

Introduction

1. My name is Georgina Marie Iritana Zervudachi. I presently reside in Paris, France, and work as a financial markets economist for Credit Agricole Asset Management. I am the senior economist responsible for emerging markets. George Evans is my father.
2. I graduated from Massey University with a Masters degree in Agricultural Economics in 1983, and I was also farming in Gisborne at the time. I published research on Maori land management and worked as a consultant for farming organisations until 1986. At this time I was appointed to a Government commission to restructure the Department of Maori Affairs.
3. I stood unsuccessfully for Parliament in 1987, and was then employed by Elders Pastoral for my skills as an agricultural economist and knowledge of Maori land. I joined Deutsche Bank Capital Markets in Sydney in 1989, and specialised in the New Zealand economy. From 1991 on I have been working for the same French bank on both developed and emerging economies. I have stayed in touch with many friends from home including Mat Rata, whom I helped during the later discussions on the Sealord deal.
4. Although I now live a great distance from New Zealand and the events surrounding our troubled time at Waiheke, I am making a submission in this claim because I have experienced first-hand my family's suffering, and I wish to convey to the Tribunal the importance of justice being done in this case.
5. My *whanau* and I have been devastated by our dispossession. The financial impact has been huge and the personal cost incalculable. The sorrow of these losses have permeated the lives of those of us who remain, to the extent that no closure has been possible given the monumental nature of the injustice involved. Our land was taken wrongly by the Crown, without any thought for the injuries it would inflict on the Evans *whanau*. We were expendable - my father,, my brothers, my sister, her daughter, my children Marcus, Ellis Matua, Athena Iritana and myself.

Beginnings - the move from Gisborne to Waiheke

6. We first heard about the Waiheke farm in 1984. The Department of Maori Affairs had trouble finding potential Maori settlers for the land. They advertised in the Herald and all over the country, as they were desperate to get someone to take it.
7. When Dad saw the ad, he was absolutely thrilled that the opportunity had come up. He told us that it was a great sign, and that the venture was made for our *whanau*. He talked about our genealogical ties with the land.
8. When Dad applied for the farm, the Department saw that he had money, as well as experience. Dad and Mum could offer a deposit of several hundred thousand dollars, which was a pretty huge sum in those days. Most of the money my mother had spent her lifetime working and saving for.
9. When the Department learned that Dad could bring in that kind of money, they went to great lengths to court him. They were prepared to make almost any accommodation for him. A number of meetings were held, and many promises were made. They said they would help him in any way they could, with finance, stock, and the rest. The idea was even discussed that, if our family got into financial trouble, we could subdivide off a portion of the farm and sell it, in order to realise some of the land's value - it was general land, after all.
10. Later, as the political climate began changing, we were to see the Department's attitude harden considerably.

The Crown's hostility to our settlement

11. The department started to become hostile to our settlement. Dixon Wright personified the Department's change in attitude. I first experienced it the day we arrived on the island, the day of all the terrible protests. We were on a boat going back to the mainland, away from the debacle at Waiheke. We were all a bit shocked at the level of protest on the island. Wright was on the boat too, and he started ranting to those around him about how we shouldn't have been settled.

He supported the protesters and seemed extremely bitter about the handover.

12. I was very surprised that he kept on talking. He knew I was there, although he was virtually ignoring me. When he did look in my direction he would sneer at me as though I was inhuman, some sort of rat. I was completely taken aback - I did not even know the man. The experience left me feeling ill.
13. I was at a loss to understand his attitude. I kept asking myself, why then did the Department settle us? Wright was saying they had no choice, but I could not believe that. The only plausible explanation I could think of for his behaviour was that certain Department officials¹ had been opposed to our settlement, but that some higher authority had gone over Wright's head and made the decision.
14. Wright's aggression was to intensify with time and seemed to become very personal. He was totally silent to us about inspection reports while condemning us behind our backs in Department meetings, where we were treated as incompetent, almost idiots. At the restructuring meeting and during discussions of our efforts to meet with the Ngati Paoa we were derided and patronised.

