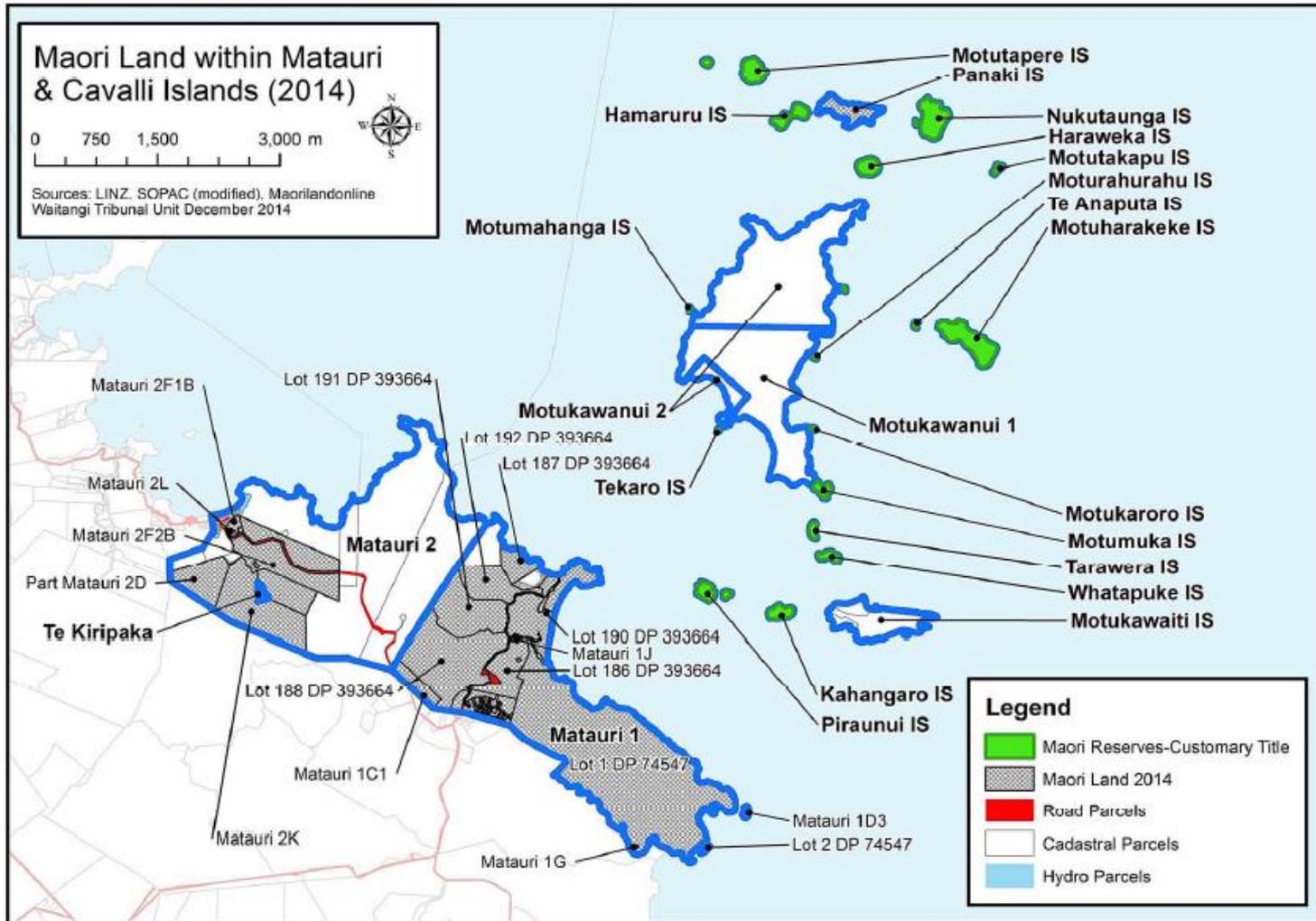


Matauri and Cavalli Islands local study

Area of study



The purpose of the study

- ▶ to produce a study of the Matauri block (2,163 acres) and the adjacent Cavalli and Motukawa Islands (c.1040 acres)
- ▶ focus on how Crown policies, acts and omissions operated at a local level during the twentieth century
- ▶ key themes are land titling, alienation, administration, title reform and development
- ▶ It was simply impossible to cover everything for everyone.

