some parts of the north land was so cheap, in extreme cases valued at only a shilling an acre, that many owners just could not assemble £25 worth of interests. Huge proportions of owners were simply struck off the ownership list. One of the consequences of removing such large proportions of owners, from the larger blocks especially, is that the Crown became a major shareholder in Maori land. The idea at the time was that the Crown would eventually partition out its interests and promote settlement, quite contrary to its earlier position of preventing unwanted accumulation of uneconomic shares. For many blocks, the anticipated partitions did not and have not happened.

[51] MA 1, 1/16/19, *Proposed Crown Conversion Schemes - data, 1967*, NA, Wgtn.

> There were obviously some gross excesses in that whole [conversion] process, and what I'll never forget is the diagonal red line through whole pages in the ownership lists, striking people off ... There is an absurdity up here [Taitokerau] in a whole array of blocks where the Crown is a major owner, even the sole owner![52]

What might now be described as gross excessiveness and absurdity in fact occurred throughout the country. Yet for some unexplained reason, the Taitokerau district was very vigorous in its pursuit of eliminating uneconomic interests, seemingly more vigorous than other districts. At one point Taitokerau's district officer even suggested that the court consider relieving owners of their uneconomic interests whilst arranging successions.[53] The oral record of title improvement contains a perception that the level of conversion attained in each district probably derives from the approach of individuals. However, the oral record debates whether those individuals were people in the court or in the department. One line of debate is that the achievements of title improvement in each district rested with the district officer, who was ultimately the responsible head of the district office.[54]

This debate within the oral record points to some of the tensions that existed between the department and the court over title improvement, and the rights of the owners versus the legal powers of the Crown. Judge Kenneth Gillanders Scott, who operated first from the Taitokerau court and later from Waiariki, would not apply the conversion provisions if he had discretion to do otherwise. The district officer at Rotorua expected the judge's approach to create difficulties when the Maori Affairs Amendment Act 1967 doubled the value of an uneconomic share to £50. At the time, the largest proportion of successions concerned people who had died more than five years earlier. Therefore it was unclear whether or not the provisions of the 1967 act applied to these successions. The district officer was concerned that Scott would apply the £25 value unless the act clearly put it beyond doubt that the court must apply the £50 value.[55]

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[52] Personal communication, 19 October 1995.
[53] MA 1 Accn W2490, 68/3 pt 1, *Conversion Policy Scheme, 1952-55,* NA, Wgtn.
[54] Personal communication, 19 October 1995.
[55] MA 1, 1/16/19, *Proposed Crown Conversion Schemes - data, 1967,* NA, Wgtn.

The court's management of Maori land titles was peripheral to the department's land utilisation policies and it was in this overlap that the tensions between the court and department flourished. From the court's point of view, the tension that existed arose out of the its desire to maintain its judicial independence, and not to be captured by departmental policy. These tensions did not exist in all districts. As the oral record suggests, the tensions that did exist often revolved around particular individuals. In some districts, the court and the department would happily co-operate. For example, the judge, district officer and farming supervisor might actively collaborate by agreeing the preferred results of an amalgamation application before the application came before the court. In other districts, the judge would insist that the district officer or development staff discuss their intentions of title reform in court, with both judge and owners present.[56]

There have been cases of judges refusing departmental attempts to reform title, through applications for amalgamation for example. Yet in other cases the department accused the court of imposing amalgamation orders on unwilling owners.[57] In hindsight, the court in its various districts probably made both good and bad decisions, sometimes as a tool for implementing departmental policy, and sometimes as an independent judiciary. In contemporary times, examination of the tension or co-operation between department and court, and their respective motives, lacks access to the unrecorded discussions that went on behind closed doors, between the court and department elite.

Trusts and incorporations

The department often refers to '438 trusts' and Maori incorporations in its discussions of title improvement. Yet the two structures facilitated management of multiply owned land rather than title improvement. The trusts and incorporations provided a structure from which owners could control their own land and transcended the difficulties usually associated with multiple ownership.

A 438 trust was any trust created under section 438 of the 1953 act. Under this section, the court could vest any land owned by Maori in a trustee or trustees. The trustees held

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[56] Personal communication, 23 August 1995.
[57] For an example, see Miles (1993) p 40.

the land on the owners' behalf, subject to trusts the court declared in the trust order. The trust order set out the objects of the trust, and the powers of the trustees. Generally, the objects of the trusts were associated with using and managing the land in the best interests of the owners. A trust would often be empowered, by its trust order, to lease and subdivide, provide housing sites, and enter into forestry, farm and other developments. Usually the trustees would have to meet at least annually with the owners, owners could request meetings, and owners voted the trustees into office. In effect, the trust could act as if it were an individual owner, a single legally contracting entity able to enter into business relationships, regardless of the number of land owners or the economy of their shares.[58]

Originally, the government had not intended the court to widely use section 438, but only occasionally when appointing a trustee to manage difficult situations on Maori land seemed like a useful remedy. However, some Maori Land Court judges who held the view that owners, and not the department, should manage Maori land used section 438 to assist owners to get around departmental control. The oral record credits Judge Scott for first applying section 438 on any significant scale, first in Te Taitokerau and then in the Waiariki district. The trusts pre-empted any designs the department might have had on the land for part XXIV development, and provided a structure for owners to manage their land that was less prescriptive than incorporation.[59]

Although 438 trusts became very popular in the late 1970s and 1980s, there was some early opposition to them within the department. A popular application of the 438 trust was to create a single trust over numerous titles. This application meant that regardless of the make up of the titles included in the trust, the land could be farmed or leased as a single compact farming unit. In contemporary times, owners have found some cause for complaint about 438 trusts, for example, because they have lost their individual rights.[60] But at the time, the trusts were a suitable measure for establishing Maori control of Maori land before the department stepped in with its own designs on the land. In the

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[58] Trust Deed, Maori Land Court, Whangarei.
[59] Whether or not the trusts were less prescriptive than incorporations is a matter for another debate. While the owners could in theory write their own trust orders, the court did provide stock pre-written orders which carefully detailed very specific powers.
[60] See, for example, Miles (1993).

1990s, owners' complaints are relieved somewhat by the introduction of a new range of trusts which include provisions for families to pool their scattered shares.

The Maori land incorporations, established on the East Coast as far back as the 1890s, were originally an effort by Maori to get Maori land into production despite multiple ownership. When handing part XXIV stations back to their owners, the department would assist the owners first of all to incorporate. Every person entitled to an interest in the land vested in the incorporation became a member of the body corporate. A committee of management, appointed from the owners, exercised the powers of the body corporate. The objects of the incorporation could include occupying and managing the land as a farm or any other agricultural or pastoral business; growing timber; mining; or alienating the land by sale, lease or otherwise. The legislation set minimum requirements for incorporations entering contracts, and required the incorporation to present annual reports and annual statements of the value of its assets and liabilities to the court.

While the department appreciated that incorporations could act in a business like manner, it remained concerned that incorporations, like consolidation schemes and like trusts, failed to address the real issue of multiple ownership. In addition, Hunn was concerned that the department had no responsibility for the efficiency of incorporations. Hunn suggested the Minister of Maori Affairs be given greater powers over incorporations, including a ministerial representative on the committees of management. Hunn's evidence about incorporations included the fact that more of the existing incorporations were inactive than active.[61] However, the Maori Land Court record indicates that many incorporations were established on the assumption that before too long they would have land to administer, whether due to title reform or the return of development schemes. In 1967, the department removed all inactive incorporations from the Maori Land Court's incorporations register. From the late 1960s, incorporations really matured as a Maori land management system. In 1974, 170 incorporations were farming 755,000 acres and carrying 97,270 head of cattle and 674,700 sheep. Many incorporations had diversified,

[61] Hunn (1961) pp 60-62.

moving into other activities such as afforestation and selective milling, horticulture and tobacco growing.[62]

The Maori Affairs Amendment Act 1967

After more than a decade of making use of the new tools for title improvement as introduced by the 1953 act, the department could comfortably provide evidence of success in the turnover of uneconomic shares, reduction in number of owners, and exclusion of potential new owners on succession. Yet it seems the government wanted to press title improvement even further. In 1960, Hunn had recommended that the £10 rule be increased to £50; similarly, that the definition of uneconomic share be changed to £50; and that live buying be carried out on a larger scale.[63] But the Prichard Waetford report would make recommendations in 1966 that would cause Hunn's to pale into oblivion. Their recommendations, and the Maori Affairs Amendment Act that resulted, belie the Maori Trustee's concern to avoid undesired accumulation of Maori land interests, and the court's commitment - in some districts at least - to prevent owners from losing their interests and promote owner control.

The government appointed Prichard and Waetford to inquire into Maori land legislation and the powers of the Maori land court. In establishing the committee of inquiry, the government identified its primary concerns as finding measures for improving titles to Maori land and making better use of Maori land. The terms of reference asked Prichard and Waetford some specific and leading questions, requiring an examination of hypothetical legislative amendments regarding ownership rights and the removal of differences in the legal status of Maori and European (now General) land. Prichard and Waetford rose admirably to their challenge, working to a very short timeframe. But the Maori population would greet their work with strong criticism. Their report flowed from the age old and basic premises that fragmentation remained the prime evil in the Maori land title system, and it was the solemn duty of the Maori landowner to bring his or her land into full production.[64]

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[62] Metge (1976) pp 117-120.
[63] Hunn (1961) p 59.
[64] Committee of Inquiry (1965) *Report of the Committee of Inquiry into Laws Affecting Maori Land and Powers of the Maori Land Court,* Department of Maori Affairs, Wellington.

Maori criticism of the report was organised and widespread. National, regional and local organisations, Maori individuals and groups, both rural and urban all voiced their concern. The Maori Women's Welfare League, the New Zealand Maori Council, Maori university students and graduates, Maori incorporations, Maori executives and committees all participated in formally responding to the report. Despite this concerted reaction to the report, the government pressed on with the new legislation that was based primarily on the findings and recommendations of the Prichard Waetford report.

The Minister of Maori Affairs, J R Hanan, rejected Maori criticisms of the proposed legislation. He saw no reason to withhold or amend the legislation despite Maori concerns that the bill was passing through the house too quickly. Nor would Hanan agree to work co-operatively with Maori representatives to undertake a joint enterprise. The Maori members of parliament persisted with opposition to the incoming legislation in the house, but ultimately to no avail. Yet in 1968, the department said it would not insist on title improvement in the face of widespread opposition, an approach that was somewhat contradictory to that which government had taken so far.[65]

The Maori Affairs Amendment Act 1967 increased the value of uneconomic shares from £25 to £50, the same level of increase Hunn had recommended in 1960. Prichard and Waetford had recommended the value increase to £100 - in fact, the earliest proposals for the 1953 legislation had suggested the same. As previous evidence shows, the department had been live buying interests above £25 value anyway. The Prichard Waetford rationale for increasing the value of uneconomic shares was that the increasing number of urban Maori migrants would prefer to have the cash value of their interests. This rationale was not a new concept. The department already knew that the proceeds of live buying financially assisted those Maori who were moving to town. Hunn too had suggested that before long Maori people would prefer urban real estate to infinitesimal interests in Maori land.

Part II of the act created the position of improvement officer, who would determine the best use of Maori land and who also had the power to order alienation. In fact, these

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[65] Kawharu (1977) pp 251-293.

provisions became a dead letter, in most cases avoided by the court's creation of section 438 trusts, and within three years the provisions were repealed.

Part IV of the 1967 act consolidated the incorporation legislation. The main changes were that incorporated land was automatically declared European land; and owners' interests in incorporated land were converted to shares in a corporate body. Arguably, the result was that the owners no longer held interests in specific locations on the land, thereby losing their direct links to turangawaewae.

The first part of the act introduced the four owner rule - compulsory declaration of status - which allowed the court to declare any Maori land owned by four or fewer owners to be European land. A similar provision was already available in section 433 of the 1953 act, but had rarely been used. Like consolidation and then conversion, the introduction of the four owner rule created anxiety at district office level in terms of resourcing the procedure. There were also some teething problems with applying the legislation to specific circumstances, for example when the land concerned was useful for amalgamation, or when an owner had a life tenancy rather than fee simple.[66] The Labour government eventually repealed these provisions in 1973, acknowledging general Maori dissatisfaction with the procedure. But the court had already made a significant impact. In 1970 the court had made 3,410 declarations of status, only 17 per cent of which had been at the owners' instigation.[67]

The Maori Affairs Amendment Act 1974

The Labour government's Maori Affairs Amendment Act 1974 was something of a rescue mission to repair the invasion of rights brought about by the 1967 act. The 1974 act repealed the conversion fund scheme discontinuing the Maori Trustee's powers to compulsorily acquire uneconomic interests. It allowed Maori owners of European land to apply to have its status changed back to Maori land. Also, land that incorporations owned was no longer automatically deemed to be European land. The act changed the quorum required for meetings of owners from three owners to 75 per cent of the shares in the land. The 1974 act abolished the Board of Maori Affairs, replacing it with a Maori

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[66] MA 1 Accn W 2490, 68/5 pt 1 *Maori Land Policy and Procedure, 1967-68,* NA, Wgtn.
[67] CFRT (1994) pp 443-445.

Land Board. Maori Land Advisory Committees were also established in districts to assist with title improvement work, implement government policy at a local level, and exercise any powers delegated by the Maori Land Board.[68]

The 1974 act represented the Labour government's Maori affairs policy, providing the framework within which the department's Tu Tangata programme would develop. The act defined the objects of the Department of Maori Affairs as:

- retaining Maori land in Maori ownership;
- preserving and transmitting Maori language, customs and arts; and
- qualifying Maori for trades, professions, and occupations.[69]

In more recent years, the title reform provisions first introduced in 1953 have been virtually reversed, and the trend towards owners' control of Maori land encouraged. Arrangements have been made for buying back uneconomic shares the Maori Trustee acquired compulsorily or by live buying.[70] The most recent consolidation and extension of Maori land legislation, Te Ture Whenua Maori Act 1993, offers a range of new kinds of trusts. The ahu whenua trusts are equivalent to the 438 trusts. Whanau trusts allow whanau to pool their land interests. Similarly putea trusts pool fragmented interests for common benefit. Whenua topu trusts are tribally based, placing whole or substantial parts of a tribe's land holdings in trust for the benefit of the tribe's members.[71]

The 1993 act restricts succession for all but the ahu whenua trust. The oral record indicates that Maori people appreciate the new trusts, often more than any other provisions in the legislation. They are an attempt, however belated, to facilitate Maori control of Maori land while averting continual fragmentation of Maori land without denying people their rightful inheritance. The trusts represent a shift from owning a share in a piece of land to owning a right to derive benefits from it.[72]

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[68] The Maori Affairs Amendment Act 1974.
[69] CFRT (1994) pp 458-460.
[70] For example, see Miles (1993) appendix 9.
[71] Te Puni Kokiri (1993) *Te Ture Whenua Maori Act 1993: a technical discussion*, Te Puni Kokiri, Wellington pp 31-38.
[72] Personal communications, 23 and 28 August 1995, and 19 October 1995.

Chapter Five

Two case studies from the Hokianga

The Hokianga Development Scheme

The period with which this thesis is primarily concerned, 1945 - 1974, was one of great change for the Maori population, which more than doubled between 1945 and 1971, making up almost eight per cent of the total population. During this period, the Maori population rapidly shifted from living mainly in rural areas to living mainly in urban areas. Until 1945, more than 80 per cent of the Maori population lived in the country. By 1961, 40 per cent lived in urban areas, and 68 per cent by 1971. Even so, a significant proportion of the Maori population remained in the country, and in the Hokianga, the Maori population makes up more than 70 per cent of the total population.[1]

The department's land development activities have been a major feature of economic development in Taitokerau since they began in the 1930s.[2] Small dairy farms were the order of the day for Taitokerau - the single unit schemes typical of Ngata's 'North Auckland system' which suited the discontinuous nature of Maori land in the north rather than the large stations of the East Coast. But it was not all dairy farms in the north. There were base farms and demonstration farms, and there still exist some very successful large corporate farming operations that were once part XXIV stations.

Once introduced, the demand for the schemes in the Hokianga and throughout the north was great. In the mid 1950s, Northland had the greatest demand of any district in the country for settlement on the schemes, and the Waikato-Maniapoto district came a close second. Taitokerau had a large Maori population, and there were no major secondary industries in the district to employ new entrants into the workforce. Consequently, the north had a healthy supply of good potential Maori farmers.[3] In contrast, land in the Rotorua district had been developed some years earlier and was ready for settlement, but

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[1] Metge (1976) pp 75-80.
[2] See, for example: Hohepa (1964); King (1983); King (1977); Ngata (1931); Metge (1964); and J Booth (1959) 'A Modern Maori Community' in J D Freeman and W R Geddes - eds. *Anthropology in the South Seas,* Thomas Avery and Sons, New Plymouth.
[3] AJHR 1956 G-9 p 12.

there were too few young people to take up jobs on the farms. Major industries and works in the district - such as forestry, sawmills and construction at Kawerau, Murupara and Tauranga, and the state hydro projects on the Waikato river - offered far more attractive wages and conditions.[4] In the Gisborne district, there was little undeveloped and unoccupied Maori-owned land suited to being developed economically, and one prevailing opinion was that much of the remaining undeveloped land should retain its natural cover to prevent erosion which had become noticeable on the east coast.

The Hokianga Development Scheme was made up of a collection of single unit schemes throughout north and south Hokianga. The various units were located at Taheke, Omanaia, Utakura, Punakitere, Whirinaki, Waimamaku, Pakanae, Rangiahua, Motukaraka, Panguru (where most units were located), Pawarenga, and Mangamuka.[5] These units were later served by a base farm at Waima. In its first financial year (1930/31) the under secretary of Native Affairs estimated the Hokianga scheme would need £5270. The under secretary sought cabinet approval for this amount to cover the cost of 365 cows, two bulls, fencing material, grass seed, fertilisers, dairy utensils and sundries. The under secretary expected a further £13,000 or so would be required in the near future.[6]

Development under the schemes was quick paced, and within five years of its establishment, 283 units came under the Hokianga development scheme.[7] By the time Ngata resigned as Minister of Native Affairs, he had probably gazetted most of the Maori land in the Hokianga district subject to the land development provisions.[8] So, even if actual development on many of the blocks had not yet begun, Ngata had left plenty of room for the programme to continue. Development and spending did ease during the war. But new units were added to the scheme in 1942 and 1943. Until 1945, the number of units operating with their farm accounts in credit never numbered more than thirteen. During the years immediately following the war, however, that number almost

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[4] ibid.
[5] AAMK 869/1338b: *16/3/2, Hokianga Development Scheme, 1936-59,* NA, Wgtn.
[6] AAMK 869/1336a: *61/3 Hokianga Development Scheme, 1930-45,* NA, Wgtn.
[7] AAMK 869/1338b: *16/3/2, Hokianga Development Scheme, 1936-59,* NA, Wgtn.
[8] AAMK 869/1336a: *61/3 Hokianga Development Scheme, 1930-45,* NA, Wgtn.

tripled, while the number of units with interest outstanding steadily declined, almost halving in number between 1944 and 1948.[9]

Figure Nine: Assets and liabilities in the Hokianga Development Scheme, 1936-48

As at 31 Mar	*Liabilities (£)*	*Assets (£)*	*No. of Units*	*in credit*	*with interest outstanding*
1936	44,991.18.11	44,991.18.11	283	5	48
1937	60,036.09.06	60,036.09.06	299	10	62
1938	101,738.00.09	101,738.00.09	296	8	53
1939	151,878.04.05	151,878.04.07	311	10	35
1940	179,464.18.09	179,464.18.09	310	13	52
1941	205,864.01.08	205,864.01.08	294	13	65
1942	222,849.13.05	222,849.13.05	315	7	60
1943	226,445.10.10	226,445.10.10	316	12	59
1944	232,997.16.05	232,997.16.05	311	13	52
1945	unavailable	unavailable	273	16	38
1946	234,949.09.05	234,949.09.05	273	20	38
1947	229,598.03.10	229,598.03.10	309	30	34
1948	219,590-19-04	219,590-19-04	322	36	27

Source: AAMK 869/1338b: *16/3/2, Hokianga Development Scheme, 1936-59,* National Archives, Wellington.