Meetings of the Board

15. I was to learn more of the Department's mind-set in the next couple years. At the end of 1984 I was appointed by Koro Wetere, the then Minister of Maori Affairs, to a commission reviewing the workings of the Department, with a view to restructuring it. I joined Denise Henare, Bob Mahuta, Neil Prichard, Annette Dixon, and Kim Workman, among others - there were 10-12 of us in all. We travelled throughout New Zealand, consulted with the people and met many Department staff. We carefully analysed the workings of the Department before submitting our report to the Minister.
16. In this capacity I had the chance to be present at a particular meeting of the Board of Maori Affairs in Wellington.

17. It was late 1984 I think, and the subject of our family and Waiheke came up. My married name at the time was Tattersfield, and at the meeting it soon became clear that no one had made the connection - that is, my connection with the rest of the Evans family. Tamati Reedy, the Director of Maori Affairs at the time, was there, as was Sir Graham Latimer and the other Board members. I think it was Sir Graham who raised the issue: "what shall we do about George Evans?"
18. As the Board discussed the matter, certain members agreed that they had had no choice in settling our family, but that now they had no choice but to remove us. It seemed to be a commonly held belief that the *whanau* should not have been settled. Ngati Paoa's claim to the land was the reason given, yet the farm wasn't really discussed in terms of the Waitangi Tribunal hearing - it hadn't even taken place yet.
19. I was horrified by the callousness of the rest of the Department staff and their clear, expressed intention to get rid of us. I was very shaken afterwards, because by then I knew that our days were numbered. As far as I was concerned, our inheritance had been lost the day we walked onto the farm.

Studies in Maori leased land

20. I grew up with encouragement to be involved in my Maori heritage and community so it was natural and a pleasure to spend a number of years researching Maori land tenure and related issues. I studied agricultural economics through Massey University, and I completed a masters thesis on Maori leased land in 1983. I spent many months poring over lease records in the land office in Gisborne.
21. So I of all people should not have been surprised at our treatment by the Maori Affairs Department. The documented history of the Maori is one of dispossession by agents of the Crown to satisfy a lust for land. Government policy over a long period gave the sole right of pre-emption to the Crown, so the noble Maori would not be swindled by the land-grabbers - except that, sadly, officers of the Crown Department in charge of pre-emption were often the worst offenders.

Government confiscation for war reparation, then for non-payment of rates or survey fees, manipulation of Maori Land Court records and surveys - the story goes on.

22. The Maori land administration system in the 20th century was such a nightmare, it's no wonder everyone left for the cities. The political pressure was first for European land settlement at all costs. Then the tide turned, with a bit of population pressure in terms of votes, and it was time for some gestures to right the wrongs suffered.
23. The knowledge gained from studying the history of change and management of leased lands allowed me to understand how truly shocking the conduct of the Maori Affairs Department and the Crown was in our case. My father has told you of the difficulties of farming on Waiheke, and the technical nature of the breaches alleged by the Crown when they re-entered on our lease. I would like to put the Crown's actions in perspective.
24. For my thesis I looked at 137 hill country leases out of a total of a 277 in the Tairāwhiti district. All the leases were for land of an area greater than 160 hectares, and 58 lessees were involved. I studied records spanning a six-year period, which was on the whole a prosperous period for the agriculture sector in New Zealand.
25. The leases I researched were Part 23 leases - that Part of the Maori Affairs Act 1953 dealt with land held by a group of assembled Maori owners or the Maori Trustee. The owners could lease their land to anyone they thought could make a good fist of it and could pay the rent and the rates would normally suffice.
26. Part 24 leases were different. They were development propositions, where the Department stepped in to develop uneconomic Maori freehold land using its own finance, with the purpose of handing control back to the owners when the economics of the property become sound. The responsibility of Maori Affairs was to ensure that the economics of the farm were sound, and to contribute funds in the case of shortcomings.