Presentation structure

- ▶ This presentation covers most of the **Main Findings**, and is divided into the following parts:
 - ▶ Isolation overview (setting the scene)
 - ▶ Title investigation
 - ▶ Maori Land Board compliance
 - ▶ Alienations – leases and sales
 - ▶ Roothing
 - ▶ Matauri X
 - ▶ Crown assistance
 - ▶ Fishing
 - ▶ Motukawanui – relationship with D.O.C.

The main findings - isolation

- ▶ Matauri locals very protective of what they have, although very open to visitors and general public to enjoy the scenic and recreational opportunities
- ▶ A premise for this report is Matauri's isolation limiting its development – saving grace and Achilles' heel:
 - ▶ no road access to allow easy access to produce market
 - ▶ limited local employment opportunities and access to the same financial advantages that early Pākehā settlers received (not helped by multiple ownership of individual blocks)
 - ▶ isolation, though, did not stop the imposition of rates
 - ▶ start of trawling in the 1930s and later the introduction of the Quota Management System caused further hardship
 - ▶ ring roadline formed in the 1970s –significantly opened up Matauri, although by then many owners were probably absent from the area.

The main findings - isolation

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- ▶ No Crown purchases or attempts to purchase part of Matauri in the early twentieth century
- ▶ Later twentieth century, Crown looked at purchasing Cavalli and Motukawa Islands for scenic and recreational purposes, as well as part of beachfront
- ▶ No Public Works takings (other than the taking of small areas for road)
- ▶ No Land Development Schemes or Consolidation schemes.

The main findings – title investigation

- ▶ A gift from of the Te Kiripaka Block to the Crown for a Native School in 1875:
 - ▶ school closed due to poor harvests, cold weather, whaling, inaccessibility of school site, and many whānau moved elsewhere for gum digging and other employment
 - ▶ 1932, 1938, site vested to Trustees; 1977, Te Kiripaka block became Maori Reservation
- ▶ Title to Matauri and Motukawa(-nui) investigated, 1884 and 1890 by Treaty of Waitangi Committee
- ▶ Formal title investigation (including appeals) of the parent Matauri Block, Motukawanui, and Motukawaiti, between 1902 and 1910; for Panaki, in 1921; and for Cavalli Islands, 1947.

The main findings – title investigation

- ▶ Papatupu Block Committee (whose members were agreed to by claimants) and Land Council hearings 1902-05 were highly contested
- ▶ 13 main title investigation, appeal, and initial partition hearings between 1902 and 1947
- ▶ 37 subdivision hearings up to 1987, excluding the dozen or more hearings relating to the Tāpui subdivision post-1987 (partition tree)

The main findings – title investigation

- ▶ Unclear what understanding Matauri Māori had of the Native Land Court process, although they appeared to actively engage in it; e.g:
 - ▶ for certainty of title (e.g. an injunction to stop the cutting of timber; and concerns that a rāhui was being abused)
 - ▶ in order to lease lands (although leasing pre-title is only mentioned for Motukawanui)
 - ▶ possibly other reasons not shown in public records

The main findings – title investigation

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- ▶ Stresses and inconvenience of applicants having to wait several years before their applications were considered (e.g. 1907 appeal of Matauri No. 1 – tensions in the Matauri community as a result of uncertainty, or in dispute, of title?)
- ▶ Burden and frustration of costs, time, and energy of a drawn out Court process; e.g:
 - ▶ Block Committee investigation of 1903, brought back to Land Council in 1905, appeals in 1906, and decision April 1907
 - ▶ Cancellation of Block Committee hearing, April 1903, after food products had been purchased for the hearing.