In effect, this table shows what the first National government would inherit in the Hokianga schemes when it took office in 1949: a host of small dairy farms that, while seeing whole communities through some economically desperate years, would prove uneconomic in the boom of New Zealand's farming economy of the 1950s. And in the Hokianga, the host of small dairy farms were mostly farmed by nominated occupiers, nominated occupancy being an aspect upon which the department focussed much of its land development attention in the 1950s. But of course it was not entirely small farms and nominated occupiers in the Hokianga. There was a base farm at Waima, and a number of stations throughout the district, one of which is the subject of the Haranui case study.

Local Maori responses to the scheme

Initially, some land owners were confused about the scheme. For example, one man thought that development on land in which he held shares meant he would lose his title.

[9] AAMK 869/1338b: *16/3/2, Hokianga Development Scheme, 1936-59,* NA, Wgtn.

The department pointed out this was not the case, but stressed that owners were not to obstruct development. Generally, though, Maori in the Hokianga were agreeable to the schemes. The people of Panguru took the time to commend Ngata for his efforts, and express their confidence in him, thus:

> We the people of Panguru wish to express our thanks and gratitude for the way you have investigated the difficult problems confronting your Maori people. We realise that the destiny and well being of the whole Native race is in your hands and we wish to assure you that judging by the way you have attacked some of our difficulties, you have won our confidence and support.[10]

For a number of the Hokianga people, the development scheme provided opportunities to open up access to largely inaccessible blocks of land, finally fulfilling the promise of previous years when such development was promised as a spin off from selling large tracts of land.[11] But often improvements in roading depended, at least from the county council's point of view, on improvement and development of the land. Whereas landowners felt the council ought to repair roads that provided access to their properties, the Hokianga County Council refused to take such action until the land concerned was further developed and improved.[12]

Maori in the Hokianga were keen to participate in the scheme at a number of levels besides farming. Local communities organised themselves into voluntary associations for mutual help and guidance and to assist the department's officers with development operations. The committees had no legal standing, and their members arranged and constituted themselves. A meeting at Mangamuka on 19 October 1933, attended by delegates from throughout the Hokianga, nominated an advisory committee of seven, although the department would only appoint five. The department also advised committee members not to incur any expenses. Nor would it meet any expense whatsoever in connection with the committee. Despite these apparently strict conditions,

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[10] AAMK 869/1336a: *61/3 Hokianga Development Scheme, 1930-45,* NA, Wgtn.
[11] see R Daamen (1993) *Exploratory Report on Wai 128 filed by Dame Whina Cooper on behalf of Te Rarawa ki Hokianga,* unpublished report, Waitangi Tribunal Division, Wellington.
[12] AAMK 869/1336a: *61/3 Hokianga Development Scheme, 1930-45,* NA, Wgtn.

having the committee was something of a coup, and the appointees agreed to work within these parameters. Up till that time, Ngata had only appointed one such committee (Ranana Scheme) which had never functioned.[13]

Some localities within Hokianga sought some formal recognition of their committees from the department. The people at Omanaia, for example, sought to appoint a committee for the purpose of submitting their requirements in regard to land development. They did not object to the supervisors, but desired a channel of input so that 'consideration of their requirements may be expedited'. The department saw no objection to a self-contained development area having a local committee. But from the department's point of view, such committees should be purely advisory and ready to help the supervisor in any way. The department said it had such helpful committees in various areas, but sometimes committees tended to become more of a critical body rather than a helpful one and that situation needed to be guarded against. The department did not object to forming a local committee in Omanaia, but it did suggest that if dealing with anything of great import, it would be wise for the people to call in the wise counsel of the supervisor.[14]

Te Kainga 1A2B3: a single unit scheme

This case study of Te Kainga is taken from a Part XXIV single unit scheme in a fairly typical Hokianga community. The names of the scheme and its interested parties, excluding departmental staff, have been changed to protect the confidentiality of the family concerned and the key informant for this part of the research.

Te Kainga is situated alongside one of the rivers that feed into the Hokianga, and is currently serviced by a garage, a general store, a butcher and a pub. In the heyday of part XXIV farming, there was also a dairy store there which remained until some time in the 1970s. The population is made up almost entirely of Maori people of local origins, being either landowners themselves in the area, or descendants or spouses of landowners.

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[13] ibid.
[14] ibid.

Te Kainga 1A2B3 is a relatively small block containing nearly thirty two acres of flat and hilly land. The block adjoins State Highway One, Te Kainga River in parts, and is close to the marae. The Maori lands at Te Kainga had been included in the Hokianga Development Scheme at its inception in 1930. There were numerous blocks of Maori land at Te Kainga, and at least three single unit schemes. The situation of the Te Kainga lands perfectly fit the scenario painted by Metge in 1976:

> Over many generations, division of shares among many heirs and constant partitioning have produced many blocks of 'Maori land' ...with hundreds and even thousands of owners, many blocks too small for economic use and many Maoris with shares in many blocks but control over few or none... Shares become progressively smaller and unequal with each passing generation.[15]

There seems to have been an attempt made in 1940 to overcome so-called title problems in Te Kainga by incorporating the Te Kainga lands. However, the court wound up the body corporate in 1963 because it had never functioned and the particular purpose for which it had been created ceased to exist. Having wound up the body corporate, it was necessary for the court to clear the titles to the land involved, and vest the lands in the persons entitled.[16] This was apparently a typical occurrence in the Hokianga, and possibly throughout the Taitokerau. It seems the department set up the committees of management in anticipation that the lands concerned might be amalgamated or otherwise drawn together in a form suitable for administration by a single corporate body.

Te Kainga 1A2B3 was first farmed as a development scheme unit in 1938. By that time, the block had a thirty eight year Maori Land Court history of title investigation and partition. Each letter and number in its appellation represents a new partition for the block. When the land first passed through the court, it became part of the Te Kainga block of 12,900 acres owned by one hundred and sixty six people. Within four years, the court partitioned Te Kainga into three blocks (1, 2 and 3). Further partitions of Te Kainga 1A occurred in 1911, 1914, 1919 and 1922, eventually creating Te Kainga

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[15] Metge (1976) p 114.
[16] Block order file, Maori Land Court, Whangarei.

1A2B3, which was vested in Rihi One and Piri Kena, the parents of the original unit, Keti (Kena) Smith. Keti's son, Titipa Smith, farmed Te Kainga 1A2B3 for most of his adult life, under both the 1936 and 1953 acts. He was first a nominated occupier, and later a lessee. But for many years he was a descendant of one of the owners, and not an owner in his own right.

Keti herself played a leading role in securing financial assistance from the Department of Native Affairs. In 1937, she already had a mortgage with the State Advances Corporation, which she had inherited from her parents, and owed £74.5.2 at 17 November 1937. She had approached the State Advances Corporation for a further advance early in 1937 to develop her farm and complete her house. But the corporation advised it was legally obliged to consider productive capacity in arriving at a valuation, and normally a loan could then be made at two thirds of the value.[17] Under the circumstances, the corporation said it was quite unlikely that it could advance a loan to Keti. Consequently, the corporation recommended she apply to Native Affairs to both repay the corporation's mortgage, and provide the additional funds she required. So, acting on the corporation's advice, Keti wrote to the department in September 1937, asking for a loan to repay her existing mortgage, and renew her cow-shed, increase her herd, and finish building her house.[18]

The department set about investigating Keti's situation through the Native Land Court in Auckland. In the meantime, Keti wrote again to head office, expressing her pleasure to hear her request was being investigated. She also offered to have repayments of any loans deducted from her cream cheque, and to cooperate with any officer the department might like to send to appraise her financial and development needs. But the flow of information between district and head office seems to have been too slow for Keti, as she wrote on two further occasions anxious for a response to her request.

Finally, in February 1938, the Registrar of the Native Land Court in Auckland advised head office that the field supervisor reported favourably to taking on Keti 'under

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[17] AAMK 869/466a: *15/1/965, Head Office Unit File, 1937-73,* NA, Wgtn.
[18] ibid.

development'. At the time, however, the Registrar was yet to obtain a report from the consolidation officer about nominating Keti as the occupier. It was not until 2 June 1938, following the filing of a number of official reports, that the Board of Maori Affairs finally approved the nomination of Keti Smith alias Keti Piri Kena as the unit occupying Te Kainga 1A2B3 under the Hokianga Development Scheme. The board also approved £348 in development funds, the amount estimated to cover the development costs over a six year period.[19]

The department sent Keti the good news on 20 June 1938. In concluding his letter, the under secretary wrote that he trusted Keti would co-operate with the supervisor in 'every way possible' and make the most of the department's assistance.[20] The farm supervisor's report noted that Keti's husband and an adult son assisted her in her farm work. He described them as 'intelligent natives ... very keen to improve their position'. Their living conditions were described as 'fair' although their house needed to be completed, and their 'personal element' appeared to be 'quite good'.[21]

In fact, the farm work was primarily carried out by Keti's son, Titipa, and his wife Wai. Keti's husband spent most of his time away from the farm, mainly working various forestry jobs in the King Country and other parts of the north. Titipa also had a history of working forestry jobs in various of the state forests of Taitokerau. But in about 1938, his mother called him home to stay and run the farm where he eventually lived out his days. When the army recruited servicemen for the second world war, the small farm kept Titipa from joining other family members in New Zealand's forces overseas. But he did join the territorials, and spent a few months training in Auckland before being sent back to the farm. He was at army headquarters in Auckland when his first son was born in June 1942, and after fourteen months service, Titipa was discharged from the army in March 1943.[22]

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[19] The funds were allocated for livestock, manure, grass seed, fencing material, implements, buildings, discharging Keti's existing mortgage and debt on a milk separator, and compromising a hospital debt.
[20] AAMK 869/466a: *15/1/965, Head Office Unit File, 1937-73,* NA, Wgtn.
[21] ibid.
[22] Personal communication, 23 October 1995.

Keti died in May 1946 and Titipa took over the farm. But it was not until October 1947 that the board formally approved Titipa's nomination as occupier in place of Keti.[23] Keti had moved to Mangapehi in the King Country with her husband some time in the early 1940s, and had only returned to Te Kainga again the year she died. Once formally appointed, Titipa set to work developing the farm as his own, and as a long term proposition for himself and his family, which was steadily growing. On entering into what was essentially a new relationship with the department Wai, Titipa's widow says:

> We had to join the Maori Affairs to help pay the mortgage. [We had a supervisor and a housing supervisor]. We had to buy our own cows. There may have been five on the farm at the time. I think we got five more, they were our first cows, brought from Pupuke, Kaeo. Titipa went over and drove them back.[24]

According to the unit file, there were in fact twenty one cows and calves (twelve milking cows) on the farm during the 1946/47 year, although there had only been six milking cows in 1940/41. In the years between, butterfat production increased considerably. In 1941/42 the farm produced 1570 pounds from thirteen cows, compared to 2523 pounds from twelve cows in 1945/46. By 1948, Titipa had a credit of £52 pounds in his loan account, which increased to £643 in 1950.[25] No doubt there were some lean years for the family during the early 1940s, but it seems Titipa worked well improving the farm and its production once he settled on the farm as a long term prospect.

Setting up house

One of the first things Titipa did in 1947 was seek financial assistance to build a modern home. The building supervisor, Mr Hyde, considered that dismantling the existing home, and reconstructing a new home was the only satisfactory option for all concerned.[26] Hyde expected that Titipa could complete the work himself, but that he would need some labour assistance building the frame of the house. As it turned out, Titipa was unable to complete the work himself, which meant an increase in the amount originally desired for building the house. Eventually, in August 1948, the department approved a

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[23] AAMK 869/466a: *15/1/965, Head Office Unit File, 1937-73,* NA, Wgtn.
[24] Personal communication, 23 October 1995.
[25] AAMK 869/466a: *15/1/965, Head Office Unit File, 1937-73,* NA, Wgtn.
[26] ibid.

total sum of £880 to build the house, £610 to go towards the cost of materials, and £270 towards labour costs.[27] In fact, less may have been spent on building the house than approved. Wai recalls the total cost was £500, £200 for the labour and £300 for the materials.[28] A later inter-office memorandum notes that Titipa built the house out of his own resources.[29]

The family looked forward to the new house, and bringing up a family as well as milking was difficult, but manageable. Titipa paid his brother-in-law and his two brothers to build the house. Titipa and Wai gathered much of the timber for the house from a nearby property in which close relatives had interests. The couple would ride by horseback to the property and cut the trees which Titipa would then take to the mill. Two days after the family moved into the new house, Wai gave birth to their fifth child. The finished home was modest by most standards, especially given the size of the family which would eventually number nine children, including one who died as a baby in 1953, and a whangai. Even so, the windows, which Titipa had custom made in a town some miles away were a fashionable feature. Wai particularly remembers the day the wife of the man who made the windows came to Te Kainga by horseback to see the house herself. She was especially keen to see the house of the Maori man who had pestered her husband, a Pakeha, to hurry up with the windows, and who had been able to pay for the windows immediately.[30]

In 1952, the department approved an advance of £150 to install electricity in the house and cowshed. Originally, head office pointed out that the department would only meet the cost of installing the service line. The units themselves were to meet the cost of internal installation and wiring. Auckland's district officer asked head office to reconsider its stand, pointing out that the service lines cost only a fraction of the total cost of installing the electricity (£18 out of a total cost of £148) and that it would be too difficult for Titipa to cover the cost of everything else. Head office conceded, because of

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[27] ibid.
[28] Personal communication, 23 October 1995.
[29] AAMK 869/466a: *15/1/965, Head Office Unit File, 1937-73,* NA, Wgtn.
[30] Personal communication, 23 October 1995.

the 'healthy state' of the account and 'personal element', allowing the Auckland office to operate as it deemed fit. [31]

Wai and Titipa developed a good relationship with their first farm supervisor. He visited the farm regularly, keeping informed of farming progress. Titipa responded well to the department's supervision, becoming adept at all aspects of keeping the small dairy farm, and its financial management. Wai too was a key participant in the day to day farming activities. She milked the herd alongside Titipa, vaccinated the herd, and helped cut the hay. There were two other part XXIV farmers in Te Kainga. The farmers all knew each other, although as far as Wai can remember, did not interact on the basis of either their common farming interest or indebtedness to the department. They did interact, but because they were relatives and belonged to the same community. There were two exceptions to this generalisation. Titipa and one of the other farmers competed to purchase interests in the same piece of land in the early fifties. Then in the 1980s, Wai had occasion to approach the third farmer who by then had become a member of the district Maori land council.

Over the years, Titipa never got behind in repaying his debts, and made sure he lived within his income. Wai says Titipa's philosophy was:

> Pay your debts. What you can't afford go without. What you don't see you won't miss.

Going without luxuries was something Wai got used to. She and Titipa rarely left Te Kainga, and when they did, they were generally compelled to return 'in time for milking'. Her children went without such luxuries as toys, but some were educated away from Te Kainga in schools and training colleges at Wellington, Hamilton and Auckland. When they were very young, Wai had stood her children in the cream cans at the cow shed while she milked. As soon as he was old enough, the oldest child looked after the younger children at the house while Wai and Titipa milked. As soon as they were able, each child was required to help out around the farm, although they each left home in

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[31] AAMK 869/466a: *15/1/965, Head Office Unit File, 1937-73*, NA, Wgtn.

their teens. As adults, the children and their families continued to benefit from Wai and Titipa's farming activities. Although living primarily in Auckland from the early 1960s, the children continued to receive gifts of meat and vegetables from the farm. They reciprocated often, by chipping in to maintaining the house and farm. For example, over the years the children bought the home an electric stove, and redecorated the interior.

Wai says there were some hard times, but they managed. When he could, and if the hours suited, Titipa would take work outside the farm as it became available. Wai preferred Titipa to take up other work because of the extra income it brought in. She was disappointed the day Titipa came home from his public works job to say he had given it up to stick with his farm work. A job that suited him in later years, however, was driving the school bus.

Titipa seemed not to extend the prudence he showed towards his own family into the community. He spent much of his time at the marae, including helping to build the new wharekai after the old one burnt down in the early 1970s. Titipa also contributed financially and materially to individual families in the community. Many families came to the cow shed every morning to collect milk, which Titipa gave freely. Other families borrowed money from Titipa, who was happy to lend, especially if the money was for paying school fees. At various times, Titipa had also employed different men from Te Kainga as casual labourers and farm hands.

Tenure

According to his file, Titipa was a good farmer, who worked his small property to advantage. He completed extensive fencing improvements, maintained the property at a high level, and kept up to date with his debt repayments.[32] But he continued to farm land in which he was not an owner, and for which he held no formal tenure. While his mother farmed the land, it seems she never sought to have title to Te Kainga 1A2B3 vested in herself alone. When Titipa took over the farm, Keti was one of five owners of the block - the other owners being her four siblings. Titipa seems to have held a similar attitude, being reluctant, even when the department urged him, to seek title for himself. Title only

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[32] ibid.

became an issue in 1951, when an aunt of Titipa asked the Registrar of the Maori Land Court to reorganise the land interests of Piri Kena and Rihi One, the original owners of the block. In particular, this aunt wanted to exchange her interests at Te Kainga for interests her family held elsewhere. The registrar filed an application in the court in February 1951 to have the court carry out the necessary orders of exchange, vesting and/or succession to effect a desirable family consolidation.[33]

Titipa, representing his deceased mother, attended the court hearing in April 1951. Also present were an uncle and two cousins, each cousin representing a deceased owner. Within the family, there were three units farming various lands throughout the district. The purpose of the court sitting was to have 'all unit interests unto their holdings'. Although a family conference had agreed that the units should each have the areas they were farming, the court pointed out that such a division of interests would fail to ensure each owner or family received an area of equal monetary value. Despite the court's advice, the family who would receive the least land in monetary terms said they were happy with the arrangement because the units were doing such a good job of developing the land. However, the court persisted with its opinion, and the arrangement that was eventually struck ensured that each family received shares in land with an economic value of about £300. The court appointed Titipa's deceased mother, Keti Kena, the sole owner of Te Kainga 1A2B3.[34]

Meanwhile, Titipa had been informally farming an additional seven and a half acres of Maori land contained in Te Kainga C4 block. When the Maori Land Court reorganised the family's land interests in 1951, it formally awarded Titipa free and undisturbed use of Te Kainga C4 for a period of five years beginning in April 1951. It had awarded ownership of the block to Titipa's aunt and uncle, neither of whom lived locally. If they attempted to upset this arrangement, the court reserved the right to put through an exchange order with other land in which Titipa's mother had interests.[35]

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[33] HK 316, *Application File*, Maori Land Court, Whangarei.
[34] 23 HK 181-4, *Hokianga Minute Book No. 23,* Maori Land Court, Whangarei.
[35] ibid.