27. The lease for the Waiheke block signed by my parents and my brothers was a nebulous arrangement. Although the land had been purchased and managed by the Department of Maori Affairs, it was in fact general land accumulated from a number of sources to make an "economic unit" (sic). What's more, even though we were initially invited to settle the land, that is, to acquire a perpetually renewable interest in it, the lease signed by my family ended up at the last minute being changed by the Department to a temporary lease arrangement under Part 24 of the 1953 Act.
28. Also, the economics of Waiheke were unsound. The overall effect of this arrangement is that we took the place of the "benevolent" Crown: we occupied the land on a temporary basis, and put all our resources into it, in the end only to maintain or improve the land for someone else.
29. Given the purposes of Part 24, namely to bring land up to a suitable standard to hand back to Maori owners, it follows that some "true", "original" Maori owners must have been identified by the Crown early on in the piece.
30. To me this shows that the Crown knew all along of Ngati Paoa's interest in the land. The Department cooked up the Part 24 arrangement when the "owners" reappeared. It also shows me that the Department never considered that the Evans *whanau's* future on Waiheke would be a long one.
31. Part 24 can in certain cases also be used to settle individual Maori farmers but we were never treated as such. Settlers usually were given the full assistance of the Department to ensure that alienation did not occur. This treatment was consistent with the Department's huge write-offs of Part 24 debt in the late 1980s. The Department grabbed our farm just before implementing this policy - I feel sure it was quite deliberate on their part.

Lease inspections and re-entry in Tairawhiti

32. Anyway, during the six year period covered by my research, only 21 of the 137 blocks in Tairawhiti were considered by Maori Affairs officials to be undergoing successful development, and only six more were being successfully maintained. The rest, the remaining 110 farms, were in various states of hanging-on or unsuccessful development, or were frankly deteriorating. Bear in mind the fact that the early 1980s were good farming years.
33. Over the period studied nearly all the leases I looked at had breaches recorded in the records. The breaches were more often than not left unremedied, and indeed most of the breaches were simply ignored. The reason for this was that many of the covenants in the standard lease document were totally unrelated to a particular farm's physical nature. That is, many of the standard form covenants made no sense in the physical context of the farm itself, like a requirement to sow good English pasture on what was evidently a mountain, or by a river that flooded regularly, or to fence all boundaries when you only had access by small boat. Moreover, rent calculations often had little or no relation to the lease's productive capacity.
34. None, not one, of the Tairawhiti leases that I studied was re-entered by the assembled owners or the Maori Trustee.
35. The Maori Affairs officers in our case would have been well aware that the resumption of these types of leases for whatever reason was and is practically unknown. Lessees were almost invariably faced with difficult, if not impossible, farming and economic conditions, and it was standard practice for the Department to show tolerance regarding breaches of technical, and even more fundamental, covenants of leases.
36. For my studies I read nearly all the lease inspections completed in Tairawhiti. Many of those were carried out by one Peter Little, a senior Department officer from 1985 on, who apparently is fully implicated in the resumption of our lease. Dixon Wright certainly knew of the policy of lenience and so did the members of the Board of Maori Affairs. Bob Mahuta was a Board member, and he certainly knew the situation, as I

had worked with him on the Commission mentioned above for over a year. My Thesis on the matter was quite clear - it was even sponsored by the Department. The Minister of Maori Affairs at the time, Koro Wetere, had his own personal copy.

37. I have my doubts that those outside the Maori Land Court system would have been aware of the extent of these breaches and the blind eye turned by officials.
38. Also common knowledge among the Department's officers, especially those who had acted on behalf of the Maori Trustee, were the accepted norms for lease inspections. Part 23 leases were supposed to be inspected approximately every three years on behalf of the Maori trustee. This was not always possible, due to manpower problems and the number leases to be dealt with. Inspections were perhaps a little more frequent for the Part 24 arrangements.

Our treatment - harassment and re-entry

39. To the best of my knowledge no other lessee in the country has been so courted by the Crown and then subjected to such a campaign of harassment when there was a change in climate. It got to the stage where the inspectors would arrive unannounced every few months - an unheard-of rate. It got obsessive; the Department was looking for problems, and was determined to find them.
40. The inspections put a huge amount of pressure on my brother Brent, and after a while he could take it no longer. He used to get on his horse and head for the hills whenever the inspectors suddenly turned up.
41. We were inspected, scrutinised, subjected to delays, excuses, unprecedented demands, increased financial pressures and reduced security. We were alone facing openly unsympathetic Crown officers who were aided and abetted by the press and the local authority. The Crown grabbed the life savings and the land of a Maori couple then quite mercilessly bullied and humiliated them.