The main findings – title investigation

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- ▶ 1902, applicants wanted Land Court to investigate title rather than Land Council (e.g. in the appeals of 1907 for Motukawanui and Matauri No. 1 – almost universal dissatisfaction with findings of Block Committee and Land Council decisions deemed to prejudiced ‘rights of the great bulk of persons’ who were absent when arrangements made before Council)
- ▶ Universal agreement with the Land Council’s decision over Matauri No. 2. The block was partitioned in 1909 by ‘consent and arrangement’
- ▶ A rehearing for No. 2 was held in 1912, in which 2B partition confirmed, and another hearing in 1913 for the remainder of the block – contested around boundaries than who was entitled.

The main findings – title investigation

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- ▶ Block Committee decisions based on occupation, raupatu and take tūpuna
- ▶ Court tended to rely on take tūpuna and arrangements made between claimants outside Court

The main findings – title investigation

13

- ▶ In appeal of parent Matauri block – some outsiders included in ownerships list on account of marriages to women owners in the block
- ▶ Objections or protests over Committee/ Council/ Court decisions generally responded to by Court/Crown
- ▶ Generally, appeals were acknowledged by the Court; although several appeal applications were not located in Court minutes

The main findings – title investigation

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- ▶ 1910, imposition of £20 appeal fee on two Matauri No. 1 appellants created challenges and stress to find such a large sum of money
- ▶ Some ambiguity over the advertising of some hearings, and questions over whether every application was advertised (e.g. two applications to partition Matauri No, 2)

The main findings – Board compliance

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- ▶ For most alienations, Board made sure all necessary documentation was submitted (e.g. delay in completing the fourth sale transaction for Motukawanui while the Board waited upon a new Government valuation in light of a newly surveyed block acreage)
- ▶ Board aligned considerations with valuations
- ▶ Records don't tell degree to which Board investigated that alienations complied with legislative measures to protect the vendor; e.g.:
 - ▶ 1911, Wiremu Hōhaia complaint to Board – 'scared' into signing Motukawanui lease document with a lesser annual rental by the interpreter

The main findings – Board compliance

16

- ▶ 1922, Fanny Leslie obtained 21-year lease over Matauri 1F. Fanny's brother, Henry Leslie, as Postmaster, witnessed lessor's understanding of the lease – a clear conflict of interest. Lease became heavily contested over several decades by lessors and descendants, including petition to Government re 'fraudulent' nature of lease
- ▶ purchase of Matauri 2H – Board calculations of area purchased excluded some 6% (or 20.73ac); two vendors underpaid by £6.1.9.0 and 1d, respectively; and two overpaid by £23.19.7. All up, an overpayment to owners of £17.0.8
- ▶ 1916, leasing of Matauri 2J, the purchaser's solicitor also acted as a witness to six of the eight proxy owners and who then presented those proxies, which contained an ambiguous resolution, to the meeting of owners to lease

The main findings - Alienation

17

- ▶ Ten private purchases, 1911 and 1969 – Matauri 1B1, 1H8B, 2A, 2B, 2C, 2E, 2H, 2J, Motukawanui, Motukawaiti
- ▶ Seven – Matauri 1B1, 2A, 2C, 2E, 2H, 2J, Motukawanui – issues re protective measures for owners: payment irregularities (e.g. overpayments), equity and fairness; the purchase was objected to or contended
- ▶ Only uncontended sales were Matauri 2B (the first block to be alienated), 1H8B(?), and Motukawaiti
- ▶ Some 74% of the Matauri No. 2 Block – most of it being large coastal blocks – was alienated from Māori ownership.

The main findings - Alienation

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- ▶ Ten identified lease arrangements – Matauri 1F, 2A, 2C, 2D, 2H, 2J, Motukawanui, Motukawaiti – of which five (over 1F, 2D, 2J) went through to full term, with three of the five over one block only (Matauri 2J by way of lease renewal), although they were contended by some owners
- ▶ Five remaining leases (2A, 2C, 2H, Motukawanui, Motukawaiti) were a prelude to sale.

The main findings - Alienation

19

- ▶ The activity of securing a lease then immediately beginning to purchase – confusing; e.g. the leasing of 2A, 2C-D in 1918 to McKeown, and sale of 2A and 2C in 1919 also to McKeown:
 - ▶ owners' complaints: unaware of lease terms and conditions; land fraudulently sold
 - ▶ Postmaster, Henry Leslie, who was McKeown's brother-in-law and sub-postmaster, witnessed sale deed
 - ▶ Unsuccessful petition to Parliament, with further enquiries over 18 years re alienation of 2A and 2C – 1938, Land Court acknowledged 'several exceedingly unsatisfactorily features'.