The department was keen to assist Titipa to buy Te Kainga C4, and indicated to the aunt, who seemed to be a willing seller, that Titipa ought to have first option to purchase. However, she felt that because Titipa required the department's assistance to complete the purchase, she would have to wait too long to be paid. In the meantime, another relative, also a part XXIV settler at Te Kainga, had offered £150 for the land, and Titipa's aunt was keen to accept. Eventually the matter was submitted to the court. After considerable discussion, the court ordered that the aunt's interest in Te Kainga C4 be vested in Titipa. In return, the Maori Trustee was to pay the aunt £150 within two months. Titipa paid his aunt £50 in court, and even then his cousin said he would pay the full £150 immediately. Fortunately, the court ruled the cousin was too late, and the department quickly set about organising the appropriate authorities to pay the balance of the purchase price, and to bring Te Kainga C4 under the ambit of Titipa's unit.[36]

The whole affair led to considerable friction between Titipa, his aunt and his cousin. While Titipa and his aunt were able to reconcile, Wai remembers a more tense relationship between Titipa and his cousin. It was an affair that was the topic of community gossip, the tension around which is easily read in the oral record, yet completely invisible in the department's files. It may have been wise for the department to note that here was an incident of two of its farmers, closely related to each other, competing for the same piece of land to add to their existing farms. Nonetheless, the department remained interested in having Titipa purchase the interests of the other owner in Te Kainga C4, Titipa's uncle. That purchase never eventuated. Titipa's uncle was never willing to give up his share, nor even to lease the block. But he was happy for Titipa to continue farming the block, which Titipa did together with Te Kainga 1A2B3.

The 1951 court case for Te Kainga 1A2B3 and the other blocks represents a type of mini-consolidation, which rationalised the interests of just one family. The court's arrangements were cemented by a series of succession orders and amalgamated partition orders. But they did not solve the matter of tenure for Titipa. Immediately on succession to his mother, he became one of seven owners. The other owners were four sisters, a niece and a nephew (the children of his deceased brother). Even with the titles

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[36] AAMK 869/466a: *15/1/965, Head Office Unit File, 1937-73*, NA, Wgtn.

reorganised, and Titipa's continued undisturbed occupation of the blocks, tenure for Titipa was less secure than the department desired.

Titipa remained a nominated occupier for both Te Kainga 1A2B3 and C4 until 1955 during the period that the department was focussing on eliminating the informal tenancies of nominated occupiers. So, in 1955, Titipa became the occupier under licence of Te Kainga 1A2B3 and C4 in terms of section 339 of the 1953 act. The department had failed in its efforts to purchase or lease either of the blocks for Titipa. But at least the licence to occupy, which was renewable yearly, enabled the department to set some parameters around Titipa's tenancy. Capital expenditure of £420 was authorised for fencing materials, grass seed, manure and water supply. The limit of Titipa's overdraft was fixed at £1450. He was required to farm the property and care for the livestock and chattels in a manner satisfactory to his supervisor, and would receive a proportion of the cream cheque as payment for his labour. If he proved to be an unsatisfactory farmer, his licence would be cancelled, and he would be regarded as having no proprietary interest in any livestock, chattels, plant or revenue derived from the farm.[37]

In 1966, Titipa repaid his debt to the department, which stood at £1025 in 1955. But he was no closer to securing tenure to the land. At the beginning of 1969, Titipa still farmed the land under a licence to occupy that was renewable yearly. By that time he was paying $200 per annum to the owners, via the Maori Trustee, in return for using and occupying the land. He was also keeping all the proceeds of the cream cheque and other farming revenue.[38] In 1961, he had won a certificate of merit from the department for achieving the highest butterfat production in his district for that season.[39]

The department's efforts to get the owners of Te Kainga 1A2B3 and C4 to consent to Titipa leasing the block began in earnest in 1963. By this time, there were five owners in Te Kainga C4, including Titipa, and seven in Te Kainga 1A2B3, also including Titipa. The department's numerous attempts to hold a meeting of owners failed. The department's addresses for the owners had on occasion proved incorrect. Owners

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[37] ibid.
[38] ibid.
[39] Personal communication, 23 October 1995.

moved, and sometimes simply failed to respond to letters from the department. In December 1968, after years of attempts, the department could do no more than record the consent of one owner in Te Kainga 1A2B3 to lease, and the willingness of another owner to sell. Finally, in July 1969, the department could prove a majority of owners in both blocks were willing to lease. Then in August 1969, after 22 years of farming with informal tenure, the Board of Maori Affairs agreed to lease Te Kainga 1A2B3 and C4 to Titipa Smith for a term of 21 years beginning 1 September 1969.[40]

This long history of trying to secure tenure for Titipa, in Te Kainga 1A2B3 particularly, requires some qualification. As early as 1955, following discussions between the consolidation commissioner and the family, the department was confident that the family would probably agree to sell or lease to Titipa. When they succeeded to Keti in 1961, they regarded the house as Titipa's property (although that never precluded any of the family from staying at any time). Then in 1963, four of Titipa's sisters completed the appropriate court documents to transfer their shares in Te Kainga 1A2B3 to Titipa. But when the documents were returned to the transferors for payment of court fees, the department never saw them again, despite its efforts. The department understood Titipa was also seeking consents to either lease or purchase the land. However, he had his own opinions on the matter.

Titipa was opposed to his sisters gifting their land to him. Wai on the other hand was keen that title to Te Kainga 1A2B3 be vested in Titipa alone. On reflection she says she 'wasn't thinking of anybody else', but now she supports Titipa's sentiments, that Te Kainga 1A2B3 was the only piece of land left to him and his sisters from their mother. On these grounds alone, Titipa was unable to accept his sisters transferring their shares to him, and was quite firm about that. In fact, Wai still has a completed application form to transfer the shares of one sister to Titipa. Titipa kept the form, but would never sign it himself or take it to court. Another sister, with the assistance of her son as mediator, did manage to gift her shares not just to Titipa, but Titipa and Wai jointly. Many years later, in 1983, another sister gifted her shares to Titipa and Wai's youngest son.[41] Even

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[40] AAMK 869/466a: *15/1/965, Head Office Unit File, 1937-73*, NA, Wgtn.
[41] Personal communication, 23 October 1995.

in paying his rent, Titipa's sentiments showed. From the beginning of his formal lease in September 1969, rent was calculated to be $104 per annum. However, Titipa had been paying $200 in the past. He was happy to continue paying that amount, and so he did.[42]

Progress and decline

In some respects, finally acquiring a twenty one year lease in 1969 may, in the long run, have been more trouble than it was worth. Titipa was 52 years old when the lease was signed, he would be 73 when it expired. As it was, he would die within ten years of the lease beginning. All his children would be living away from Te Kainga and the running of the farm would be left to Wai.

In 1970, the District Maori Land Committee approved an advance of $1000 for Titipa to cover the cost of fencing, manure and cowshed repairs. The field supervisor's report supporting the application for the advance noted the limitations lack of finance placed on development. Butterfat production between 1967 and 1970 had varied between 12,000 and 13,500 pounds from 63 to 70 cows. The house was well maintained, the cowshed needed some repairs, and there was room for improving the pastures by extending the fencing and applying more manure. The supervisor did not consider Titipa a 'big producer' but acknowledged that he was able to live within his income and meet all his commitments. Really, in the supervisor's opinion, Titipa's results had only ever been limited by the lack of finance available and in some seasons, drought.[43]

Within two years of finalising the lease for Te Kainga 1A2B3, Titipa was found to be in breach of covenant. His 1971 inspection report described the farm as a small uneconomic unit with a minor blackberry problem. The report noted a need to paint one of the exterior walls of the house and to make minor repairs to the porch. It also noted the cowshed roof needed replacing or painting. In August 1972, the department formally notified Titipa that he was in breach of the covenants set out in his lease. Accordingly, the department instructed Titipa to make the repairs required to the house and cowshed, and to paint the house and cowshed with two coats of proper oil paint. The department

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[42] AAMK 869/466a: *15/1/965, Head Office Unit File, 1937-73,* NA, Wgtn.
[43] ibid.

accepted that the breaches were of a minor nature. But even so, failure to remedy the breaches could have resulted in termination of the lease.

Titipa took care of the repairs to the house. But he had actually been considering changing from butterfat production to wholemilk, and so wanted to wait to fix the cowshed roof in conjunction with this change. Efforts to change to wholemilk production continued throughout the seventies, but the goal was never achieved. Although described as uneconomic, Titipa's farm continued to produce butterfat, and Titipa continued to live within his means. The greatest setback was inability to acquire more land in order to increase the farm's carrying capacity. The department was willing to assist Titipa to buy more land, but when an adjoining block became available for purchase, the department did not intervene, unlike in the situation with Te Kainga C4 several years earlier. Instead, the Maori owners of the adjoining block, who were relatives of Wai, sold their land to a local Pakeha farmer. Wai still harbours some resentment about missing out on purchasing what could have made a major positive impact on the farm.

As a small consolation, Titipa was able to lease more land from another local family. Besides the formal lease, there was an informal understanding between Titipa and some of the family members that Titipa was leasing the land as a favour, to provide some income for the family to assist them to pay their rates. Leasing the land enabled Titipa to increase his carrying capacity, reaching ninety cows in 1975/76. However, to convert to wholemilk, he still needed a particular piece of adjoining land to provide a turning bay for the milk pick up. The adjoining landowner being unwilling to sell or exchange, Titipa considered retiring, an option he and Wai discussed from about 1978. As it was, Titipa died in April 1979.

Wai continued living on the farm. She grazed some dry stock, and kept a small herd of house cows which she hand milked, providing enough milk for the house, and to feed a small number of pigs. In the meantime, the property ran down somewhat. The family kept the house maintained, and kept the pastures from reverting. But by the time the lease was due to expire, the department cited a number of breaches of covenant that Wai, then a woman of nearly seventy years of age, was responsible for remedying. One of the

department's main concerns was the poor state of the fencing internal to the boundary. Wai negotiated with the department and the owners who eventually formally forgave the breaches. Nonetheless, it was a situation in which Wai felt uncomfortable at the time.

There are currently six owners in Te Kainga 1A2B3, five of whom descend from Keti Smith. Four of the owners are grandchildren of Keti and one is a daughter (now deceased). The sixth owner is Wai. She has a licence to occupy a portion of the block on which the house stands, and lives there with a grand-daughter and her two sons. The owners lease 7885 square metres of the block to the local school for a football field. They collect a modest rental from the lease every five years, and are currently exploring available options for forming a family trust on the land.[44]

Wai considers the years she and Titipa spent farming to be prosperous ones, although she did enjoy the additional income Titipa earned from time to time on the public works or driving the school bus. In fact, for financial reasons, she often preferred he stayed with that additional work while she took care of the farm. Titipa, on the other hand, preferred to stay with the farm. Wai has some regrets about being unable to acquire more land, or the right land, and not fulfilling all the aspirations Titipa had for the farm, especially the conversion to wholemilk production. But she is proud that she and Titipa were the last Maori farmers in Te Kainga to produce butterfat. They paid all their debts. They sent their children away to be educated. They received a seemingly steady stream of guests into their home. They contributed financially and materially to other members of the community, and spent a lot of their time contributing to and participating in marae activities. They were simultaneously farmers in New Zealand's farming economy, and community leaders in a quintessentially Maori community.

Haranui 1 Development Scheme: a station

Depending on one's point of view, the Haranui 1 block (not the block's real name) may be regarded as having a long or a short history of being subject to the state's Maori land development policies. The block was leased to Pakeha people and farmed from as early as 1912, but was not brought under the provisions of the 1953 legislation until 1958.

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[44] Title binder, Maori Land Court, Whangarei.

Te Haranui 1 is a large block of land of more than 4,000 acres in North Hokianga, managed by Te Haranui Incorporation, a Maori incorporation under the Maori Land Act 1993. At present, half the property is planted primarily in pine, with the balance being farmed. The incorporation also administers about eight other blocks, including some section 438 trusts.

Entrance into the schemes

Te Haranui 1 was leased through the Taitokerau District Maori Land Board beginning in 1912. The lease was to run for fifty years. It is possible the long running lease contributed to keeping the block under one title, rather than becoming subject to multiple partitions as was common in many parts of the Hokianga. However, the long running lease did not deter the court from including Te Haranui 1 in the Hokianga consolidation scheme. Throughout the early 1950s, the consolidation commissioner concentrated his efforts in the area, invoking section 162 of the 1931 act to approve numerous exchange orders in quick succession. He typically had people swap their shares in Te Haranui for shares in other blocks throughout both north and south Hokianga. The district judge also made numerous orders of exchange during this period.[45]

In 1957, a Pakeha family, the Rowe family, had possession of the lease. All but 50 acres of the property was grassed, and the lease was due to expire in 1962 with no right of renewal nor compensation for improvements. While the Rowe family had 'successfully' farmed Te Haranui over the years, Mr Rowe's death, and ill health in the family of the new farm manager, made it difficult for the Rowe's to continue farming the block.[46] The department took up the Rowe's case, applying to the court for an order for surrender of the lease on the grounds of hardship and ill health.

At the court hearing in February 1958, counsels for the lessees, the owners and the Maori Trustee each gave comprehensive evidence. They discussed certain breaches of covenant that had occurred, and the Maori Trustee presented potential new arrangements for continuing to farm the land. At the end of this evidence, and after conferring among themselves, the owners made a case for owner participation in any

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[45] Block order file, Maori Land Court, Whangarei.
[46] AAMK 869/1381g: *61/45/1 pt 1, Head Office Station File, 1959-61*, NA, Wgtn.

future farming developments. The court made a series of decisions allowing the Maori Trustee to accept the surrendered lease, and gave the owners time to find the finance required to take over the property themselves. To facilitate the process the court established the Proprietors of Te Haranui Incorporated, appointed a management committee and ordered the registrar to call a meeting of owners. It recommended the trustee and the department do what they could to assist the owners. Finally, the court suggested that if finance could not be raised, or was unlikely to be raised for some time, the owners consider tendering the land for lease.[47]

The owners set about negotiating with the department for the appropriate assistance. They had hoped to get a loan from the Maori Trustee but the cost involved in taking over the property was beyond the security limits for a trustee loan. Instead the owners negotiated with the Board of Maori Affairs. Subject to Cabinet approval, the board agreed to bring Te Haranui 1 under the provisions of Part XXIV and advance the cost of essential stock, plant and operating expenses. The proposal intended that the property would remain a development scheme until the debt was sufficiently reduced for the Maori Trustee to take over the debt, at which point the owners', through their incorporation, would manage the property themselves.[48] In fact, the Maori Trustee would never take over the debt, and the incorporation would be wound up in 1972, without ever being active.

Initially the department was keen to take over what it considered a fine property. It acknowledged that the owners were anxious to resume possession of the property as soon as possible, and felt the sooner the property was brought under the development scheme provisions, the smaller the risk of the improvements deteriorating. Cabinet was comfortable with approving the scheme, and an advance of £28,460. Even Treasury reported favourably on the project, describing the scheme as one of the most valuable Maori assets in Northland.[49]

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[47] 28 HK 282-8, 292-6, *Hokianga Minute Book 28,* Maori Land Court, Whangarei..
[48] AAMK 869/1381g: *61/45/1 pt 1, Head Office Station File, 1959-61,* NA, Wgtn.
[49] ibid.

Te Haranui 1 block was gazetted subject to the provisions of the Maori Affairs Act 1953 Part XXIV on 5 February 1959. Accordingly, the department decided to farm the property as a station.[50] The department negotiated with the Rowe family to take the property over from 10 February, and with Prime Minister Nash's approval bought the stock then on the property. With the advance approved by Cabinet, the department paid £23,009 for 569 cows, calves, heifers and bulls and 1365 sheep and lambs.[51]

The department's initial positive impression of the Haranui development scheme was short lived. One of head office's development staff visited Te Haranui in January 1959. He described the property as the nicest block of station country in the North Hokianga, but was concerned that while the Rowes had kept the improvements in fair condition, they had not farmed the area well. The Rowes had failed to topdress the property, and had allowed the fern to grow through in some areas. Head office staff felt the district office vastly under-estimated the level of expenditure necessary to operate the property in a businesslike manner. The stock purchased would be sufficient only to control a portion of the farm, and a topdressing programme needed to begin almost immediately. By the end of the scheme's first month, Nash would approve an additional £9,800 to buy more stock, buy and sow superphosphate, and provide an airstrip, manure bin and access track.[52]

Within six months of taking over Te Haranui, the department brought about a total loss of £14,336 - although £14,000 of that loss was due to writing down the livestock to standard values. The balance was on account of sundry expenses and interest. By the end of October 1959, the station's liabilities stood at £33,368. Nonetheless, the District Field Supervisor regarded Te Haranui as a good block of country with the potential to make a good station. The department intended to take Te Haranui into a full scale development plan, and to effect further improvements using surplus revenue.[53] Unfortunately, in the long run, the department's management of Te Haranui would be mainly unsuccessful, especially in terms of accumulating debt and inability to get ahead

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[50] NZG 1959 No 5 p 113.
[51] AAMK 869/1381g: *61/45/1 pt 1, Head Office Station File, 1959-61,* NA, Wgtn.
[52] ibid.
[53] ibid.

of its own maintenance and improvement proposals, leading to increasing dissatisfaction among the owners.

