



IN THE WAITANGI TRIBUNAL

WAI 693

IN THE MATTER OF

The Treaty of Waitangi Act

AND

IN THE MATTER OF

a claim by WHAITIRI
MIKAERE on behalf of the
descendants of the Hapu of
Ngati Raukatauri relating to
the
MATAMATAHARAKEKE
Blocks

STATEMENT OF EVIDENCE OF
BETTY WHAITIRI WILLIAMS ON
BEHALF OF THE CLAIMANTS July
2000

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1. My name is Betty Whaitiri Williams, known at Betty Williams.
2. I descend from Ngati Huarere on my mother's side.
3. I was born and brought up in Manaia.
4. I am named Whaitiri after my mother whom I knew only from a distance. She had TB and had to be isolated in a room specially renovated for her on the veranda at the front of the family home.
5. I hardly spoke with her except the times I sat on the veranda outside her door but she was so frail and tired that she was unable to sustain a conversation. Consequently I never heard of Matamataharakeke when I was a child, nor did I know what tribes she belonged to. I was eight when my mother died.
6. I was sent to boarding school when I was twelve and later went to Teachers College, married, and had two children, and moved to Auckland in 1968.
7. 1968 was a significant year in my life for it was this year that being Maori was brought home to me with all the force of the state. Up until then, I had for varying reasons, totally rejected being Maori.
8. 1968 was the year I received notice from the Maori Trust Office (hitherto an unknown bureaucracy to me) notifying me that my share in a multiply owned Maori land block had been 'converted' for \$45.30.
9. On investigation I discovered that conversion meant that any share in Maori owned land that was valued at less than \$50.00 could be compulsorily acquired by the Maori Trustee under the newly enacted Maori Affairs Amendment Act which empowered the Maori Trustee to 'convert' any uneconomic share without giving the shareholder prior notice and without the shareholder having any right of redress.
10. This was my first experience with how individualisation of tribal title could sever our links with our ancestral lands. I felt intense anger and deeply, deeply hurt that ancestral land which I had inherited from my mother was acquired in this way. The hurt remains to this day. Nothing which happened in the past compared with this. I for the first time experienced what it felt like to be Maori.
11. This single event galvanised me into action and quite apart from the learning path I took, I immediately joined Maori groups at local and national levels focussing on justice and rights for Maori. I later attended international forums maintaining the Maori rights and justice focus but which had widened to include all indigenes.

12. Joining some Maori activist groups demanded going to the point where civil disobedience could result in imprisonment which was accepted as a likely consequence, so long as the cause was kept in focus. I felt so passionate about the injustice meted out under the Maori Affairs Amendment Act 1967, that I vowed to go to any length to turn the tide that would bring social, economic, political and cultural justice for Maori and while I concentrated on national Maori issues I kept watch on events back home.
13. The first of these occurred on the 13th May 1974 when coastal land around the Manaia and Te Kouma harbours was designated a proposed reserve by the Minister of Works. I called a meeting of the people and set up a Trust to appeal the decision of the TCDC in the Town and Country Planning Appeal Board and before this was complete, we were faced with a mining application in the Manaia harbour and on top of this an attempt was made by the NZ Forest Service to incorporate all Maori lands in Manaia for exotic forestry.
14. These events occurred in quick succession within a span of 5 years. Others continued well into the 90's. Not only did every event necessitate innumerable meetings, but they incurred heavy costs financially and time wise, not to mention marriage costs. Every new event also required re-prioritising action.
15. It was at one of the meetings in the early 1970's that I was approached by my eldest sister, Rena Mikaere, about Matamataharakeke. She told me that our mother's brother, Whitiwhiti, had told her that she should investigate our succession to Wikitoria Rangipiki in Matamataharakeke. My sister Rena wasn't versed in land issues and she thought that since I was heavily involved in Maori issues that I may like to do the investigation.
16. It was because of this involvement that I just didn't have the time to investigate, but about 1986 while I was researching another case at the Maori Affairs Office in Hamilton, I did a preliminary search of the Wikitoria Rangipiki file. Typically, it contained screeds of Maori Land Court Minutes which I didn't have time to digest so closed the file and did nothing about it.
17. When my niece Whaitiri Mikaere opened the case for the Waitangi Tribunal I was pleased. Her research has re-affirmed the deliberate alienation track undertaken by the Crown to individualise title and to wrest from Maori the bulk of their land held in communal ownership. While the Matamataharakeke case is not an isolated one, it serves to exemplify the Crown purpose of divide and rule and worse still, to inculcate an individualistic attitude into a people who hitherto had been

communally minded. Documentation will show where individuals have used the law to turn on each other for individual gain.