The main findings - Alienation

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- ▶ For 2D:
 - ▶ Board did not wait until completion of succession to 3 of the 5 owners before confirming lease
 - ▶ Complaints spanned 25 years incl. block deterioration and rent arrears
 - ▶ Issues of rent arrears, to whom the rent be paid to (Board or lessors); not following proper process of needing consent from lessors before transfer of a lease to another individual – raised with the Government and Land Court well into the 1940s.
- ▶ Alienation of 2H occurred over four uncontested yet complex sales, 1917 and 1924. One aborted sale of 1921 saw one owner pocket £5

The main findings - Alienation

21

- ▶ Except for purchase of 2J in 1969, and one lease over this block, all other sales and leases were to three local families; Hows, McKeown (later transferred to Yerkovich), and Leslie. McKeown was related to Leslie by marriage
- ▶ Except for the purchase of 2B, survey fees for partitioned blocks were deducted from purchase monies or lease rentals
- ▶ 2C rate arrears deducted from purchase monies
- ▶ Purchase of 2E in 1916, two owners overpaid after survey costs were not deducted; unlike other Matauri alienations, a Partition Order registration fee and a title fee was also deducted.

The main findings - Alienation

22

- ▶ For Matauri 2J:
 - ▶ A third lease approved in 1959 despite plea from some owners to have their children settle on block
 - ▶ Lessee failed; land infested with weeds; lessee sued for rent arrears – only then, owners advised of situation; lessee fled
 - ▶ Because of block's poor condition, it was put up for sale
 - ▶ A minority of three absentee owners voting by proxy alienated the block despite the objections of a majority – many of whom lived in the vicinity of the block – who, combined, had smaller shareholding to minority
 - ▶ The minority received biggest share of purchase monies, with remainder shared among 50 owners at an average of \$4.6 per owner; or, for those who held two or less shares, 0.72¢ for the smallest shareholder.

The main findings - Alienation

23

- ▶ Complex sale of Motukawanui between 1911 and 1918:
 - ▶ 11 of 14 owners overpaid (some by significant amounts); one underpaid by a few pounds; two received their fair share of the consideration
 - ▶ unclear whether sellers paid back overpayments
 - ▶ resurvey of the island saw the island's acreage jump from 435 to 876 acres
 - ▶ Board ensured that consideration matched the new acreage rather than the old one, requiring the submission of new valuations.

The main findings - Alienation

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- ▶ At least two instances re Motukawanui and Motukawaiti, Board's actions created some conflict among the parties; e.g. Motukawanui:
 - ▶ Board granted Hows consent to lease island in Aug 1911; two months later, granted consent to Leslie to purchase it
 - ▶ Mar 1912, Board gave conditional confirmation to Hows to lease, before giving unconditional confirmation in Feb 1913
 - ▶ Nov 1914, several owners complained that Hows had not paid any rentals. The Board had begun confirming the purchase of interests by Hows from Dec 1913, though in Jun 1912 it knew Hows was both leasing and purchasing
 - ▶ Having given confirmation to leasing, Board washed hands of any further complaints from owners.

The main findings - Alienations

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- ▶ Except for 2B, alienation of the Matauri land blocks did not occur until the late 1910s. Why?
 - ▶ owners wanting to develop the lands themselves
 - ▶ few owners lived on the land; absentee owners and no road access in the 1910s – many land blocks not occupied and/or uneconomic to develop
- ▶ No alienation appeared to be result of fees/costs imposed on owners for determining or administering title or a result of outstanding rates, or takings for noxious weeds or compulsory vesting. Some land was taken for roading though.