In 1960, the supervisor said Te Haranui was 'generally looking better'. The manager was doing a good job of dealing with the fern problem. But the station required even more capital expenditure. The manager's and the shepherd's houses needed urgent repairs and painting, and neither house had a decent water supply. The land had never been fertilised, oversowing was most necessary, and two hundred acres were infested with Australian sedge grass, a particularly bad form of tussock. Stock losses were also a noticeable problem on the station, although initially the department put the losses down to the underground holes that were a detrimental feature of the district.[54]

Throughout the sixties, the issue of stock losses proved difficult for the department. Losses on the station were consistently higher than average, although other stations in the north also suffered heavy losses. Over the years, the department put through numerous explanations for the losses on Te Haranui including poor boundary fences, a pneumonia virus, failure to drench at the appropriate times, and ineffective feed. Other explanations were more concerned with topographical and climatic conditions. Many parts of the property were impassable in wet weather due to seepages, slips and dangerous creeks. Other parts of the station were thick with ti tree and fern, or dense native bush, probably camouflaging some stock deaths. The department suggested these factors affected the accuracy of the stock tallies, and the supervisor believed that unaccounted stock losses on Te Haranui were actually unrecorded deaths.[55] The north's droughty summers and heavy winter rains affected stock health, especially that of sheep and lambs which, on Te Haranui in the early sixties, were heavily infested with worms.[56]

Stock losses continued to plague the scheme through to the 1970s. The district field supervisor felt there were no suspicious circumstances surrounding the stock losses. But he did believe that the manager and staff failed to keep accurate stock records, thus clouding the position at times, and misrepresenting the period of time over which stock

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[54] ibid.
[55] ibid.
[56] AAMK 869/1382a: *61/45/1 pt 2, Head Office Station File, 1961-69*, NA, Wgtn.

losses occurred. This was the second time the department blamed the manager for the losses. In 1962, when head office suggested the losses were due to negligence on the part of the manager, a heated debate between head office and district office ensued. But in 1970, district office itself went so far as to suggest dismissing the current manager. The stock performances on the scheme were unacceptable to the fields director, who felt the department should pay above its average rate to attract a worthwhile manager. In fact retaining suitable managers had also long concerned the department. In six years from 1959 to 1965, Te Haranui had had five managers.

Another continuous burden on the Haranui scheme was the difficulty the department had controlling the Australian sedge tussock on the property. The district field supervisor regarded the problem as serious and in 1960, in conjunction with the county council, began experimenting with methods of eradication. In 1961, the council gazetted the tussock concerned a noxious weed. The eradication programme the department used lasted into the 1970s. It was an expensive process, attracting chemical and labour costs. To maintain control, spraying had to be followed up with good pasture management. By the end of 1961, the department said the weed was not spreading, was under control, and would be successfully handled. But by 1970, the department was still spending heavily to control the weed. The district field officer felt the eradication programme was uneconomic, and suggested the department concentrate instead on planting trees on the most heavily infested areas. Within a year, the department began a long term afforestation project which enabled it to use tree planting as one of the methods for controlling the sedge. Unfortunately, by 1975, while the afforestation efforts had been a 'wonderful success' the sedge continued to spread. It was present in every paddock on the station, and the need to eradicate it was once again described as urgent. At one point, the department even gave lack of control over the sedge problem, and not the high level of indebtedness, as the real reason it had not yet returned the Haranui scheme to its owners. When the department did eventually return the scheme to the owners, the sedge was still a problem on the property.

Development and debt

Probably the most striking feature of the department's management of the Haranui scheme, and the greatest cause of discontent among the owners, was the continuing and

escalating debt. The department took over the Haranui scheme at a time when returning stations to owners was a long established and well practiced policy. Initially, the department intended to hand Te Haranui back to its owners as an incorporation when the debt reached a stage where the Maori Trustee could advance the requisite finance, that is, when the debt was commensurate with three-fifths of the capital value.[57] It expected to operate the station until the end of the 1966/67 financial year at which juncture it would review the position of the property and make a submission covering the progress achieved and prospects for returning the station. The department also anticipated that the scheme would have to be farmed as a station for an additional twelve years before handback to recover the deficiency between the debt and the amount the Maori Trustee was able to advance. In the long term however, the debt would remain a constant burden to any progress the station made, and waylay its return to the owners.

Within three years of taking over the scheme, the department both overspent on the advance it received in its first year, and requested additional finance that would allow the debt to exceed the board's authority. For the over-expenditure of £4709, the department simply sought the board's retrospective approval. For the additional finance, the district office submitted a comprehensive proposal and justification for a medium term development programme for Te Haranui, requiring an injection of some £20,000 for the 1961/62 financial year and taking the estimated total debt (in 1967) to nearly £80,000.

The district field supervisor stressed that the Te Haranui should be treated as a development proposition, and therefore funded as such. In order to preserve the security, capital expenditure was required to address a comprehensive maintenance and pasture improvement programme, which would in turn lead to an increase in carrying capacity. The intended programme included erecting and repairing various farm buildings, installing electricity, fencing (new and reparative), building yards, draining and culverting, burning and oversowing pasture, providing water supplies to buildings, eradicating and controlling noxious weeds, realigning and metalling tracks, topdressing

[57] In 1965, an amendment to section 460 of the 1953 act enabled the Board of Maori Affairs to lend to incorporations. Also the three-fifths lending margin was abolished (AJHR 1966 G-9 p 19).

and manuring paddocks, and numerous other specific activities. The department acknowledged that the development programme required to salvage and rejuvenate the property also required a large cash injection, but felt that quickly bringing the property to its fullest potential in productivity and carrying capacity would provide an attractive and realistic return in the medium term.[58]

The district field officer said Te Haranui was an attractive scheme. However, the existing financial policy failed to encourage the scheme to increase production.

> ... in this instance, the scheme is producing at half measure with maintenance and reversion gradually overtaking most of the improvements. The running of the scheme is very insecure and if profits are to be made then they will be done so at the expense of maintenance. Under the present circumstances it is unfair to expect profits at the expense of improvements for a continual deterioration will decrease the owners assets.

The district field supervisor was interested in having Te Haranui emulate the department's better properties. He could realise this goal with additional finance. Therein lay the justification for the capital outlay. The proposed programme would complete the major capital expenditure for the property, and allow revenue returns to increase.[59]

The department said it had the confidence of the owners in both pursuing the programme it outlined to the board, and in the management of the station. The department even made a point of recording the support of a local and well-known Pakeha resident, who had himself been a successful sheep and cattle farmer, and who was, according to the department, well respected by the Maori people. At that point, probably noone could predict the eventual outcome of the department's management of the scheme. But there was one significant warning sign available, and its not clear the owners were informed of it: at the time the owners and the department discussed its development proposals, the

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[58] AAMK 869/1381g: *61/45/1 pt 1, Head Office Station File, 1959-61*, NA, Wgtn.
[59] ibid.

scheme's debt stood at nearly £60,000, about double the approved authority held by district office.[60] But by the end of 1962, the department again reported it had the favour of the owners, who appeared very interested and pleased with the progress achieved.[61]

Although the department stuck rigidly to its development programme, the debt continued to escalate. The department was able to record some profit in individual accounts, for example it made small profits in both the sheep and cattle trading accounts. But mostly, the profits made little impact on the debt and overall financial position of the scheme, for example, the debt increased by more than £9000 in 1962 compared to a combined profit of more than £3800 in the sheep and cattle accounts.[62] Throughout the 1960s, the scheme's best profits were earned in the cattle account, and the department recognised that cattle would play the most important part in the success of the scheme. By the end of 1964, although the scheme had yet to enjoy financial success, the department was confident that the performance of its cattle, combined with continuing improvement in pasture, would maintain a certain level of success. This certain level of success was perhaps realised in 1966. The district field supervisor was quite satisfied with the scheme's financial performance in 1965/66, pointing out that if not offset by station expenditure, the profit in 1965/66 represented an increase of £6,300 on the previous year's profit.[63]

As scheduled, the department submitted a review of the position of Te Haranui scheme in 1967, the process for which began in 1966. At the outset, the department had expected the development programme to exhaust the need for capital expenditure and provide increasing returns. Yet, in 1966, the department described the same programme as careful but limited, and the scheme as one with unlimited and untested potential. The department also said that at the beginning of the programme the owners were unenthusiastic about any large increase in debt. But by the end of 1966, the debt amounted to £73,000. However, this indebtedness was balanced by increases in carrying capacity and increases in the value of the land and improvements and the stock and

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[60] AAMK 869/1382a: *61/45/1 pt 2, Head Office Station File, 1961-69,* NA, Wgtn.
[61] ibid.
[62] ibid.
[63] ibid.

chattels. Since 1961, the department had increased carrying capacity by 400 ewes and 100 breeding cattle. It had improved the pasture of over 2200 acres, including developing 600 acres from fern. Since 1961, the value of the land and improvements had increased by £10,000 to £43,000, and the value of stock and chattels by £22,000 to £60,000.

Despite the heavy spending, and the overall improvement in both the physical and financial aspects of the scheme, the district field supervisor said the scheme was operating at only half its full potential. More finance was required to take advantage of the improving situation rather than being hamstrung by fixing progress solely to the finances raised by profits. District office sought some £30,000 to continue its development, maintenance and farming operations on the scheme. Most of that amount would be spent on improving pasture. Since 1961, the department had failed to take control of the sedge problem, and some of the additional funds would be applied to speeding up and diversifying its eradication and control programme, requiring a combination of burning, spraying and oversowing followed by manure and lime and increased subdivisional fencing where infestation was heaviest. In the five years following 1961, the department also wanted to build and renovate certain buildings to increase the capacity for accommodation on the scheme and provide for storage of hay, install electricity and telephones at two shepherds' cottages, increase and improve tracking and metalling, further develop water supplies, and extend the grassing programme.

Overall, the district field supervisor felt the Haranui scheme was one of the better blocks under the district's jurisdiction. Additional basic improvements were necessary to permit the anticipated increase in stock numbers and to further increase the asset value. Te Haranui development scheme was primed for steady and rapid advancement. The scheme was primarily a store sheep and cattle property, but had unlimited potentiality. But the district field supervisor said the station must have an infusion of capital in order to take advantage of this potential and create an asset which would become the most valuable of any Maori farm undertaking in Te Taitokerau.[64]

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[64] ibid.

The scheme faced some difficult years in the late 1960s, operating mainly at a loss. Head office said the accounts for 1967-68 showed a disastrous year. In the following season the scheme suffered a severe winter, leading to a decrease in wool production and inability to get cattle to the freezing works at the right time of year. By 1970, Te Haranui was one of only a few schemes operating at a loss, but head office was careful about judging that performance, acknowledging that expenses had steadily increased while the average sale prices for sheep and cattle and total income had decreased. Yet on a per acre and per ewe basis, costs were close to the average experienced on other schemes. Nonetheless, head office felt a thorough investigation of management on the scheme was warranted, particularly stock performances and quality of sale stock.[65]

In 1970, a newly appointed district field supervisor criticised previous supervision. He said the standard of overall management had been considerably below average for some time, and after lengthy discussion, the chairperson of the owners' committee had finally agreed to a change in management. The relatively poor stock performance was attributed to overgrazing. Previous policy had been aimed at getting sufficient stock on the property to control the growth of sedge, and to capitalise on the initial development work. The scheme remained badly infested with sedge, and the district office had been investigating the feasibility of afforestation as an option for the most heavily infested areas, a proposal to which the owners had agreed unconditionally. The district field supervisor proposed improved management, more lenient management, and halving the sedge problem would hold the performance of Te Haranui station at an economic level.[66] The department implemented these changes, and after a number of years of losses, the department recorded a substantial profit for the 1969/70 season, although assisted by a reduction in stock numbers and consequent sale of capital stock.[67] The reprieve was short lived. The scheme reverted to its 'usual form' in 1970/71 recording a loss of nearly $3,000.[68]

The department continued to seek additional finance for capital expenditure throughout

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[65] AAMK 869/1382b: *61/45/1 pt 3, Head Office Station File, 1969-71,* NA, Wgtn.
[66] ibid.
[67] ibid.
[68] ibid.

the 1970s, most of which was now intended for controlling the sedge problem by spraying in combination with clearing, grassing and fencing, and tree planting. In 1971, the Board of Maori Affairs approved an afforestation programme for the Haranui scheme, financing planting of 100 acres of pine over a five year period. About half of the cost was recoverable from subsidies available through the New Zealand Forest Service. Afforestation seemed to be the best option for simultaneously controlling the sedge problem and using the infested land profitably.[69] In the long term, Te Haranui's pine forest would become one of its most valuable assets, and is expected to realise between three and five million dollars over the next four years.[70]

Owner participation and return of the station

Overall, the department brought the scheme through some difficult years, and began realising at least some of its potential in the early 1970s when profits peaked, taking advantage of increases in ruling prices and reductions in stock numbers. But the profits did not continue beyond the mid 1970s, and mostly the debt continued to escalate. When the department finally returned the property to its owners in 1982, the debt stood at more than $250,000.

The owners seem to have been very patient with the department. Although they were reluctant for Te Haranui to accumulate too great a debt, they did seem to accept the department's development programme throughout the 1960s. But the owners were not passive participants in the department's management of Te Haranui. They used their own hapu based leadership to interface and negotiate with the department. A number of owners had shown an active interest in the scheme since before the department took it over. Over the years specific leaders came to the fore, many of whom were experienced farmers themselves. In 1971 when the department sought to express the concept of partnership between itself and development scheme owners by appointing development committees, the owners of Te Haranui really just formalised the leadership arrangement they had already been operating with through their annual meetings of owners.

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[69] AAMK 869/1382c: *61/45/1 pt 4, Head Office Station File, 1972-75,* NA, Wgtn.
[70] Incorporation profile, incorporation records, April 1994.

Although the department's files are mostly quiet on the real extent of owner participation, it is clear the owners had their own contributions to make to the department's management and were keen to have their say. At the annual meeting of owners in 1966, the owners suggested that certain adjoining lands, some with virtually the same ownership as Te Haranui, be incorporated into the scheme. They also recommended that subject to profits being made, the station make an annual grant of £200 towards the cost of maintaining the local marae, church and cemetery. The department acted on both recommendations. Te Haranui was a major Maori asset, and the department considered that contributing to local community amenities was a reasonable proposition.[71] Between 1966 and 1973, it paid a total of $1200 in grants to the local Maori committee.[72] In fact the department had arguably set a precedent for contributing to community amenities some five years earlier when it paid a grant in lieu of rates to the local county council, acknowledging the council's difficult financial times compared to its heavy maintenance bill for public amenities, especially the road that passed through the scheme.[73]

Financially, Te Haranui's most successful years were the early 1970s. From 1969/70 to 1973/74, Te Haranui scheme made substantial profits each financial year except for 1970/71 when it made a loss of nearly $3000. After earning a profit of $40,821 in 1972/73, the owners asked the department to pay out a dividend. District office proposed the board approve payment of a dividend which, at a rate of the fifty cents per share, came to a total demand of $10,825. The board approved the proposal although head office had been reluctant. Head office was concerned that paying a dividend would reduce the amount available for servicing the debt. It said the Minister of Maori Affairs wanted development schemes returned to owners' control as soon as possible, and the sooner the debt was reduced the sooner the scheme could be returned. At this juncture it was revealed that the department was holding the Haranui scheme, not for its level of indebtedness, but for the need to get control over the sedge problem, an admission that appears only once on file.[74]

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[71] AAMK 869/1382a: *61/45/1 pt 2, Head Office Station File, 1961-69*, NA, Wgtn.
[72] AAMK 869/1382c: *61/45/1 pt 4, Head Office Station File, 1972-75*, NA, Wgtn.
[73] AAMK 869/1382a: *61/45/1 pt 2, Head Office Station File, 1961-69*, NA, Wgtn.
[74] AAMK 869/1382c: *61/45/1 pt 4, Head Office Station File, 1972-75*, NA, Wgtn.

The department paid the owners a second dividend in 1974. The profit for the 1973/74 year had been $29,849 and the owners resolved that a dividend of twenty-five cents per share be paid out.[75] The oral record details some problems associated with paying the dividends in 1973 and 1974. The payments created a certain expectation among the owners which the department was unable to meet in subsequent years when the scheme reverted once more to loss making. Also, the department was ill-equipped to ensure all the owners received their dividend, a continuing difficulty that the department faced with all its schemes. There is something contradictory about distinguishing a kind of success, and even paying dividends, against a background of debt, stock loss and noxious weed infestation, which may be a reflection of the district office's dual role - as advocate for the scheme and its owners, as well as the Crown's agent for protecting the security, while its own head office serviced the Crown's lending authority, the Board of Maori Affairs.

It was about the mid-seventies that anxiety amongst the owners with regard to their land, and the mounting debt, gathered pace, so that by 1979 the owners were calling quite overtly to have the scheme returned to their own management. Some of their concerns had arisen out of their feeling the department failed to listen to the owners' wishes. They were keen to investigate further afforestation options and to set up an incorporation.[76] Some of the major shareholders, who had remained influential among the owners since the department took over the scheme, lent their support to the drive to set up an incorporation. The owners completed the legwork themselves, investigating the requirements for setting up an incorporation, working their way around the owners, and ensuring a quorum for the meeting that would finally agree the incorporation be established.[77] The owners' hard work and commitment paid off, and the court duly constituted the Proprietors of Te Haranui 1 as a Maori incorporation in December 1979.

The court appointed five people to the committee of management. They were joined by two additional members in 1982. At the court sitting in December 1979, there were 540

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[75] ibid.
[76] The original incorporation established in 1959 had been dissolved by the court in 1972. See 7 KH 34, *Kaikohe Minute Book 7*, Maori Land Court, Whangarei.
[77] Personal communication, 28 August 1995.

shareholders in the incorporation. As at 30 June 1979, the incorporation owned assets of $778,523.70 and liabilities of $233,709.82. The liabilities were primarily made up of the loan account which held a debt of $230,306.88, and sundry creditors. The objects of incorporation empowered the incorporation to occupy, manage and farm the station; grow, fell, market and mill timber; mine the land; and alienate the land or portions of the land by sale or lease.[78] In fact, although the incorporation began in 1979, it did not receive the station back until 1982.[79] The land itself was not formally released from part XXIV of the 1953 act until April 1983.[80]

Between the establishment of the incorporation in 1979, and the actual return of the land in 1982, the owners concerns seem to have intensified rather than eased. It had been a long established policy to return the schemes to owner control, and that policy had been given new life under the department's Tu Tangata policies of the 1970s and 80s. Yet still the owners felt they really had to struggle to get their land back. The management committee met periodically with departmental officers, but some committee members felt they weren't receiving the guidance they required from the department. The department assured the committee that it would have its land back, but did little to inform the committee of the steps to follow to actually have that happen. The owners view the return of Te Haranui scheme as an achievement entirely of their own making, with the department reacting to pressure from the owners rather than working proactively and heeding its own policy.

As far as the owners were concerned, when they took over the scheme in 1982, the property was in a dismal state, a result of indifferent management and poor directives from the department over a period of years. The department's attempts to control the sedge problem had failed, fencing was in a state of disrepair, all the scheme houses were in poor condition, and the forestry was so badly managed that much of its potential will remain unrealised. In effect, the incorporation inherited a debt that was not of its own making. A significant portion of that debt had been applied to addressing numerous breaches of covenant belonging to the previous lessee. But while there was some

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[78] 56 WH 76-7, *Whangarei Minute Book 56,* Maori Land Court, Whangarei.
[79] R11/445, *Memorandum of Mortgage, 6 September 1982,* Maori Land Court, Whangarei.
[80] NZG No. 53 p 1164, 21 April 1983.

grievance attached to the owners' drive to have their land returned, they were also very powerful in turning their situation around, and servicing the debt was a primary consideration for the first ten years:

> Initially our biggest problem was to unshackle ourselves from debt.[81]

When the incorporation finally received its land back in 1982, it also took on a debt of $304,134 with an annual interest rate of 9 per cent, that increased throughout the 1980s, especially after the government deregulated interest rates.[82] It was a bleak time for the incorporation. It seemed to operate from hand to mouth and relied on the goodwill of its shareholders to get through. But ten years later, the incorporation could announce itself debt-free.