18. In all events it became clear that the individualisation of title destroyed the traditional system of communal ownership and consensus decision making. Without the protection of the communal group, individualisation of title exposed the title holder to the intensifying demand for land, thus land sales escalated out of control during the peak immigration period of the 1860-64, and this was despite the pre-emptive clause in the Treaty signed only 20 years beforehand.
19. Individualisation had many other negative impacts on Maori. The resultant multiplicity of owners put Maori at a distinct disadvantage when compared with their pakeha counterparts. For example, financial institutions would not lend on multiple title which meant that land had to be left lying idle while the owners went to the cities in search of jobs. Meeting deadlines for submissions was another frustrating exercise for it required Maori shareholders (many resident in cities) to return to their home base for progressive series of meetings to get as near as possible to a consensus decision within a set time frame. The pakeha on the other hand, had only himself to think about within the same time frame.
20. I experienced this several times when attempting to meet the deadline for submissions on the Mining Amendment Bill where I first had to get the support of the Manaia community, then the Hauraki Whaanui, and finally all national Maori organisations e.g. NZMC et al.
21. Thoroughly frustrated with the individualisation scenario I tried unsuccessfully to get the system of shares applying to Maori land abolished. People at the time (circa 1975) believe that this system had descended from our ancestors. People simply did not associate the Maori Land Court with the alienation of land. In fact it was common to hear arguments against the abolition of shares such as, "No way am I giving my shares. I'm a big shareholder. I got these shares from my grandfather..." With the spread of conscience-raising today. This attitude is gradually changing.
22. So while individualisation was deliberately instituted to destroy the integrity of Maori communal ownership, it also destroyed the integrity of maori spiritual values and attitudes, and brings to mind the statement made by Henry Sewell (Minister of Justice 1870) in a parliamentary debate where he said:

"The object of the Native Land Act is two-fold, to bring the bulk of land which belong to the Maori people within reach of colonisation... the other great object was, the de-tribalisation of the native - to destroy it if possible, the principle of communism which ran through

the whole of their institutions, upon which their social system was based, and which stood as a barrier in the way of all attempts to amalgamate the native race into our own political and social system. It was hoped that by the individualisation of titled to land... their social status would become assimilated to our own..."(1) Sewell PD Vol9 (1870), 361

- 23 Some years later in another parliamentary debate, Whittaker, the land speculator expounded:

".. it was absolutely essential, not only for the sake of ourselves, but for the benefit of the natives, that the native titles should extinguished, the native custom got rid of and the natives as far as possible placed in the same position as ourselves..." PD Vol (1877), 254

24. The deliberateness of the individualisation track is demonstrated in the fact that Matamaharakeke is 4.000+ yet we the descendants of the original people of the land were (after the title investigation by Native Land Court) whittled down in numbers to a handful of people having less than 70 acres.
- 25 Attendant on the individualisation of Maori lands also is the marginalisation of the people. As mentioned earlier (Par 5) I had never heard of Matamaharakeke or of my mother tribes. To this day I have never been consulted or attended any shareholder meetings regarding the alienation of the Block despite the fact that my mother, Tiri (Whaitiri Tamati) is named as a successor to her father Pera Tamati on Matamaharakeke A block., nor was I compensated when the land was put up for sale by the Maori Trustee.
- 26 While the dollar value is not the issue it nevertheless raises a point of principle in relation to the whereabouts of the money from the sale by the Maori Trustee, which must therefore beg the fundamental question "Where the money go to?".

CONCLUSION

- 27 I seek three outcomes from this hearing:

1. That **the Crown admits its guilt**
2. That **the Crown provide** compensation
3. That **the Crown** abolishes the system of shares

- 28 The Crown needs to admit its guilt as the base line for not only healing a people with devastating social statistics but to also provide a catalyst for building harmonious inter-relationships.
29. Compensation may go part way to correcting the social imbalances.
30. Abolition of shares would see a reversal to customary owned land. Despite the erosion of Maori spiritual values, vestiges remain as a foundation to ressurect the interdependence ethic between Maori and their universe.