The main findings - Alienations

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- ▶ 1969-89, 12 land blocks Europeanised although as to why is not clear. Matauri X, Europeanised in 1971
- ▶ The Crown failed in attempts to purchase Panaki and several Cavalli Islands in the 1960s
- ▶ In the 1970s, as the Crown was interested in preserving coastal land, it took an interest in purchasing both Motukawanui and Motukawaiti. Matauri Māori were resolutely opposed to the Crown including the islands in any maritime or marine park.

The main findings - Alienations

27

- ▶ In 1970s:
 - ▶ Crown purchased Motukawanui off American absentee owners after Matauri X Incorporation declined purchase because of high asking price
 - ▶ The Crown initially saw purchase as complimentary to acquiring some of Matauri Bay beachfront for preservation
 - ▶ Crown failed to purchase Motukawaiti after the Minister of Finance pulled the plug on it.

The main findings - Roading

28

- ▶ Lack of road access at Matauri – significant hindrance to development and prosperity; may have resulted in a higher degree of owner absenteeism for the Matauri No. 2 subdivisions in particular, as owners had no access or means to develop lands
- ▶ A ring-road connecting the Te Ngaere settlement with Matauri Bay and Te Tāpui, completed in the early 1970s: the Te Ngaere-Matauri Bay roadline in use from 1970; and the Matauri Bay (Beach) roadline in use since 1929.

The main findings - Roading

29

- ▶ 1920s and 1950s, central Government based road expenditure on the number of farmers in, and farm production coming out of, the area. Te Ngaere generating little production to warrant expenditure
- ▶ A catch 22 situation. Local Māori needed road access to develop idle lands so they could add to the limited production already coming off their other small holdings – thus increasing production – and to send produce out of the area which, without a proper roadline, they could not.

The main findings - Roading

30

- ▶ Significant delays, though, were incurred in forming both roadlines as local and central Government wrangled over responsibility for funding, maintenance, surveying, legalisation of roadlines
- ▶ 1919, Court set aside Te Ngaere-Matauri Bay roadline; locals wanted route up Te Ngaere Valley – considered too steep; Crown wanted longer route for fish truck to travel and for a Consolidation Scheme
- ▶ As Scheme did not proceed – stalled legalisation of roadline.

The main findings - Roading

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- ▶ Wainui Tribal Committee and local Māori – construction of roadline, 1940s-50s. Local Māori gave money – spurred local and central Government to contribute. When money ran out, Pākehā settlers Yerkovich and Henry Leslie stepped in and paid for bulldozing work; Council provided a truck, while local Māori provided free labour
- ▶ Government refused further expenditure, but by 1960s, the popularity of the Matauri Bay Road in the south saw completion of link road by the 1970s

The main findings - Roading

32

- ▶ 1970s, compensation for road taking strongly contested by owners of Matauri 2F – claimed that they had been paying rates on land that was used as a roadline, while the value of land taken for road was also lost
- ▶ The Court declined compensation as owners:
 - ▶ had never requested compensation at earlier Land Court hearings re the roadline
 - ▶ benefited by having access to their lands
 - ▶ Māori owners were now able to sell land as there was access provided by the roadline.

The main findings - Roading

33

- ▶ 1928, Matauri Bay (Beach) roadline formed to enable local Māori fishermen to transport their catches in any weather and for cream lorry to pick up supplies at the bottom of the hill
- ▶ Māori were agreeable to contribute their proportion towards the costs of survey and legalisation provided Land Court spread the costs equitably across affected land blocks.
- ▶ Māori asked for no compensation and no fencing provided a gate was put across the road

The main findings - Roading

34

- ▶ 1936, Māori reluctant to have the road legalised for fear of losing Māori control of the road
- ▶ Land Court stated road needed by both Māori and Pākehā, and would be taken under Public Works Act if Māori did not agree to roadline. Those who had initially objected, gave agreement
- ▶ By the 1970s, several car accidents on the steepest part of the roadline, and a reluctance by the local Council to remedy the situation, spurred local Māori to place a gate across the road. In turn, this spurred Council into legalising the roadline

The main findings – Matauri X

35

- ▶ Matauri X Block, incorporated in the 1960s under Māori Affairs Act 1953
- ▶ Creation of Matauri X at a time when Government was imposing a title reform programme re ongoing concerns of multiple ownership
- ▶ Main driver for incorporation was not so much issue of multiple ownership, but of lessen significant rate arrears. At time of amalgamation in 1967, some £529.0.4 in compromised rate and survey fees, and Council rates, were owing
- ▶ Only presumed that most owners knew of the proposed amalgamation.