42. The campaign of humiliation included digging up an old civil conviction of my father's as press fodder, to reduce sympathy for our plight. It came from when Dad had been a supervisor for a big Maori Incorporation. The chairman of the Incorporation decided that this supervisor was getting a bit too big for his gumboots, and had Dad charged on something like eleven counts, including breaching the Secret Commissions Act. Dad was acquitted of all the charges but one - he hadn't declared the purchase of some cattle from the Incorporation by his *whanau's* farm. It didn't matter that the cattle had been later sold at a loss. Anyway, I'm not sure where the story came from, or how it surfaced in the local Waiheke newspaper. Maori Affairs, was certainly well aware of the conviction when we settled.
43. As I see it, the big picture is that the Department made a mistake in settling us instead of Ngati Paoa, and then wanted us to pay for the political fallout from its decision. Though I am loath to say it, "conspiracy to dispossess" is probably the best way to describe it.
44. The *whanau* was faced with impossible dilemmas: how do you control gorse when you are forbidden to spray? Buy goats of course. This costs more money. Where does the money come from, if you are told not to seek additional off-farm employment to pay for it? And on it went - our troubles even included obstruction over surveys and an increasingly unclear title. It was a no-win situation for us, and the Department knew it all along.
45. The alleged breach relating to the control of gorse was just ludicrous. As an agricultural economist, I can tell you that it is impossible to control gorse without a sustained spraying and burning operation. On Waiheke that was impossible. Gorse was an island-wide problem. There were lifestyle blocks that were covered in it, and the seeds would fly everywhere in the wind. Another thing was the stirred-up local council, which decided to be "green" and ban the use of pesticides on the island. The other option for gorse control is having a strong concentration of animals on the patch. This was impossible for us because of the financing situation.

46. But the Department's "loss" of a rent payment as an excuse to foreclose was the ultimate insult. For the Crown apparently the means justified the end, getting rid of this *whanau* to satisfy the *iwi* seemed a small price to pay for their errors, except they were not the ones paying it.
47. I see little moral difference between the confiscations of the 19th century and the taking of our land for common, relatively minor breaches including - of all things - a failure to clear noxious weeds! All this at a time when no one had clear title or any money, given the depressed state of the economy in general and farming sector in particular.

The debt restructuring meeting - April 1987

48. I also want to tell you about the debt-restructuring meeting on 2 April 1987, which I attended with my father. Representatives of Wrightson NMA were there, and so were the other main creditors. (I attach to my evidence a copy of the Department's minutes from the meeting, marked "A", and the Department's summary of the meeting, marked "B".) The meeting had been called by the Department of Maori Affairs represented by Dixon Wright, pursuant to an initiative by the Prime Minister and Minister of Finance at the time, David Lange and David Caygill. These meetings were called all around the country. The Crown's policy was to write down the debt owed to it, if all the other creditors could reach a similar agreement. The aim was to keep farmers on the land after Government policies had provoked drops in asset values. Most Part 24 settlers, as I have already discussed, benefited a great deal from these initiatives.
49. However, throughout the meeting the Department stonewalled. Dixon Wright sat there and sulked, while the others tried desperately to work things out. He said very little, and merely punctuated each suggestion with a devastating "impossible". For the whole two hours the Department refused any form of contribution. The other creditors were prepared to make a real effort, but as for the Crown - none. We had always been led to believe that we could subdivide off a piece of the

farm to cover our debts and keep most of the farm going. It was a desperate final option given the Department's attitude to everything else. At that stage though, in 1987, it would have solved everything. The meeting ended by passing a resolution to let the *whanau* sell the property on the open market (I attach a copy of the resolution, marked "C").