In taking on the management of its land the incorporation also took its own approach to Maori land development and Maori land development policy. Whereas the department had been primarily concerned with the financial and technical performance of Te Haranui as a farm, the incorporation was concerned with long term hapu development. It purchased more land, began employing more of its own people, extended its forestry programme, and worked on its own long term development plan, focussing on a broader economic base:

> Traditional farming is not going to provide us with an economic base. It's important to protect that land [Te Haranui] because it's at the heart of our identity, but its the other investments, like our forestry, that are going to create the economic base we're trying to harness.[83]

Currently, Te Haranui incorporation seems to have an identity that is simultaneously corporate and tribal. It is corporate in its behaviour in the local and wider New Zealand farming and forestry economy: producing high quality beef cattle; being one of the biggest pig breeders in the north; and managing a forestry that will inject millions of

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[81] Personal communication, 28 August 1995.
[82] R11/445, *Memorandum of Mortgage, 6 September 1982,* Maori Land Court, Whangarei.
[83] Personal communication, 28 August 1995.

dollars into the local economy in coming years. Simultaneously, the incorporation is tribal in its relationship with its shareholders. The land itself is core to the psyche of the people in terms of their struggles throughout history to keep their land. Te Haranui represents one of the few substantial blocks of land that the people have been able to protect from the Crown's numerous methods of acquiring Maori land throughout the nineteenth and twentieth centuries, as well as competing claims from neighbouring hapu and iwi. The incorporation invites some five hundred families to its annual general meeting, which has the effect of bringing people back to the marae who might not otherwise have a reason, apart from tangihanga. It provides a largely urban population with an access to a modern day turangawaewae. The incorporation makes grants annually for the marae, for education and for special projects from which the people will benefit. The incorporation's annual general meetings are held in conjunction with the annual marae meeting, opening the discussion up to a range of issues which, in recent years, have included treaty claims' matters and fiscal envelope submissions.[84]

In the end, the owners of Te Haranui 1 have created their own prosperity. In spite of the department's efforts rather than because of them, the schemes have in the long run been a catalyst for the perseverance of tribal ownership of land, (notwithstanding the individuals who may have lost their interests in Te Haranui through consolidation). Whether or not Te Haranui would still be owned collectively had it not been leased or held by the department for so long is debateable. But that catalyst really had no fertile ground into which it could establish itself until the owners mobilised themselves and took over the scheme. Previously the owners had contended with the inherent paternalism of departmental policy and its failure to carry the kaupapa of community or hapu development which has contributed so significantly to the incorporation's successes in recent years. From the owners' point of view, the department did not really become useful until the 1970s when the leadership within the department changed. The 1970s saw the establishment of bodies such as the Federation of Maori Authorities and Taitokerau Forests Limited. The department offered packages for hands on investigation of successful trusts and incorporations. Still, they were ambivalent years, progress relying to a large extent on the commitment of individuals or cliques in the department

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[84] ibid.

and among the owners. The department could sometimes be both helpful and a hindrance at the same time.

The two case studies presented in this chapter reveal the complexities of the schemes at a local operational level, and the complexities of Maori land title improvement. Title improvement is clearly a significant aspect of Maori land use, a constant activity in the background to the schemes. Title improvement occurred in both case studies. Yet Te Kainga was a family farm with relatively few owners and an occupier unconcerned with gaining sole ownership. Similarly, as a station and incorporation, Haranui could be farmed in a businesslike manner regardless of its multiple ownership.

The case studies also provide examples of the department creating a protected environment for the schemes, and its shifts in policy and approach since the 1930s. In both case studies, the department loaned money on propositions that were unacceptable to other lending institutions. The security margins Te Kainga and Haranui offered were less than favourable to the State Advances Corporation and the Maori Trustee respectively. When Te Kainga first entered the schemes, the department responded to a family's need to refinance a mortgage, make some modest additions to a modest farm, and finish building a house. Ultimately though, in both case studies, the department's main concern was for productivity, as reflected in financial and technical performance.

While under the department's supervision, Wai and Titipa sought to do the best possible for their family while at the same time meeting their commitments to the department. Similarly, the owners of Haranui, sought to apply the proceeds of their financial performance to developing an economic base for their hapu. Wai and Titipa fulfilled their quite modest aspirations for more than thirty years. But in the end their hopes for the farm were foiled when they were unable to get the they land needed in order to facilitate conversion to wholemilk production. The owners of Haranui met their aspirations when they took over management of their station themselves. Regardless of performance, a kind of success occurred because under the schemes, when performance was substandard or uneconomic, the department could continue spending on the farms, thus allowing the farmers to continue to eke out a living, and creating an illusion of economic viability.

Chapter Six

A protected environment

When it entered into Maori land development under the part XXIV schemes, the state effectively took on responsibility for the various interests of owners and occupiers, while at the same time addressing the public's interest, and guarding its own financial interest. In the long term the government committed itself to ensuring the Maori land development schemes were successful. In the first twenty years, the schemes provided subsistence level farming, sufficient to support many Maori communities through depression and war, providing modern conveniences in modern homes, and 'enough to get by'. In the post-war years, the department increasingly bureaucratised and formalised the processes associated with the schemes. It also pressed ahead with reforming Maori land titles, and expanded its activities to account for the increasing urban Maori population.

Throughout more than forty years of state assisted development of Maori land, some Maori were completely comfortable with the schemes, and their farms, others struggled. But because the department felt itself responsible for ensuring the success of the schemes, it became at once protective and urgent about developing Maori land. The overall effect was to create a sheltered and paradoxical environment where the department assisted and urged part XXIV farmers into modern farming while protecting them from the cruelty of the modern economy. Those involved with Ngata at the beginning, probably had no idea that forty years later Maori farmers would be hooked on the assistance available from a benefactor that never really believed in them as farmers, but only in the land as a potential production machine.

Justifying a protected environment

The department and its various ministers throughout the years, held the special needs of Maori land settlement as a primary justification for the state to provide a nurturing and supportive environment for Maori farmers. Other departments offered similar rural lending services to all farmers. But the Department of Maori Affairs said these services were designed mainly to meet the needs of Pakeha people, and failed to provide for the

often unique needs of the Maori people.[1] Maori land settlement was a special activity, distinct from the schemes the Crown operated for ex-servicemen and civilians. With the assistance of time and education, Maori farming would meet national standards, but in the meantime the department would facilitate the special conditions needed to address the special problems associated with Maori farming.[2]

One of the earliest justifications to arise in support of a protected environment for Maori farming, was the fact that most lending institutions were reluctant to lend against Maori land, due mainly to its multiple ownership. The department also saw a real need for developing and settling Maori lands in areas, such as the Far North, where Maori people had no regular means of earning a living.[3] Ngata had advocated that the schemes would create a class of industrious and educated Maori farmers, farming their own lands and participating in New Zealand's modern farming economy, while at the same time remaining culturally distinct by preserving Maori arts and crafts, Maori leadership, and tribal organisation. More than twenty years after the schemes began, Ngata's intentions remained in vogue.

Incorporating Maori farming and Maori culture into the pakeha economic and social structure required the department to take a particularly careful approach, further justifying the creation of a protected environment for Maori farmers. This protection and careful approach was especially required because the department did not really believe that Maori farmers would ever match the ability of Pakeha farmers. The department held the opinion that, on average, prospective Maori farmers were less educated than Pakeha farmers. In particular, Maori farmers failed to appreciate the long term benefits that could be derived from farming, so were more attracted than Pakeha farmers to immediate returns as opposed to the promise of future prospects.[4]

The department told the Board of Maori Affairs not to expect Maori farmers to attain the same standards as those set by Pakeha farmers, at least until Maori farming had

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[1] AJHR 1955 G-9 p 8.
[2] AAMK 869/1323a: *60/1/33/1 pt 1, Relief of Northland Farmers, Pt XXIV, 1963,* NA, Wgtn.
[3] AAMK 869/1334b: *61/1 pt 5, Tokerau district: general, 1954-56,* NA, Wgtn.
[4] AAMK 869/410b: *15/0 pt 3, Development Schemes Policy, 1953-58,* NA, Wgtn.

reaped the benefits of the department's special assistance delivered through the land development schemes.[5] Generally, the per cow production of butterfat was considerably lower for Maori farmers. Most problem cases occurred amongst Maori farmers settled between 1955 and 1961, or farmers who had received substantial advances to complete development work during the same period. This was a period during which costs continuously increased, and prices remained relatively static. By 1960, although the gap between Maori and Pakeha had continued to narrow, production and performance figures bore out the department's negative expectations of Maori farmers.

The department used the Maori land development schemes to control Maori farms and farmers. This method provided the protected environment Maori farms needed in order to develop and prosper. The department intended its control and supervision to be temporary, ending some time after Maori farmers settled the schemes and proved themselves able to continue unsupervised. The shelter it offered Maori farming through the schemes would only last for as long as it took Maori farming to fully establish itself in the economy. But no government or department official was ever prepared to commit to how long that would take, and more than forty years after the schemes began, the department was still advocating a special approach to the special circumstances of Maori farmers. By then, a second generation of farmers occupied some farms, and the schemes had probably seen their best years.

In the early 1970s significant changes occurred in the modern farming world. Traditional export markets changed. For example, Britain entered the European Economic Community. Farmers' incomes decreased, and the government moved to restructure the farming industry. Diversifying or changing land use and production was a workable option for some farmers, and a number of Maori farmers were able to flow with the changing industry.[6] Many of the stations managed by their Maori owners continued successfully without departmental assistance, some moving into afforestation. But, as the case study of Te Kainga illustrates, it was difficult for the small family farmer to adjust to the new reality - for example converting from butterfat to wholemilk

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[5] AAMK 869/1323a: *60/1/33/1 pt 1, Relief of Northland Farmers, Pt XXIV, 1963,* NA, Wgtn.
[6] AAMK 869/411b: *15/0 pt 7, Development Schemes Policy, 1971-72,* NA, Wgtn.

production - without more capital investment, including access to more land, something that the department's schemes, no matter how supportive, could not guarantee. The Maori land development schemes allowed the department to create, or capture and keep, a certain corner of New Zealand's farming industry specifically for fostering Maori farming. But despite its insistence on a special and accommodating approach to Maori farming, the department's assistance was not limitless.

Relief

One of the major consequences of undertaking such a huge responsibility as developing Maori land within a protected environment, and using close control and supervision to do so, was that Maori farmers came to rely on the department for relief during difficult times, for instance during droughts and recessions. The notion of providing relief for farmers was not restricted to Maori farmers, and most relief programmes were based on those provided in the mainstream.[7]

At different times, both the Department and the Board of Maori Affairs considered solutions to the problems facing Maori farmers. Short term solutions provided temporary, usually seasonal, relief by deferring and suspending repayment of advances, extending loan terms over longer periods, or offering concessions on interest repayments. Long term solutions fell within an overall objective to have Maori farmers make cash deposits when established on their farms, in line with farmers in the mainstream. Also, the department intensified its research and experimental work in the North, for example investigating cheaper methods of pest and weed eradication, and correct manurial and trace element treatments for various soils. As an extension of this experimentation, the department encouraged more intensive supervision intended to increase production, arguing that a direct correlation existed between supervisors' visits and production levels.[8]

In 1959, spurred by increasing settlement costs, the department completed a project that closely examined the economics of developing and settling Maori land. It considered various alternatives for addressing the rising costs of settling its development schemes.

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[7] AJHR 1958 G-9 pp 12-13 and 1958 G-9 p 5.
[8] AAMK 869/1323a: *60/1/33/1 pt 1, Relief of Northland Farmers, Pt XXIV, 1963,* NA, Wgtn.

To respond, a sub-committee of the board inquired into the settlement problems of Maori farmers. The sub-committee paid particular attention to Taitokerau, and in 1960 visited a cross section of sheep and dairy units and schemes in the district. Based on the sub-committee's recommendations, the board amended its policy on mortgages and implemented a protocol for granting concessions to development settlers in need.

From April 1960, in all the board's advances for buying or creating improvements, stock and chattels were secured by way of on demand mortgages. The board also established a settlement charges sub-committee whose permanent function was to review all board papers recommending settlement and to determine the charges to meet loan repayments and any necessary concessions. If the settlement charges committee so recommended, the board could agree to permit interest concessions on advances long enough for the farmer to get established and to reach the production potential of the property. A typical concession would require the farmer to repay interest only during this period. The board also authorised district Maori land committees to temporarily suspend principal repayments for farmers facing seasonal difficulties, and district officers were given the discretion to approve up to £500 in cases that needed urgent seasonal expenditure.

The department reviewed the progress of each part XXIV farmer annually. These annual reviews provided the opportunity to assess each farmer's progress and, where necessary, apply any of the concessions the board made available, or even recommend some other concession or relief.[9] The board's concessions seem to have been insufficient to relieve Taitokerau farmers of their financial burdens. In 1963, a number of Taitokerau Maori complained to the acting secretary about the low standards of living endured by Maori farmers. Complainants included members of the Taitokerau District Maori Council, two Ministers of Parliament, and J T Henare, then a prospective parliamentary candidate. Henare alleged that settlers were unable to meet charges on their existing debts and live on an annual allowance of £416, leaving them unable to give their children a secondary education. But not only Maori farmers in Taitokerau felt a need for government assistance. In 1963, a cabinet committee examined the position of European and Maori

[9] ibid.

farmers who were unable to meet both their mortgage repayments and other essential outgoings.

Members of the cabinet committee considered the extent and effectiveness of existing discretions to remit or postpone principal and interest payments under mortgages, and the desirability of establishing committees which might recommend the cases in which the mortgage payments should be remitted or postponed. The committee focussed particularly on Northland. While it was generally accepted that most districts in New Zealand had their own particular problems, Taitokerau seemed to have rather more difficulties than other areas. The major soil types found north of Auckland had inherently low natural fertility. Seasons were frequently dry or excessively wet, and the north suffered a high incidence of pests and noxious weeds. During the course of the committee's investigations, the perceived inefficiency of Maori farmers compared to non-Maori became apparent. Certainly the average Maori farm produced less butterfat than the average European farm. But the gap between the two was closing, even though Maori farmers were more likely than non-Maori to be farming marginal lands.[10]

J R Hanan, the Minister of Maori Affairs, and a member of the cabinet committee, had wanted to set up a special committee to review the problems affecting Maori farmers only. Initially, other committee members opposed the suggestion. B E Talboys, the Minister of Agriculture, said if special provisions were made to grant redress for Maori farmers only, criticism from Pakeha farmers would result. The General Manager of the State Advances Corporation said there was heavy pressure all over the country for refinance money. Eventually, however, the committee endorsed Hanan's proposal to establish a special committee. But to ward off repercussions from Pakeha farmers, the cabinet committee also arranged for the Minister of Finance to issue a public statement explaining the measures of financial relief available from government sources for eligible Pakeha farmers.

The special committee, which drew its membership from the Department of Maori Affairs and local Maori farmers, investigated the on the spot complaints of individual

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[10] ibid.

Maori settlers. Throughout June and July 1963, the committee met with part XXIV farmers in twenty eight locations throughout the north, hearing directly from 232 of the board's mortgagees. Their complaints were specific to their own farms, but were largely to do with insufficient income stopping them from expanding their farms, increasing productivity, or improving their living conditions. One of the settlers complained that farmers under departmental control were little more than employees of the department. Other unsatisfactory conditions of Maori farming in Te Taitokerau included marginal or near marginal quality of their lands, lack of secure tenure, over-capitalisation of farms and subsequent high interest repayments, and the large number of uneconomic farms.[11]

The committee dealt with 229 cases. It postponed principal repayments for a year in 60 cases, 49 of which were instructed to use the savings to buy extra manure to improve the productivity of their farms. In seven cases the committee discharged interest for a period of a year. It granted additional advances in 33 cases, and referred 97 cases to the department for further review.[12] The work of this committee provided short term solutions for the financial difficulties of some Maori farmers in Northland. Other remedies, for all farmers, would also become available in later years.

In the late 1960s and into the 1970s, Maori farmers were able to access general government sponsored programmes to provide financial relief for farmers, such as the Government Guarantee Scheme introduced in 1968. The Government Guarantee Scheme provided seasonal finance for sheep farmers who were, at the time, experiencing financial difficulties because of decreasing export prices. The scheme complemented an agreement between institutional lenders (banks and stock firms) and government agencies for voluntary deferment of part or whole of interest and principal repayments. The scheme enabled lending institutions to provide additional seasonal finance, at not more than normal lending rates, where they could otherwise not reasonably be expected to do so. Government, through the State Advances Corporation, guaranteed repayment of interest and principal of the amount advanced. In return, the farmers who received the advances had to agree to an expenditure budget. When the scheme began, it was to

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[11] ibid.
[12] ibid.

operate until 1969, at which time its continuation would be reviewed.[13] In fact, the government continued to operate such schemes for a number of years, such as the supplementary finance scheme of 1971, and the seasonal finance support scheme of 1974.[14]

The board and the department's responses to these government schemes were somewhat indeterminate. Initially the board and head office considered it unnecessary to include part XXIV farmers in the government guarantee scheme, although they participated in agreements for voluntary deferment of charges.[15] In some districts there were no such requests for assistance under the scheme because there were so few sheep farmers. Yet Maori farmers continued to push for mortgage relief. In March 1968, one of the district Maori councils urged government to suspend principal payments on departmental loans for two years or until economic conditions improved.[16] Initially the department referred its sheep farmers to the voluntary deferment scheme, and advised that the board would consider concessions for dairy farmers on a case by case basis. Yet within months the government announced the Dairy Farmers Government Guarantee Scheme, which was essentially the same as the sheep farmers' scheme.

More relief was offered to farmers in 1970 in the form of drought relief assistance. At the time, almost all districts were affected by severe drought, especially in the far north. Relief consisted of refunds on the costs of hay and transporting costs, and government guarantees for bank overdrafts granted to farmers facing difficulties due to the drought. In actual fact, the need for drought relief concessions in the north was considerably less than originally anticipated, and some farmers preferred to try and ride out the season before resorting to applying for concessions. In Taitokerau, the total concessions approved amounted to approximately $9000, comprising $6000 in principal suspension, and $3000 in postponed interest.[17]

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[13] AAMK 869/411a: *15/0 pt 6,Development Schemes Policy, 1967-71,* NA, Wgtn.
[14] ibid; and AAMK 869/411c: *15/0 pt 8, Development Schemes Policy, 1972-75,* NA, Wgtn.
[15] AAMK 869/411a: *15/0 pt 6,Development Schemes Policy, 1967-71,* NA, Wgtn.
[16] ibid.
[17] ibid.