The main findings – Matauri X

36

- ▶ Matauri X Block was originally made up of 19 subdivisions of former Matauri No. 1 block
- ▶ An initial 189 shareholders (made up of the former owners of the 19 original blocks)
- ▶ Suggested to some owners that amalgamation would see the land become an economically viable unit; something that did not eventuate
- ▶ Shares allocated to shareholders in proportion to their previous land holdings in one or more of the 19 blocks, and these share quantities were qualified in monetary terms.

The main findings – Matauri X

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- ▶ Calculation of value of shares per block – current valuation = capital value of each block of land less the value of any buildings, giving a gross value. Any outstanding (or unpaid) block charges – effectively liabilities – were added together and deducted from gross value, giving a net value. The net value = number of shares held by the owners
- ▶ Whether owners appeared or were disadvantaged by a drop in share value because of the liabilities; or in fact whether owners were disadvantaged in any way by the share formula used is unclear, but the liability still remained with the new body corporate.

The main findings – Matauri X

38

- ▶ Some Māori appeared to have been not included in the shareholder list. The smallest shareholder, 0.005% of the total shareholding; the largest, 10.5%. Nine owners (5% of owners) had > 100 shares = 31% of total shares, with only one of those owners living in Northland
- ▶ 1966, meeting of owners sought agreement to incorporate – possible some 45% of owners not informed of meeting or unable to be contacted
- ▶ Those in attendance – who made up 30% of the total shareholding in the block – unanimously agreed to incorporate (a simple majority of those present was all that was required).

The main findings – Matauri X

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- ▶ Claimant evidence suggests some Matauri Māori not supportive of incorporation
- ▶ At the subsequent Land Court hearing confirming incorporation, it was agreed (without going back to the attendees to the meeting of owners just held) to increase the Management Committee from five to nine members; later, for reasons not known, this was increased to 11
- ▶ There was no dissent to incorporate at the Court hearings, and in March 1967, Matauri X Incorporation was confirmed by the Court

The main findings – Matauri X

40

- ▶ For Management Committee, priority was simply keeping the Incorporation solvent. It struggled for many years in trying to pay rates and arrears. It almost was wound up in 1969 when Committee proposed selling land to raise capital
- ▶ Māori Trustee provided three mortgages over 15 year period, to get camping ground on a sound foot, and pay outstanding rates
- ▶ 1971-84, rates increased average 17% per year, with some wild fluctuations.

The main findings – Matauri X

41

- ▶ During this period, Incorporation expenses were increasing an average 20% per annum, with income increasing an average of 31% per annum thanks mostly to the camping ground income
- ▶ During that period, the Incorporation's assets (current and fixed) grew by 77%, or around 6% per annum.

The main findings – Matauri X

42

- ▶ Incorporation was able to secure limited income from grazing the flats, but it was the camping ground that proved the saving grace for keeping the Incorporation afloat
- ▶ Incorporation investigated several subdivision proposals which, except for the failed proposal in 1969 above, seemed to have the support of many shareholders:

The main findings – Matauri X

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- ▶ mid-1970s, sell land to the Crown for a public reserve for the general public:
 - ▶ This evolved around District Planning Scheme which had designated a significant portion of the Matauri Bay beachfront as a proposed public open space
 - ▶ Incorporation was keen, not just to provide public access to the beach, but also to lessen burden of rates by the Crown taking over some of the land (and subsequent rate responsibilities), and raise much needed capital for development
 - ▶ Negotiations were successful, but proposal fell flat when the Crown pulled out due to financial restraints

The main findings – Matauri X

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- ▶ mid-1980s, Incorporation proposed to establish Māori Reserve:
 - ▶ Crown wanted permanent public access, Incorporation agreed if Māori ownership was retained and it was duly compensated to meet rates and development costs to maintain that access and meet the growing demand for public use of the area
 - ▶ By this time, the Incorporation, citing rising rates, had started charging, albeit reluctantly, a small fee for public access to the beach
 - ▶ Allowance for a \$20k annual payment was made by Dept of Lands and Survey, and with its Head Office approval in principle to the proposal, the Incorporation's shareholders voted in favour of the proposal (although only 23% of shareholders voted). The new departmental changeover (where the third Labour Government undertook major restructuring of the Dept of Lands and Survey) dragged the process before D.O.C. said it was hamstrung by financial restraints .