50. It became clear to me that the meeting was all a charade - it was in no way a sincere attempt by the Department to save a farmer, or to give us any hope of overcoming our financial woes. Maori Affairs were not interested in letting us stay on the farm or letting us leave it with any dignity. They just wanted us off. The attitude was "we have your money, you are broke, you go, and we will end up with the land back for nothing". It was clear they were going to keep asking for more: more fertiliser, more drenching, more gorse eradication, more fencing, more maintenance. But they knew there was no way we were going to be able to do those things.
51. For me the meeting ended in tears. Even though the creditors resolved that we be able to market the farm, Dixon Wright acted as if this was irrelevant. Dad was optimistic, but I could sense that the creditors' resolution would come to nothing. Unfortunately, I was right - contrary to general Government policy at the time the Department did not do take the necessary steps to allow the resolution of the meeting to be acted upon. We had been singled out for the axe. There was no way the Maori Affairs Department would agree to selling part of the lease, because they knew by then they needed the land back in order to return it to Ngati Paoa.

A long struggle

52. My father has worn holes in the carpet at Parliament trying to get some justice in his case. He has lobbied all the Ministers of Maori Affairs since our time at Waiheke, beginning with Koro Wetere.
53. The refusal of the Mr Wetere to help us to indemnify our *whanau* in my view also reflected in part a resentment he may have felt towards me, having decided to stand for the National Party against the government

in a critical marginal seat - Gisborne. I felt deeply about the destruction wrought on the rural sector by government policy and those most critically affected - the *tangata whenua*. He knew well by this time who I was and who my Father was - his wife, after all, was Ngati P3oa. He had the opportunity to do the right thing but he did not.

The honourable Maori

54. To do what happened to us to a Pakeha farmer on Crown land would have been politically very damaging. This thoughtful, honourable Maori and his family were easier targets.
55. In fact, throughout the whole business Dad has always been prepared to act honourably, and in accordance with Maori custom, to find a solution. The Crown has not. Dad talked directly with Ngati Paoa, and kept faith in negotiations with the Crown long after the rest of us grew disheartened.
56. My father could have declared himself bankrupt at any stage after the re-entry, left all his creditors with no remedy, and let the Official Assignee deal with it. But again he chose to act honourably.
57. Even still, Dad eventually had to take our case to the courts. Although the judges involved were undoubtedly very learned, I doubt whether they had much of a background in Maori leased land. It is a very technical area, and without any knowledge of the subtleties involved, they could not possibly have appreciated the nature of our lease, nor the unwritten expectations and practicalities underlying it. Despite this, the judges still saw the moral justification in our claim. The final Court of Appeal acknowledged that a great moral wrong had occurred - but nothing has been done to right it!
58. It has been hard for Dad to keep fighting alone, and terrible for him to be subject to such cynicism and disrespect. It has been heartbreaking for us to watch him get his hopes up for justice so many times, only to see his hopes, and those of his *whanau*, dashed at every turn.

Impact on my family

59. My family and I have been devastated by the alienation of our land, the financial costs were huge and the personal loss incalculable. The former includes the loss of my parent's life savings, culminating in the bankruptcy of my father and my sister.
60. The latter, the personal cost to our *whanau*, is more difficult for me to talk about. The Crown's harassment and re-entry contributed directly to the death at 23 years of age of my youngest brother Richard. His depression was diagnosed as being brought about by stress - we believe that the only real stresses he knew were the death of our mother, the Crown's harassment of us on Waiheke, and our ultimate dispossession.
61. My mother's death from cancer was precipitated by the stress of the situation. Her bodily remains lie to this day on Waiheke, on a spot yet to be marked.
62. Our *whanau's* sorrow includes the flight to Australia of my brother Brent, penniless and harassed by the Crown. His home and the land he laboured on were taken without any compensation.
63. The moral harassment we were subjected to took a terrible toll. It has blighted our lives; the emotional exhaustion of my brother Brent and sister Anita has left them completely distrustful of further attempts at justice. I have been scarred and I am sceptical but perhaps this time will be different.
64. Far more is owed to my family than just the return of a deposit. Things can never be returned to the way they were - that chance has been lost forever.

DATED THIS

DAY OF

2001

GEORGINA MARIE IRITANA ZERVUDACHI