Besides relief, the board also buoyed Maori farming with incentive schemes. For example, in 1958, in Te Taitokerau only, the board changed the way it collected repayments from farmers' cream cheques. Instead of taking a percentage of the cream cheque, the board set fixed repayments arguing that the farmers could then keep any profit earned from increased production.[18] The board had earlier introduced a more comprehensive scheme in 1954. The scheme paid a performance based bonus for part XXIV farmers on probation. Specific formulae set the percentages to be paid out on butterfat production, profit from pigs, and heifer calves reared as herd replacements and in addition to replacements. The incentive scheme the board introduced was modelled on one that the Department of Lands and Survey had operated since about 1950 for those men employed on wages on development blocks and in sole charge of dairy herds. The Department of Maori Affairs felt that such incentive schemes provided Maori farmers with immediate returns on their farming efforts. The schemes also hastened settlement of Maori farmers and stimulated production.[19]

Owners and occupiers

Within the protected environment that the department created for Maori land development, it had to safeguard the interests of two main groups, the owners and the occupiers, while at the same time looking after its own financial interests. The department had great difficulty balancing its commitment to these two groups, especially as their interests often competed. It did not fully address the issue until some twenty years after the schemes began. Between 1930 and 1950 the department ensured the occupiers had peaceful occupation of their farms, if only because the legislation suspended the owners' rights while the land was developed and farmed under the schemes. Suspending owners' rights removed what the government perceived as the main impediment to developing Maori land - the communal nature of Maori land title. With the protection of the Minister of Native Affairs, and later the Board of Maori Affairs, nominated occupiers were able to occupy and farm communally owned property undisturbed, albeit under rather informal agreements.

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[18] AAMK 869/410b: *15/0 pt 3, Development Schemes Policy, 1953-58,* NA, Wgtn.
[19] ibid.

The department acknowledged that in their earlier years, the schemes provided a living, although limited, for occupiers during the depression years. It also felt that the owners at the time were reluctant to grant secure tenure, such as leases, because most of the occupiers at the time had very limited knowledge of farming practices other than bushfelling, fencing, shearing, and other manual work.[20] Understandably, the schemes were pursued with some urgency during their earlier years, and the creation of a class of nominated occupiers resulted from that urgency, at the cost of causing considerable difficulties at a later time.[21] Yet the Crown Solicitor had warned the Department of Maori Affairs as early as 1939, that such unclear terms of occupation were extremely unsatisfactory and invited disputes and dissatisfaction.[22]

After nearly twenty years of development activity and appointing nominated occupiers, understandings of the relative rights and responsibilities of owners and occupiers were often confused and doubtful. In July 1949, Cabinet agreed to implement a ten year plan which would see a further 200,000 acres of Maori land developed.[23] In aiming for further development at this rate, the position of nominated occupiers became unsatisfactory. The board stopped accepting occupiers without fixed tenure arrangements, and the department set about clearing the backlog of cases where occupiers farmed without secure tenure. It became a prerequisite of new development arrangements to contain definite principles of tenure, the minimum being a lease of forty two years with 100 per cent compensation for improvements (later modified to 75 per cent). It was unlikely owners of existing unit farms would agree to such terms, but head office expected the district offices to try and secure agreements as near as could reasonably be obtained.[24]

In formalising terms of occupation, the department had to find a balance between secure tenure for the occupiers or units, protection of equity for the land owners and agreement to a reasonable rental[25] Tipi Ropiha, under secretary of the department, said the longer

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[20] AJHR 1955 G-9 p 12.
[21] AJHR 1954 G-9 p 21.
[22] AAMK 869/410a, *15/0 pt 2, Development Schemes Policy, 1946-52,* NA, Wgtn.
[23] AAMK 869/1315a: *60/1 pt 5, Maori Land Development Policy and Legislation, 1953-1956,* NA, Wgtn.
[24] AAMK 869/410a: *15/0 pt 2, Development Schemes Policy, 1946-52,* NA, Wgtn.
[25] ibid.

the delay in clarifying the tenure under which each unit was farmed, the more difficult the problem would be to solve. As officers left the department, or moved around, networks were disconnected, and local knowledge lost or confused.[26]

In July 1950, Ropiha instructed all district offices to institute and maintain a definite programme in regard to tenure for existing units. He advised that holding meetings with owners, or otherwise contacting them, should become one of the main duties of the department's development sections.[27] They were to investigate each unit case by case, establishing all the relevant facts and seeking agreement between the owners and occupiers for what was a 'fair arrangement'.[28]

Ropiha instructed district offices to define the rights of occupiers and owners, and in doing so, investigate several points. These points included:

- determining the state of the property when the occupier took possession;
- fixing the unimproved value, the value of improvements when the occupier took over the property, and the value of improvements since created by the occupier; and
- assessing a reasonable rental (head office suggested five per cent of the capital value when the occupier took over).[29]

Having investigated these points, the department could then weigh the relative responsibilities of owners and occupiers. Occupiers were responsible for meeting existing debts, and owners were to compensate occupiers for any 'reasonable and permanent' improvements they had installed.[30]

Ropiha felt that undoubtedly all sorts of other variations on his instructions might occur. But the main thing was to ensure that whatever the owners and occupiers agreed was resolved in writing. Where necessary, approval from the board could be sought to use

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[26] ibid.
[27] AAMK 869/1315a: *60/1 pt 5, Maori Land Development Policy and Legislation, 1953-1956,* NA, Wgtn.
[28] ibid.
[29] AAMK 869/410a: *15/0 pt 2, Development Schemes Policy, 1946-52,* NA, Wgtn.
[30] ibid.

the written agreement as a basis for a lease or occupation licence. It was most important that, as a result of contact with the owners, all doubt was removed as to ownership of stock and chattels, improvements, credit balance, and responsibility for debt. If no agreement could be reached, or if records were insufficient for making a suitable presentation to the owners, districts were instructed to report the matter to the board with any suitable recommendations.[31]

Head office instructed districts to make every effort to obtain the owners' agreement to a just division of equity.[32] At the time, however, it was the board's policy to accept the resolutions of meetings of owners without requiring protection for the interests of absentee or dissenting owners 'notwithstanding any risk which may be involved in the infringement of the property rights of these owners'.[33] Head office expected to receive a steady flow of submissions from each district, seeking board approval for setting the terms of occupation for each scheme. The ultimate goal was to define the position regarding tenure for every development scheme unit.[34]

While the department took this approach of tidying up ill-defined equity and tenure arrangements, internally there was some debate over whether or not it was ever intended that all units should have leases. In 1946, the registrar at Rotorua said that the original intention was to enable units to earn a living from the land, and that no fixed legal tenure was implied. But the under secretary at the time claimed that Ngata had stated that the original units were promised 'a legal and permanent tenure'.[35] At that time, head office wanted districts to follow the principle that, as soon as a property is developed to the stage where it can pay rent to the owners arrangements should be made to do so, regardless of whether or not the property came under a formal scheme.[36]

In 1953, head office was certain some form of legal occupation was intended for the occupiers of land within the development schemes. It said the occupiers went into the

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[31] ibid.
[32] ibid.
[33] AAMK 869/1315a: *60/1 pt 5, Maori Land Development Policy and Legislation, 1953-1956,* NA, Wgtn.
[34] AAMK 869/410a: *15/0 pt 2, Development Schemes Policy, 1946-52,* NA, Wgtn.
[35] ibid.
[36] ibid.

farms at the same time, and often for the same reasons as settlers under the Small Farms Act who were entitled to sound tenure with recognition for any improvements they created.[37] Further, head office held the opinion that it had always been board policy to try and grant leases to all nominated occupiers who proved satisfactory, and such occupiers expected to obtain such a lease.[38] It also quoted from Ngata's 1931 statement on Native Land Development, where he described the liabilities that awaited the development scheme farmers as 'rent, interest, rates and working expenses'. According to head office, this statement contemplated that Maori would farm the land, settle down on some form of tenure, and pay rent.[39]

Despite this debate, the policy instructions Ropiha issued to districts in 1950 remained, and the department's efforts to secure tenure and define equity continued steadily. But three years on, head office said the department was making no real progress in clearing up cases of vague tenure.[40] On 31 March 1953, the department was assisting 1,470 settlers. Of those, 1,017 had taken up their units or farms under the 'old method' and had no promise of any secure tenure in the future.[41] For that year, the Tokerau district had the dubious distinction of having the highest number of units with informal tenure - 492 compared to the second highest, 289 in Waiariki.[42]

The department described the occupiers' situation as 'invidious'.[43] A submission from the department to the board stated:

> The position of these occupiers is far from satisfactory in that the precise rights and liabilities incidental to their occupation have never been determined. They have no guarantee of tenure and are there[fore] at the mercy of the owners and/or the Board of Maori Affairs though it can be assumed that the Board of

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[37] AAMK 869/1315a: *60/1 pt 5, Maori Land Development Policy and Legislation, 1953-1956,* NA, Wgtn.
[38] AAMK 869/410a: *15/0 pt 2, Development Schemes Policy, 1946-52,* NA, Wgtn.
[39] AAMK 869/1315a: *60/1 pt 5, Maori Land Development Policy and Legislation, 1953-1956,* NA, Wgtn.
[40] ibid.
[41] AJHR 1954 G-9 p 21.
[42] AAMK 869/1315a: *60/1 pt 5, Maori Land Development Policy and Legislation, 1953-1956,* NA, Wgtn..
[43] AJHR 1954 G-9 p 21.

> Maori Affairs would do all it could to protect them. Many of them have for years been promised that they would be given leases. The position is in some measure unsatisfactory to owners, many of whom have never received a penny for the use of their land.[44]

The department seems to have expected the consolidation process to address the matter of tenure in many cases. According to the department, in districts where development was introduced at the same time as consolidation, it was intended that wherever possible consolidation would create individual holdings for occupiers, making them sole owners of their farm and improvements. But the department also acknowledged that, unfortunately, consolidation was unable to provide such a solution. Many consolidation schemes remained incomplete, and revisiting and finishing them was a long and tedious process.[45]

At the time (early 1953) existing legislation failed to provide any explicit help on the matter, and there was no formal record of the terms upon which occupiers were originally nominated. The instructions Ropiha had issued in 1950, which attempted to address all cases of vague tenure, were based on the premise that the fairest approach was that which dealt with each case on its separate merits. In fact, the variation in the circumstances of each case was so wide that it made the whole situation even more difficult. Occupiers sometimes owned substantial interests and sometimes little or no interests in the land. In different cases, consolidation was variously still in progress, complete or never begun. Some land was already partially developed when brought under the schemes, other land was completely virgin. Some occupiers brought their own stock on to their units. In all, virtually every case involved a different set of factors.[46]

There was merit in the approach the department took in its 1950 instructions - seeking a fair agreement between owners and occupiers in each case. But in May 1953, head office wrote:

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[44] AAMK 869/1315a: *60/1 pt 5, Maori Land Development Policy and Legislation, 1953-1956,* NA, Wgtn.
[45] ibid.
[46] ibid.

> The plain fact is ... that we are making no real progress in clearing up these cases, despite the standing instruction.

Consulting with the owners, and investigating each case was time consuming, and in some cases resulted in long, drawn out arguments and negotiations. But, according to the department, it was essential both administratively and from the occupiers' perspective, to settle the issues surrounding equity and tenure immediately. While the issues remained unsettled, they formed a large and persistent focus of discontent on the part of the occupiers and, to some extent, the owners. The department suggested to the board that, in order to make some 'real progress' the board should go ahead and issue leases without consulting the owners. Within this suggestion, the department said the board should take full responsibility for settling the terms of the leases and adjusting equities, subject to the owners and occupiers having the right to object and be heard if they disagree.[47]

In making this suggestion to the board, the department explored a number of the legislative and administrative intricacies influencing its thinking. It weighed up opposing points of view on the relative interests of occupier and owners, outlined the difficulties involved in backdating leases, and bemoaned the administrative burden of sorting through nearly twenty years of arrears for some one thousand cases of insecure tenure - on top of a very heavy and increasing existing workload. Head office said it was forced to recommend an arbitrary line, devised as fairly as possible. Consequently, on 1 May 1953, the board agreed to take positive action to grant leases to all competent and suitable nominated occupiers; and issue written licences to occupiers who remained on properties where there was some reason no lease was granted, the licences to be framed according to circumstance. Under the proposal, leases would be for terms of 21 years, providing 75 per cent compensation for improvements, with renewal only by agreement and not by right. The board would also delegate a number of its powers to the District Maori Land Committees and district officers.[48]

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[47] ibid.
[48] ibid.

But the board's new arbitrary approach to tidying up its numerous cases of insecure tenure never took root. Head office had barely written the policy and procedure required to implement the board's 1953 decision, when districts criticised the whole approach. Auckland office said it had never cared for an arbitrary approach such as that planned by head office. Head office itself agreed that individual discussion and negotiation was the best approach, but such an approach had become impractical for dealing with the huge accumulation of arrears. Recent statistics showed that much better progress had been made in the twelve months to October 1953, during which time the Tokerau and Maniapoto districts together had secured lease and other tenure arrangements in 116 cases. Ropiha said that at the time the proposal for an arbitrary approach was being approved, only thirty leases were being approved annually, at which rate it would take fifty years to remove the backlog. This was a situation Ropiha said 'no self respecting administrator could be complacent about'. In any event, head office decided to advise district to speed up their programmes for granting satisfactory tenure to units, noting that 'this could have been done all along if [district officers had] made the effort.[49]

The signs of progress in effecting secure tenure continued thereafter. The number of nominated occupiers with insecure tenure reduced from 1,017 at the end of March 1953 to 847 at 30 June 1954. By 30 June 1957, the number had further reduced to 443. By 30 June 1965 the department had just 86 cases of nominated occupancy with which to deal.

The department made its greatest progress in securing tenure for nominated occupiers between 1953 and 1957. By that time the department's ideal in land development was to settle Maori farmers with secure tenure on economic holdings, and have them repay money advanced to them for establishing the farm in fixed annual instalments.[50] The department spared no effort in investigating cases of insecure tenure, and one of the consequences of its programme was that it successfully negotiated freehold tenure for many occupiers.[51] The effort to rid the development schemes of cases of insecure tenure

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[49] AAMK 869/410b: *15/0 pt 3, Development Schemes Policy, 1953-58,* NA, Wgtn.
[50] AJHR 1955 G-9 and AJHR 1957 G-9.
[51] AJHR 1957 G-9.

lasted more than ten years. But while progress was steady, and often impressive, rarely was it smooth. Initially, the department said the farmers were in an unenviable position:

> after many years of work their equity in the farm they occupy can be no greater than in proportion to any interest they may have in the land as a part-owner of an undivided share.[52]

Figure Ten: Nominated occupiers, 1953-65

Date	*Number*
31 March 1953	1,017
30 June 1954	847
30 June 1955	746
30 June 1956	566
30 June 1957	443
30 June 1958	343
30 June 1959	265
30 June 1960	229
30 June 1961	167
30 June 1962	150
30 June 1963	109
30 June 1964	104
30 June 1965	86

Source: AJHRs G-9, 1954 - 1966

The department said it could not expect the best farming efforts from the development scheme farmers whilst their tenure was unsound.[53] It attributed its success in securing leasehold and freehold tenure, in part, to successful Maori farmers proving themselves to their co-owners as worthy of secure tenure.[54] The department and the owners became aware that occupiers who were capable farmers were able to pay rent. According to the department, owners were also beginning to realise that occupiers would only do their best and use their own resources to create improvements on land they did not own if they had secure tenure.[55]

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[52] AJHR 1954 G-9 p 21.
[53] AAMK 869/1315a: *60/1 pt 5, Maori Land Development Policy and Legislation, 1953-1956,* NA, Wgtn.
[54] AJHR 1956 G-9.
[55] AJHR 1955 G-9 p 12.

For the farmers, the consequence of secure tenure was steady progress in Maori farming. The department said the evidence for this progress was both visual and financial. More progress would result if improvements on the farms were protected, especially because the occupiers had used their own labour and capital to create the improvements. Increases in butterfat production, although modest, did occur and the department said substantial increases could only be made once tenure improved. This improved tenure would, at least in part, compensate the occupier for the capital work required to bring many farms to their maximum carrying capacity.[56] Behind the department's public face and official story - that securing tenure led to improved farming and production - lay a series of points of contention about which the department argued internally.

The main argument about equity concerned whose interests were paramount - the owners or the occupiers? This argument struck at the very core of the department's emphasis on securing tenure for and defining the interests of the occupiers. One view on the subject subscribed to the notion that the board was bound to protect the owners' interests. The occupier was, in effect, no more than an employee or share-milker, and had acquired no interest whatsoever in the farm assets. The opposing view was that the occupier was entitled to a defined interest in the assets he or she had created while developing the property. This interest was subject to the occupier paying a reasonable rent and any debt owing on the land.

The board and the department had so far preferred this second view, largely on the broad grounds of good faith and fair dealing with occupiers who had contributed greatly to developing the land.[57] But the department's approach apparently lacked legal justification. A legal opinion prepared by T P Cleary in July 1954, stated that the Native Land Amendment Act 1936 contemplated that the Board of Maori Affairs would develop Maori land by farming the land itself, appointing Maori nominated occupiers, or leasing the land.

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[56] ibid.

[57] AAMK 869/1315a: *60/1 pt 5, Maori Land Development Policy and Legislation, 1953-1956,* NA, Wgtn.

Even if the board's approach was read as unfairly in favour of the occupier, the board did not completely ignore its duties to the owners. Since 1949, it had been the board's express policy to preserve the owners' equity in any land included in the schemes. Over the years, when discussing development proposals at meetings of owners, the department had repeatedly assured owners that this was the board's policy. Then, in 1953, the board strengthened its policy by defining the owners' equity and promising that their interest would not be extinguished by any development debt to the Crown. The board defined the owners' equity as the value of their interest at a time to be specified, or when the actual development began.[58]

Throughout the 1950s, the board and department expended considerable energy investigating, implementing, and tweaking their policies on equities and tenures. Despite all the behind the scenes investigation and concern, and the administrative workload it consequently produced, progress in securing tenure continued, probably unaffected by the activity within the department and the board room. By 30 June 1965, and after an effort of twelve years, just 86 six cases of insecure tenure and remained.

Defining uneconomic

The department strived to have all its part XXIV farms, stations and schemes operating economically. But because the Maori land development environment was so sheltered, farms could be essentially uneconomic, yet continue to keep their occupiers' and families, as exemplified in the case study for Te Kainga (chapter five). Many of the smaller farms, which were declared uneconomic as early as the 1950s, in fact managed to survive, if only at a subsistence level, even into the 1970s. One of the complicating factors in assessing the progress and decline of the 'uneconomic' farm or unit, is that the nature of economic and uneconomic has been so ill-defined.