The main findings – Matauri X

45

- ▶ Subdivision proposals fell tantalisingly short of providing a potentially mutually-beneficial outcome both for the Incorporation – which stood fast on its non-alienation of Māori land – and local and central Government want for public access
- ▶ In 1989, the Land Court granted the Incorporation the right to issue occupation licences for papakāinga housing purposes.

The main findings – Matauri X

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- ▶ Incorporation survived due to perseverance of several individuals in particular who fought hard to retain the block in its entirety in spite of several failed subdivision proposals from the Committee, and also Crown proposals to acquire beachfront land for a public reserve in order to guarantee public access (despite Matauri Māori having always provided, for the most part, unfettered public access to the beach at limited cost to users but some cost to Māori in ensuring the pristine nature of the area was retained).

The main findings – Crown assistance

47

- ▶ Appeared little Crown assistance to Matauri owners to manage and utilise their lands, particularly in the first half of 20th century
- ▶ Matauri Māori appeared keen on consolidation, but consolidation failed, mainly to a lack of operational staff and resources with the Land Court
- ▶ Land Development Schemes were not supported by Rātana supporters, and this appeared to be major reason why schemes not taken up at Matauri
- ▶ Lack of financial assistance for roadline link was a major frustration for both Māori and Pākehā settlers.

The main findings – Fishing

- ▶ Until the start of trawling in the late 1930s, customary fishing (including the harvesting of muttonbirds) for Matauri Māori seemed mostly undisturbed
- ▶ Despite the trawling, Matauri Māori continued to practice traditional customary fishing, although by the 1970s, seine trawling causing great concern among Matauri Māori who were recording smaller and smaller catches
- ▶ The introduction of the Quota Management System in 1986 severely hit the Matauri community with some, allegedly, 80% of the community's income from fishing being revoked without consultation.

The main findings – Motukawanui, relationship with D.O.C

49

- ▶ What Crown consultation took place with Matauri Māori over the management of Motukawanui up to the 1990s is not clear
- ▶ More effort to consult with tangata whenua took place from the early 1990s after D.O.C. received proposal from Ngāti Kura wanting to work in partnership re Motukawanui
- ▶ Joint management committee was set up in early 1993 to establish a management plan
- ▶ Slow progress made. By 1997, draft 'working plan' was to be presented to Incorporation shareholders.

The main findings – Motukawanui, relationship with D.O.C

50

- ▶ 1991, momentum was lost following death of Kaupapa Atawhai Manager, Te Aniwa Hona, who had been driving force on behalf of D.O.C.
- ▶ Further working relationship attempts made in mid-2001. Agreed that dialogue re joint management plan be re-established

The main findings – Motukawanui, relationship with D.O.C

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- ▶ A Draft Management Plan was finally completed in 2004 – 5 objectives:
 - ▶ to maintain unrestricted public access
 - ▶ enhancement of the islands as a wildlife habitat
 - ▶ introduce and manage selected wildlife
 - ▶ provide for public education and recreational needs
 - ▶ to recognise and protect wāhi tapu and important archaeological sites
- ▶ Further meetings held in 2011, scope of possible ‘shared DOC-Ngati Kura projects’ was compiled. Further meetings noted need for closer working relationship.

The main findings – Motukawanui, relationship with D.O.C

52

- ▶ Unclear how the joint management of the island is progressing
- ▶ The intent of officials in D.O.C. files appears sincere and genuine. To what extent, though, officials are restrained by the legislative framework and/or financial restraints under which they work (particularly as the Departmental budget has been cut over the years and there has been restructuring) is unclear.

Next steps?