During the first ten years of the Maori land development programme, the department settled many farmers on very small individual holdings, carrying perhaps fifteen to twenty cows. The department considered this situation 'better than nothing in those days' with the revenue from such a property bringing a 100 per cent improvement on the conditions

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[58] ibid.

then existing in most Maori communities. But what worked for depressed local economies during a world wide depression, brought problems in later years, and in 1947, the department directed that subdivisions of schemes for settlement would not be less than economic, although economic remained ill-defined.[59]

The Minister of Maori Affairs, E B Corbett, in May 1951, noticed that the unit holdings on many of the development schemes he had seen were uneconomic. Corbett told the under secretary that, in its programme for dairy settlement, the department should aim to provide unit holdings on the basis of 60 cows or a ten to twelve thousand pound butterfat production. Such a unit would give room to provide an extra unit of labour when the farm reached its full carrying capacity. Corbett then instructed the under secretary to take steps where possible to bring existing unit holdings into line with this plan.[60] The under secretary subsequently advised all districts to review the position of existing uneconomical unit holdings, and to investigate the possibility of increasing areas by amalgamation or by purchase and/or lease of adjacent holdings.[61]

Despite these instructions, and despite a standing rule that when subdividing development schemes for settlement holdings must be economic, there remained an expectation that the board would continue to receive applications for assistance to develop farms that would always be uneconomic. Consequently, when people with small holdings applied for assistance they were to be clearly informed that the first charges on the farm revenue were interest charges, mortgage, rates, manure and 'occupier's share'.[62]

By 1953, there was still no clear definition of an economic unit, although the area and carrying capacity of subdivisions for settlement had steadily increased between 1947 and 1953. In 1953, the department said an economic unit could perhaps be defined as:

> a holding which will produce sufficient in value to pay all working expenses, rent,

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[59] ibid.
[60] AAMK 869/410a: *15/0 pt 2, Development Schemes Policy, 1946-52,* NA, Wgtn.
[61] ibid.
[62] ibid.

> interest, rates, capital repayments under a reasonable table mortgage including the stock mortgage, and still leave sufficient to provide the occupier with a reasonable standard of living for himself and his family independent of outside work.[63]

Although not specified, contemporary evidence suggested that an economic dairy farm in 1947/48 was one that would carry 40 to 45 cows, produce ten to twelve thousand pounds of butterfat per annum, and carry normal replacement stock. This definition, which varied from what Corbett had proposed in 1951, became the standard for single unit farms from 1953 onwards. However, that standard was a guide to be used on subdivision, and not an absolute directive from the board. Variations could occur according to locality, for example distance from service centres, factories and freezing works.[64]

By 1962, the department realised that while many settlers appeared to be doing well financially, they were in fact facing a number of difficulties. Their annual accounts showed a good net profit. But after paying taxes and capital repayments, these farmers had insufficient cash to provide for further necessary capital expenditure unless they lived very frugally. In fact, a departmental examination of a number of settlers revealed that all surplus cash was used for current living expenses. In some cases, pastures were deteriorating due to insufficient manure.[65] This situation became typical of the Taitokerau dairy unit, as exemplified by the case study for Te Kainga. Te Kainga was economic in terms of maintaining production. The family lived frugally, and therefore found the housekeeping allowance 'enough to get by on'. But while farming was sufficient to support the family, it was unable to substantially finance further capital development.

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[63] AAMK 869/1315a: *60/1 pt 5, Maori Land Development Policy and Legislation, 1953-1956,* NA, Wgtn.
[64] ibid.
[65] AAMK 869/414a: *15/0/5 pt 2, [Maori Land Development], 1961-77,* NA, Wgtn.

Supervision and training

> *That was the worst feature of the ... Maori land development schemes - just total control. There 's nothing equivalent in the Pakeha world. Pakeha people got all sorts of development assistance from government for their farm. But there was never a suggestion that you had to take total control of their minds in order to give them development assistance. That was only for Maoris...*[66]

In implementing the land development schemes, the state promised to train and supervise part XXIV farmers in modern farming techniques, and financial management. In return, the farmers accepted the department's supervision, and the board's policies. The basic operating principles of supervision are discussed in chapter three. It is at the point of supervision that the department had the greatest contact with its part XXIV farmers or settlers, and the relationship between supervisor and settler may be regarded as the lynch pin of the whole Maori land development programme. It was the supervisor who implemented and monitored the development schemes at the flax roots, and the settlers relied on the supervisor for instruction, training and advice; the provision of equipment and stock; and basic day to day operating needs. It was the supervisor that provided the close watch required when development occurs in a protected or sheltered environment. It is in the relationship between supervisor and farmer that the tensions between too much protection and not enough get played out.

Supervision was not the sole means of training for Maori farmers. The Department of Maori Affairs established Maori training and demonstration farms, and encouraged young Maori men into existing courses such as those available at the agricultural colleges at Massey and Lincoln. While there is a wealth of archival material about demonstration farms and training for Maori farmers, these topics are not discussed here, the primary focus being placed upon supervision as fundamental to the relationships between the state and Maori farmers under the land development schemes.[67]

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[66] Personal communication, 23 August 1995.

[67] Files on training include MA 1, 53/9: *Farm Supervision Training, 1962-64,* NA, Wgtn; MA 1, 55/8/4 vol 1: *Auckland youths' farm settlement scheme, 1962-69,* NA, Wgtn; and MA 1, 55/1/1 vol 6: *Special Training Scheme, 1969-72,* NA, Wgtn.

Settlers received concentrated supervision and assistance during their first years on the farm. Close control of some farmers might require at least one visit per month from the supervisor, although it was common for visits to occur more frequently during particular times of the year, or in areas where a supervisor had several properties to visit.[68] The department's comprehensive and detailed supervision ventured into virtually every aspect of the farmers' lives.

All settlers received supervision of some sort regardless of previous experience or training. As a general rule, the board placed all part XXIV settlers, including those who had had successful probationary periods, under budgetary control, usually for at least a year. While on probation, settlers had no legal contract of settlement, and were paid the award wage for dairy workers, as if employees of the department. If they proved themselves to be satisfactory farmers, settlers were then settled and subjected to budgetary control. Under budgetary control, settlers had a legal contract of settlement, and received a living allowance of £416 per annum (in 1961).[69]

The profits from the farm belonged to the settler, but after providing for working expenses and living allowances, the surplus was applied to the debt.[70] Yearly assessments determined whether each settler should continue under budgetary control, advance to a funded bank account system of budgetary control, or be released from budgetary control. These assessments also determined the amount of money settlers on funded bank accounts could draw by cheque independently of the supervisor. To qualify for release from budgetary control the farmer had to be able to meet all charges, maintain the farm, and have at least £600 per annum to for living expenses.[71] Once the farmer repaid his or her loan, and when the department considered no further development or control was necessary, the farmer's account was closed and the property released from the provisions of part XXIV.[72]

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[68] AAMK 869/414a: *15/0/5 pt 2, [Maori Land Development], 1961-77,* NA, Wgtn.
[69] AAMK 869/410c: *15/0 pt 4, Development Schemes Policy, 1958-62,* NA, Wgtn.
[70] AAMK 869/410b: *15/0 pt 3, Development Schemes Policy, 1953-58,* NA, Wgtn.
[71] AAMK 869/410c: *15/0 pt 4, Development Schemes Policy, 1958-62,* NA, Wgtn.
[72] AJHR 1957 G-9 p 12.

For dairy farms, the department intended the period of budgetary control to last no longer than three years. But in many cases this period drifted beyond three years because settlers failed to produce sufficient income to meet all the charges on the farm. According to the department, the longer the period of budgetary control, the worse the position became. Often the farmer would give up trying. Alternatively, the farmer became satisfied with the £416 annual living allowance, and thus maintained his or her work at a level sufficient to remain on the farm but too low for the board to risk transferring the farm to instalment mortgage.[73]

The department used the annual reviews of its farms as an opportunity to assess the efficiency of its supervision. The process of annual review required district offices to consider a number of key points, mainly concerning productivity, and including:

- productivity and debt compared to previous seasons;
- productivity compared to estimated production for the coming season;
- productivity compared to potential productivity;
- further development or action required to reach full potential;[74]
- adequacy of insurance, manure reserve and maintenance of improvements;
- tenure for nominated occupiers;
- more land for uneconomic holdings; and
- the amount of money required to further develop uneconomic properties and the potential of the property after the money is expended.[75]

On the ground at least, it seems supervision focussed primarily on productivity and the technical aspects of farming. This view is supported by both the written and the oral records. In its written instructions, head office often reminded district offices of the role of supervisors in teaching financial management and fostering independent responsibility amongst Maori farmers. At the same time, however, the department stressed the need to

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[73] AAMK 869/410c: *15/0 pt 4, Development Schemes Policy, 1958-62,* NA, Wgtn.
[74] Head Office defined potential as "the amount of production which could be produced by an average efficient farmer on the particular property without <u>further capital expenditure</u>.
[75] AAMK 869/410c: *15/0 pt 4, Development Schemes Policy, 1958-62,* NA, Wgtn.

develop economic and productive farms, providing instructions and advice about how to improve productivity.[76]

The oral record contains diverse responses to the department's emphasis on productivity. A former field officer, said the field staff in the 1960s were essentially either economically driven or driven by the satisfaction of seeing large tracts of land covered in bush and scrub turned to pasture. The aspirations of the owners existed in another dimension, and field staff only had to 'suffer the owners at a meeting of owners once a year'. Farming supervision was all about the technical aspects:

> lambing percentages, deaths, performance ... and Maori Affairs staff used to quite consciously compete with Lands and Surveys to see who could do best on farming operations.[77]

The farmers and land owners concerned were variously satisfied, critical or indifferent towards the supervisors' emphasis on productivity. Owners in a Hokianga station were interested in developing an economic base at a hapu level, whereas they felt the department focussed on farming a piece of land for productivity's sake.[78] In the same district, farmers of a small family owned dairy unit were quite satisfied with the input of their supervisor, who only ever addressed the technical aspects of farming, and who was happy to help with the manual work when he visited. The supervision the department provided was quite acceptable to this couple, although they also adopted an attitude that they just had to 'do what the Maori Affairs said'.[79]

While critical, productivity was not the only significant emphasis for the department's supervision of farming under the Maori land development schemes. Head office reminded supervisors that training settlers in business management was an important aspect of their work. Prior to their annual review, each settler was asked to complete a programme and budget for the following year. This programme then formed the basis

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[76] eg correspondence on AAMK 869/410b, 869/410c, and 869/414a, NA, Wgtn.
[77] Personal communication, 19 October 1995.
[78] Personal communication, 28 August 1995.
[79] Personal communication, 23 October 1995.

for discussions when the annual inspection was completed. Head office said that the supervisors ought to point out the weaknesses in this programme in a helpful rather than a critical way, with the objective of making the settlers themselves eventually suggest the programme best suited to the farm and the finance available.[80]

In fact, having the farmers plan and implement their own programmes was effectively a measure of another of the key result areas for the department's supervisors, that is, the development of certain personal qualities and aptitudes in Maori farmers that would ensure the success of their farms. The department variously described these characteristics as self-reliance, initiative, independence, and confidence. According to head office, a large part of a supervisor's responsibility was achieved once he had developed a settler's self-reliance and initiative to a point where the settler designed and implemented his or her own work programme.[81]

From the department's point of view, a settler had to satisfy certain prerequisites before he or she could reach the level of independence that provided responsibility for work programmes. Firstly, the settler had to have a will to succeed. The department said no amount of technical perfection in a supervisor would help a settler succeed, unless the will to succeed first existed. Further, the department said that this will to succeed must arise from the opportunity to establish an equity in a farm property together with the financial reward and way of life that farming offered.[82] Indeed, this was one of the key reasons the department, throughout the 1950s and 1960s, pursued secure tenure for nominated occupiers, and title improvements in Maori land tenure. After a will to succeed, a settler's independence could then only follow confidence in his or her own ability to make decisions, and supervisors were instructed to assist in developing this faculty.[83]

Of course, the whole supervision process was not without its difficulties, for either the department or its settlers. Head office felt that the supervisors tended to merely tell the

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[80] AAMK 869/410c: *15/0 pt 4, Development Schemes Policy, 1958-62,* NA, Wgtn.
[81] ibid.
[82] ibid.
[83] ibid.

farmers what to do, issue programmes, and 'dog' the farmers to implement the programmes.[84] The assistant secretary said that close supervision of Maori farmers was expensive, and that it had insufficient staff to supervise all those farmers who needed or would benefit from supervision. Further, by 1961 head office felt that the department's supervision methods had, to a degree, failed. The department had failed to produce self-reliant farmers who were capable of maintaining production when supervision was relaxed.[85]

Field staff themselves admitted to being weak in administration, reporting, knowledge of policy, and clear understanding of their duties. Staff felt these deficiencies limited successful settlement, caused unnecessary delays and mistakes, and led to poor working relationships between field and administration staff.[86] To address flaws in the process, the department ongoingly developed and refined its supervision policies, issuing and amending instructions to field staff, providing refresher training courses, and expressing dissatisfaction when supervisors failed to adhere to policy and instructions.

The department's ongoing monitoring and evaluation of its supervision process was insufficient to avert criticism from Maori farmers. Criticism that the department's supervision was so close that it restricted and even patronised Maori farmers emerged as early as 1950. The Kaikohe Western Tribal Maori Executive Committee complained that units faced unnecessary delays because the farm supervisors purchased basic needs such as fertilisers, grass seeds, fencing and building materials from Auckland rather than locally. In fact, the assistant under secretary replied that it was the department's preference that settlers do as much as possible for themselves, including buying manure and other farm requirements. This preference suited everyone concerned, it helped the settler and helped the department. In fact, the under secretary's reply reflects the very sentiment laid down among the instructions to all officers and other land settlement policy directions. Clearly, though, the department still had to buy some requirements,

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[84] ibid.
[85] ibid.
[86] ibid.

and for these, existing purchasing arrangements stood, notwithstanding the central principal to help settlers do as much as possible for themselves.[87]

Although the department wanted settlers to show initiative, sometimes the department reprimanded settlers for practising too much initiative. In 1953, the department became concerned that settlers in the 'relaxed class' were acting under the mistaken impression that they could deal with their stock without reference to the department. A number of cases occurred where settlers under relaxed control sold stock without the department's knowledge. In fact, the department held the bill of sale over the stock, and if it decided to enforce recovery of the proceeds of the sales, the farmers concerned could have found themselves facing prosecution.[88]

Almost six years later, the department thwarted a similar expression of initiative in Taitokerau. Farmers there had been arranging credit with dairy companies, and were making repayments from out of the cream cheque. Again, the department had ultimate control of the proceeds of the cream cheque as it usually held a 100 per cent order over the cheque whenever money was advanced under part XXIV. In practice though, the department seldom called up the whole order, and there was really nothing to stop the dairy companies from taking repayments from that portion of the cheque normally left for the farmer to collect. Nonetheless, the department did acknowledge that it had the power to defeat the practice by calling up 100 per cent of the cream cheque if it so desired.[89]

These and numerous other criticisms and observations of the department's supervision highlight certain ambiguities and contradictions in the process. Through its supervisors the department concerned itself simultaneously with weaning Maori farmers off the state assistance used to develop and farm their lands and ensuring the farms maintained high production levels. In effect, the department wanted the farmers to become independent of a very protected and dependent environment into which the department itself had placed those farmers in the first place. The department also wanted to dictate the nature

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[87] AAMK 869/410a: *15/0 pt 2, Development Schemes Policy, 1946-52,*NA, Wgtn.
[88] AAMK 869/410b: *15/0 pt 3, Development Schemes Policy, 1953-58,* NA, Wgtn.
[89] AAMK 869/410c: *15/0 pt 4, Development Schemes Policy, 1958-62,* NA, Wgtn.

of the independence that it wanted the farmers to achieve, that is, an independence built on secure tenure, orderly land titles, and high productivity. Yet it is the principle of independence, or lack of it, that underlies many of the criticisms of supervision.

In writing, the department advocated that supervisors develop the self-reliance, initiative and confidence of Maori farmers. But on the ground, the department only allowed the farmers to practice their initiative in measures. This ambiguity had the department perform a delicate balancing act, giving Maori farmers a measure of control over their farming activity but within an environment that imposed restrictions over stock, cream cheques, and household spending. In many cases, Maori farmers experienced that balancing act as an overbearing government patronising and lacking faith in Maori farmers, to the point that Maori farmers were treated as little more than employees of the department.[90]

It is not too surprising that Maori farmers developed this perception of the supervision process. Despite its policies, the department in fact harboured a negative attitude towards Maori farmers, basically believing that Maori people were simply incapable of being good farmers, as mentioned earlier. The promise of equity, financial reward and a farming way of life was a long term incentive 'generally unsuited to the Maori temperament'.[91] By 1953, the department regarded unit settlement in parts of the Waiariki district especially as a virtual failure. The department would have to take drastic steps in order to save some properties from total collapse.[92] Finally, while publicly declaring relaxed control as a policy of confidence in the Maori people, the department privately claimed that 'many [Maori] farmers were never farmers at all', although the department did what it could to understand their lack of experience.[93] This attitude did not go unnoticed among those Maori involved in the development schemes, as the oral evidence records:

> I can find nowhere in any of the files that I ever read ... anything that actually

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[90] AAMK 869/1323a: *60/1/33/1 pt 1, Relief of Northland Farmers, Pt XXIV, 1963,* NA, Wgtn.
[91] AAMK 869/410c: *15/0 pt 4, Development Schemes Policy, 1958-62,* NA, Wgtn.
[92] AAMK 869/410b: *15/0 pt 3, Development Schemes Policy, 1953-58,* NA, Wgtn.
[93] AJHR 1957 G-9 p 6.

> addressed this question of whether intensive farming might actually increase production as well as meet a social need and I think the underlying assumption is racist - that's my own opinion. The racist assumption was that Maori were not good farmers.[94]

Handback policy and the decline of the family farm

Once the whole development, farming and settlement process was over, the department was left with the task of returning the part XXIV farms and stations to the control of their owners. Individual settlers more or less emerged out from under departmental control after a period of supervision as described above. In addition to releasing units from departmental control, throughout the 1950s, the department developed its policies and procedures for returning stations and larger schemes to the control of their owners as a going concern. The stations so returned to their owners were those that the department considered unsuitable for subdivision into smaller farms, or those that the owners requested be returned. While returning stations to owners became a fixed policy for the department in the 1950s, the frequency at which that happened increased most markedly in the 1970s and 1980s.

Initially, head office emphasised incorporations of owners as the appropriate controlling bodies to take over management. In 1954, when considering the return of stations, the department said it expected owners to incorporate. The incorporated committees of management operated in a fashion similar to directors of private companies, who had as their shareholders the beneficial owners.[95] But after handing back several properties between 1950 and 1953, head office realised that management by trustees may suit some groups better than incorporations. The possibility of Maori land being managed by a trustee or trustees was available in the Native Purposes Act 1943 (section 8), and early in 1953 head office asked districts to fully investigate this possibility when submitting cases for release of properties from the development scheme legislation.[96] Provision for trustees managing Maori land remained in the Maori Affairs Act 1953, section 438. While the department acknowledged an infrequent need to use this provision, there was

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[94] Personal communication, 23 August 1995.
[95] AJHR 1954 G-9 p 21.
[96] AAMK 869/1315a: *60/1 pt 5, Maori Land Development Policy and Legislation, 1953-1956*, NA, Wgtn.

some opposition within the department to its uptake. Government only ever intended the section 438 trust to be implemented occasionally. But some judges who advocated Maori control of Maori land, and less prescriptive structures than incorporations, began to make wide use of the section, which became very popular in the 1970s and 1980s (see chapter four).

As with the release of part XXIV farms, the department required certain prerequisites to be satisfied before returning stations to their owners. At a general level, the department required the property should be in 'proper order' before it could be returned.

> ... all matters that [the department] should reasonably have attended to over the development period in any scheme should have been covered and we should have ensured that proper attention had been paid to maintenance.

If any aspect of development was in arrears the department recommended deferring the hand over until the matter had been resolved. By working in this way and by complying with general safeguards that were set up at hand over, the department aimed to ensure the properties the Maori owners received were going concerns providing reasonable prospects of successful farming.[97]

Specifically, the department emphasised that before any hand over occur, the station concerned must be in a thoroughly sound financial position.[98] It required the development debt to be reduced to an amount at least commensurate with the value of the stock and chattels or improvements. The department, in both its oral and written records, repeatedly gave indebtedness as the main reason it held properties back from return to their owners. Yet, in the case study of Te Haranui (chapter five) it is clear that reasons other than indebtedness prevented an earlier return of the property to its owners. Similarly, the department did specify other criteria owners had to meet before receiving their properties back. In particular, the owners had to prove to the department that they had the money and the qualifications to manage large-scale farming operations.[99]

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[97] ibid.
[98] AJHR 1953 G-9 p 5.
[99] AJHR 1958 G-9 p 21.

In 1962, the department indicated its desire to slow down the rate of settlement while maintaining its programme of increasing development as recommended by Hunn in 1960. The main argument for slowing settlement down was the uncertain state of world markets for primary produce. The department preferred to continue farming stations and temporarily defer subdivision and settlement. In the meantime the board could pay the owners a dividend and further reduce debt. The money that would normally be spent on subdividing and settling the station could be applied to developing idle Maori land.[100] Here again is a reason, other than indebtedness, that the department held on to stations.

In preparation for hand over, the department gradually educated the owners to control and operate their own affairs. Sometimes committees representing the owners were appointed prior to incorporation. The department trained these committees for one to three years with a view to their taking over management once the department was satisfied they were capable of doing so. Besides incorporating, the department expected the owners to appoint an experienced manager, an approved accountant and financial advisers, and to operate livestock transactions through a reputable stock and station firm.[101]

In the 1960s, the Maori land development environment began to change. Nationwide, the farming economy was reacting to a period of increasing land development costs in the face of fixed primary produce prices. Land development was by now clearly a long term proposition. The department began investigating options for diversification such as forestry, maize growing, market gardening, and other horticultural production.[102] Small family farms of the kind promoted by the development schemes no longer operated economically, and the pace of urbanisation of the Maori population quickened.

In Te Taitokerau, statements that significant numbers of Maori farmers were abandoning their farms received some publicity. The reported result of this abandonment was loss of production and reversion of the properties.[103] A special committee set up to investigate

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[100] AJHR 1962 G-9 pp 9-10.
[101] AJHR 1954 G-9 pp 20-21.
[102] AJHR 1963 G-9 p 19 and 1964 G-9 p 15.
[103] AJHR 1960 G-9 p 12.

the exodus from Northland found that the main causes were the 'hopelessly uneconomic' size of the farms, and multiple ownership of Maori land. The committee recommended amalgamating small farms into economic farms, and unifying titles.[104] Many Maori farmers themselves shared the committee's perceptions of the situations. Addressing the special committee established in 1963 to review development schemes in Taitokerau, Mr J Rogers, on behalf of the settlers in his district, acknowledged that the inauguration of the schemes in 1930 was a welcome relief at the time. But more recently, he agreed that the lucrative employment opportunities the cities offered, especially in Auckland, attracted many occupiers away from their small and uneconomic farms.[105]

In 1963, despite what it perceived as a lack of compiled data, the Department of Agriculture identified a number of factors contributing to the apparent problems faced by farmers in the north. The overall level of indebtedness of North Auckland farms, Maori and non-Maori, increased in the early 1960s, although significant numbers of farmers also reduced or cleared their debts.[106] Individuals and some organisations publicly pressured the state about farming problems in the district - a pressure that the department expected to grow. Other observations indicated that a number of farmers were farming in ways not suited to their property, for example, dairying on hill country more suited to sheep and cattle farming. Finally, the Department of Agriculture, like numerous others in the farming sector, saw a need to resolve the problem of uneconomic small farms. Amalgamation of small farms was the most commonly suggested solution for uneconomic farms. But the department felt that occupiers would resist giving up their farm land, and no democratically elected government would be prepared to compulsorily dispossess farmers to allow amalgamation to occur. By 1963, the 'one man economic unit' was no longer suitable for modern business-like farming, and the department suggested that prohibitions against land aggregation contained in the Land Settlement Promotion Act 1952 be reviewed.[107]

The changes observed, initiated and proposed in the 1960s, crystallised in the 1970s,

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[104] AJHR 1961 G-9 p 7.
[105] AAMK 869/1323a: *60/1/33/1 pt 1, Relief of Northland Farmers, Pt XXIV, 1963,* NA, Wgtn.
[106] ibid.
[107] ibid.

particularly following the work of the Committee of Inquiry into Lending to Farmers. Cabinet appointed the committee in 1971. It had the three members - Mr D C Kirkpatrick, Dr W M Hamilton, and Mr J G Souness. They investigated the various forms of government and non-government lending available to farmers in relation to the needs of the industry and available loan resources; and the organisation of all government farm lending activities. The committee made recommendations about the best use and organisation of available farm loan resources and government rural lending; and co-ordination between the government's farm lending and farm advisory services. [108] In many respects, the committee's inquiry was a financial one. But the evidence gathered from the various lending and advisory agencies consolidated and clarified the changes that were occurring in the farming sector. The committee's inquiry resulted in changes to facilitate increased co-ordination between the agencies involved; centralisation of rural lending policy; and re-prioritisation of lending criteria. The lending criteria decided by government, in priority order were: development; amalgamation; farm purchase with an emphasis on placing young men on the land; re-finance; and medium term lending for plant and stock.[109]

By the end of 1971, the Department of Maori Affairs was farming 82 Maori land development schemes under part XXIV of the Maori Affairs Act 1953. These 82 schemes covered a total area if 269,626 acres and carried approximately one per cent of the national flock. The department was also assisting 724 settlers, having assisted 2,378 since the inception of the schemes. In addition, seventeen Maori incorporations received assistance and guidance from the department. Since 1929, the government had advanced a total of $111,488,000 for Maori land development and settlement of which $86,538,000 had been repaid by 1971.[110] The rate of grassing Maori land had been declining, at least since 1968. Also, settlement appeared to be levelling off, the demand for it being met from existing farms from which farmers were retiring. [111]

In 1971, the department saw its role in the farming industry as one in which it assisted

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[108] AAMK 869/411b: *15/0 pt 7, Development Schemes Policy, 1971-72,* NA, Wgtn.
[109] AAMK 869/411c: *15/0 pt 8, Development Schemes Policy, 1972-75,* NA, Wgtn.
[110] AAMK 869/411b: *15/0 pt 7, Development Schemes Policy, 1971-72,* NA, Wgtn.
[111] ibid.

Maori land owners whose land titles were inadequate, who lacked the confidence to deal directly with other lending agencies, or who needed the department's support. The department, in its own opinion, was known to Maori communities and had proven its experience in dealing with Maori people. It felt that once parity was achieved between Maori and European farmers its land development services would no longer be required. In the meantime, other agencies were already assisting a number of Maori farmers, and the department felt that some other state lending organisation should continue with this responsibility, assisting Maori farmers to purchase, develop and farm European land.[112]

In the past, the Board of Maori Affairs had granted most settlers 100 per cent advances, and even in the 1970s Maori Affairs normally loaned beyond usual security margins. Such lending was most necessary in remote parts of Taitokerau and throughout Te Tairawhiti where costs were high and land values low. But the department also placed a high social value on maintaining production in rural Maori communities.[113] The department was certain that the strongest and most solidly based Maori communities in the country were those that maintained a profitable farming enterprise, providing employment for local Maori farmers and farm hands.[114] The extensive rural lending the department provided had often held Maori communities together in the post-war years, particularly before the demand for labour in the cities provided opportunities to leave rural districts.

The shift towards establishing incorporations and assisting them into large scale farming was timely. It coincided with, and perhaps happened because of, a major restructuring of the farming sector brought about by rising costs, changing economics, and changing social values. Amalgamating small units into large blocks was a growing tendency. The department went so far to say that:

> the day of the small time farmer has gone and all endeavours should be made to encourage this type of farmer to sell out even to the extent of meeting a price

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[112] ibid.
[113] ibid.
[114] ibid.

> above value. It is also suggested that some effective steps be taken to enforce the removal of the ineffective farmer by way of legislation, but as a last resort.[115]

Many factors encouraged large scale farming. Economies of scale became possible, and diversification and multiple land use were more easily applied on larger farms. The larger farms were also able to provide better community facilities, rostered time off and more mechanisation. The provision of these facilities was useful in the early 1970s when farm labour was short, and the need for improved working conditions of farms was apparent. On many blocks, the original intention of Maori land development was to sub-divide them into 'one man' farms. But by 1971, a strong body of opinion favoured continuing farming the schemes as stations. According to the department, Maori land owners were becoming more and more interested in farming by Maori incorporations and could see the benefits of large scale farming.[116]

As if to herald the changes in Maori land development, the Maori Affairs Amendment Act 1974 reorganised the department's and the board's responsibilities. The act abolished the Board of Maori Affairs, establishing in its place a Maori Land Board and district Maori Land Advisory Committees. The primary function of the Maori Land Board was to implement government policy. It could delegate specific powers and functions to the Maori Land Advisory Committees which considered proposals for title improvement or changes in the use of Maori land. The committees were also available to implement government policy at a local level as opposed to having that function centralised in Wellington.[117]

According to the department, large scale farming by incorporations, assisted by the department, would lead Maori land utilisation into the future. Under Maori Affairs - the board and department, their policy and legislation - performance and profitability would dominate, taking advantage of changing overseas markets. The department, and Maori farmers, had already proven their ability and success in responding to the rapidly changing farming environment. Breeds of sheep and cattle changed on some schemes in

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[115] ibid.
[116] ibid.
[117] The Maori Affairs Amendment Act 1974.

order to improve performance. Intensive beef rearing units, and large scale sheep and cattle breeding schemes were set up to ensure maximum profitability for the owners. Multiple land use was being investigated, and forest planting on grassland was becoming popular. The department was also collaborating in scientific research into metabolic diseases, livestock growth rate and breeding behaviour. Throughout the 1960s, the so-called progressive policies saw substantial increases in sheep and cattle numbers, and gross revenue from development stations. Over the same period, the national flock increased only one-third as fast.[118]

Overall, the department had considerable success, although temporary for many farmers, with its Maori land development schemes. For a while, the department was the second largest farmer in New Zealand. Success for many of the larger farms has continued into the present. Even some small family farms have maintained their viability, although mainly at a subsistence level. Restructuring of the department since 1989 has totally removed its rural lending function. But without the department, Maori incorporations have remained among the top farmers in the country, many thankful to be operating on their own terms rather than the department's. For example, Te Haranui 1 Incorporated (chapter five) functions productively and profitably while at the same time providing a substantial economic base for its people, who are also shareholders. Clearly by 1974, the social responsibilities the department accepted at the inception of the schemes had given way to the responsibility to be productive and profitable for the good of the nation's economy. And, the responsibility of providing a protected environment for Maori land development faded as the family farm gave way to the reality of new directions for primary production.

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[118] AAMK 869/411b: *15/0 pt 7, Development Schemes Policy, 1971-72,* NA, Wgtn.

Chapter Seven

Conclusion

> *There is one underlying purpose [running through the department's projects]; it is to remove the obstacles that may still hinder the Maori people from achieving full social and economic equality with the European.*[1]

This thesis draws a large and complex picture of part XXIV Maori land development schemes. The actual development activity may be regarded as arising from a series of interrelated promises between the parties concerned - the owners, the occupiers, and the state. The state made the promises conditional upon certain agreements from the owners and occupiers. The overriding condition was that owners and occupiers adhere to the Board of Maori Affairs' land development policies. The over riding promise was that the state would advance money to promote Maori occupation and use of Maori land. The table below summarises the detail of the development activity by outlining the sets of promises the state made, and the conditions attached to them. In most cases, years passed before the fruition of those promises, or their consequences, came to bear. In the interim, the department created a fully protected and somewhat patronising environment around Maori farmers, backed by a burgeoning bureaucracy.

The Promises of Maori Land Development

The state promised:	**conditional upon:**
finance for: • economic development of Maori land; and • Maori farming activities.	• advances being charged against the land; and • occupiers repaying their loans
security and protection of • occupiers' tenure and undisturbed occupation of their farms; • owners' equity in the farms; and • public spending on Maori land development.	• occupiers paying a reasonable rent; • owners granting secure tenure to the occupier(s); and • the BMA taking security against the farm.
economy of: • unit farms; and/or • stations.	• owners' rights being suspended; and • owners forming a suitable management body.
training / supervision for Maori farmers in: • modern farming techniques; and • financial management.	• occupiers accepting the department's supervision and the BMA's policies.

[1] AJHR 1959 G-9 p 15.

The department was the main actor in fulfilling the state's promises to owners and occupiers. It was responsible for specific development activities and the environment within which that activity occurred. It had a complex of plural roles. It was the state's agent, and the Board of Maori Affairs' worker. The board itself was the state's lending authority for the schemes. The department simultaneously designed and implemented specific promises; fulfilled on those promises, or not; and monitored the realisation of those promises. In the background to all this activity, the state continually influenced and shaped the Maori land development environment by applying itself to improving Maori land title; aiming to bring all Maori land into full production; and working towards the achievement of social and economic equality between Maori and Pakeha.

Each of these background activities is interlinked. From the state's perspective, inappropriate land title systems prevented Maori from realising the full production potential of their land, which in turn prevented Maori people from achieving equality with the Pakeha. Bringing all Maori land into full production was most often a function of the state serving the national good - to eliminate all idle lands in New Zealand - and, in terms of Maori land, it was the department's duty to fulfil that function frugally, spending wisely and ensuring the advances were recovered. For Maori people, the government also saw this fulfilment of national duty as the path to equality with Pakeha. Equality, seems always to have been a goal and never an achievement - at least not in any wholesale way. As a political pursuit, equality has come in many guises in the last fifty years - assimilation, integration, biculturalism, participation, partnership, equity and more.

Multiple ownership of Maori land was a major justification for devising a programme of state-assisted Maori land development because Maori land presented such an unattractive security for financiers. The development schemes provided an opportunity to develop Maori land regardless of the nature of its title. But political pressure to reduce the number of owners in Maori land maintained its influence until recent times. Decades of effort, and human and material resources were put into consolidation, conversion, amalgamation and other devices of title improvement. Consolidation proved successful in particular pockets around the country, but was a lengthy, cumbersome and expensive process. Conversion relieved tens of thousands of owners and potential

owners of their uneconomic shares, but burdened the state with an unwanted accumulation of small and fragmented interests. No title improvement method ever prevented what the government considered the root of the problem: succession, which entered new owners into the title every time an existing owner died. In the long term, Maori land has remained multiply owned and fragmented, without hindering its development.

On the surface, the evidence seems to show that title improvement was only peripheral to the main activities of the development schemes. The department's development files are largely quiet on the issue of title improvement. The true extent of title reform in relation to the schemes is only realised when the department's title improvement files and the court's records are consulted. Yet, politically and in practice, title improvement was integral to the schemes. Every scheme perused whilst researching for this thesis was subjected to some form of title improvement. In the government's view, communal ownership of Maori land worked against the goal of bringing all Maori land into full production. It hindered the cultural adjustment of Maori people to mainstream society, and indulged sentimental attachments to valueless interests. Sole ownership or controlled ownership, however, encouraged Maori farmers to maximise production on land they could call their own, and about which they could make decisions without being fettered by obligations to whanau and tribe. Ultimately though, the great emphasis placed on the need for title improvement was unwarranted. Ample means to develop Maori land regardless of ownership are provided by the legislation. And ironically, the preferred methods for managing Maori land - trusts and incorporations - actually allow multiple ownership to proliferate while at the same time getting on with the core business of profitable land utilisation.

In terms of the social objectives of the schemes, the improvement in living conditions and wellbeing were evidenced within the first ten years of operation. Whether or not those improvements have been maintained in the long term, however, is another matter. As for the so-called struggle between participating in the national farming economy, while maintaining cultural distinctness, the outcomes for Maori farmers are as diverse as the farmers are individual. For example, attitudes to Maori land interests have remained the same for some owners, and changed for others. Some Maori farmers were impatient to

avail themselves of the title improvement methods that could deliver sole ownership. Others farmers were reluctant to pursue sole ownership, recognising instead the heritage that land interests represent for the whole whanau, not just the farmer. Some have been fortunate enough to strike the happy balance between being both economically profitable, and socially and tribally responsible.

From the government's point of view, this thesis illustrates a great shift in policy, altering the balance between its socio-economic responsibilities to Maori people and economic responsibilities to the nation. At their inception, the schemes were concerned with economic development of Maori land for the purpose of strengthening Maori communities and nurturing them into a future alongside and within mainstream society. The goal was to make Maori land economically productive and keep Maori people culturally distinct. In the process, the government juggled the interests of a number of parties - including itself, the public, and the schemes' owners and occupiers - and took on responsibility for the long term success of the whole programme. Yet, in the beginning, no long term planning really occurred.

In the meantime, the Department of Maori Affairs had created a sheltered environment that assisted and urged Maori land owners into modern farming, while protecting them from the traps inherent in the modern economy. Thus the schemes supported Maori communities through economic depression and war, and allowed technically uneconomic farms to provide a reasonable living for their occupants. Government's policies were mainly aligned to the economy of the local Maori community, and any economic productivity in the national or international economy was a bonus.

The post-war demand for primary produce removed the need to support Maori communities through difficult times. The government's land development policies began to shift towards effective land utilisation and productivity which, in the economic boom of the 1950s, quickly became the duty of all land owners in New Zealand. Many of the government's social responsibilities to Maori shifted with the population to the city, and while the social responsibilities of rural Maori land development remained on record, the department more often referred to these than acted on them. By 1970, the social value

of Maori land development was attached to profitable and productive farming enterprise, providing paid work for Maori farmers and farm hands.

In the 1970s, Maori land development and farming policy became more concerned with responding to the influence of changing overseas markets. Large scale farming, of the kind entered into by incorporations and trusts, began to dominate the development programme, leaving the small family and whanau farm to find its own usually limited success, or submit to failure. The kind of assistance or shelter the department had offered the small family farmer since 1930, was not necessarily suited to the preferred farming propositions of the 1970s, and the department encouraged small units to amalgamate into larger blocks.

While policy was aligned to the local Maori economy the schemes, however small or uneconomic, could support families and communities. Really, uneconomic schemes were only uneconomic in relation to the national economy and world markets, from which the department provided protection. Within the shelter the department created, and buoyed by non-discriminatory financial assistance, uneconomic schemes were quite viable. But as policy shifted towards the demands of world markets, and all schemes became exposed to the realities of the changing farming economy, the small farm was edged out, and the large-scale corporately run operations captured the future of Maori land development and farming.

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