

Aotearoa NZ

Legislation, Protest, and Policy since WW2

1945 Rural to Urban

Context: In 1945 Māori were a rural population living mainly in the North Island. Many lived in poor conditions lacking access to services. 100 years after the signing of the Treaty only 1 per cent of land was owned and occupied by Māori.

The movement of Māori to towns and cities after the Second World War is sometimes referred to as the 'second Māori migration' (the first being their migration to New Zealand). In 1945 just over 20% of Māori lived in urban areas; by 2006 over 80% were urban dwellers. Robbed of their assets (land) to fund their own business development, reduced to seasonal wage serfs for Pākehā farmers, post war production required Māori labour for city factories and was promoted along with the attractions of city life. Urbanisation gave visibility to problems of race relations and inadequate economic and social status. Much of the increased affluence post war had escaped Maori, despite new provisions for state housing, public health, education and other services.

1953 The [Māori Affairs Act](#)

Context: This legislation essentially “forced unproductive Māori land into use” through a trustee system. It also changed the name of the Native Land Court to the Maori Land Court.

In 1967, the Māori Affairs Act was amended, introducing the compulsory conversion of Māori freehold land with fewer than five owners to general land, thereby enabling the land to be sold or mortgaged, and increasing “the powers of the Māori Trustee to compulsorily acquire and sell so-called uneconomic interests in Māori land.” Māori considered the amendments represented a further land grab to the millions of acres confiscated in the previous century and the legislation resulted in street protests. It is seen as one of the major catalysts for the Māori protest movements that emerged in the late 1960s.

1960 The Hunn Report

Context: publicity about social maladjustment in the cities focused the Labour government’s attention on Māori issues. There was general Māori disquiet and hostility to the Department of Māori Affairs relating to perceptions of departmental paternalism and inefficiency.

J. K. Hunn’s report on the Department of Māori Affairs was released in 1961 and implicitly indicted the policies set in place by Labour in the 1930’s. The report identified the socio-economic disparities between Māori and Pākehā and called for action in closing these gaps. It made far-reaching recommendations on social reforms for Māori to facilitate the assimilation of Māori to a Pākehā norm of positive adjustment.

Later public commentary noted that the main problem with the report was its failure to consult adequately with the Māori community and to include a proper Māori perspective.

1970 Nga Tamatoa

Context: Nga Tamatoa emerged from a conference at the University of Auckland organised by academic and historian Ranginui Walker. The group consisting of mainly urban and university-educated Māori protesting the continued confiscation of land and degradation of the Māori language. The group was inspired by international liberation and indigenous movements.

Nga Tamatoa campaigned on issues affecting Māori; centring on claims that the Treaty of Waitangi has failed to protect Māori land, forests and fisheries.

1971 Nga Tamatoa disrupt the annual Waitangi Day celebrations that commemorate the signing; disruptions continue to the present day.

1975 Organised by Nga Tamatoa, the Land March, calling for an end to the alienation of Māori land, travelled from the far north of the country to Parliament at the bottom of the North Island, 1,000 kilometers (621 miles) away, with many people joining along the way. When the marchers reached Parliament, a 60,000-signature petition was presented to the Prime Minister.

1975 Waitangi Tribunal

Context: Demands for Māori sovereignty grew alongside renewed attempts to gain a public commitment from the government to honour the Treaty of Waitangi. The demand for sovereignty emphasized the necessity for confiscated land to be returned to Māori.

The Labour government passes the Treaty of Waitangi Act, giving the Treaty of Waitangi recognition in NZ law for the first time. A tribunal is established with the power to investigate new legislation for breaches of the treaty including land claims and related matters.

1982 The tribunal, for the first time, holds a hearing on a marae belonging to a claimant iwi. Te Ati Awa opposed government plans to develop a fuel plant on the Taranaki coast (where Māori land had long been confiscated) that would have pumped industrial waste into coastal waters and onto reefs used by the iwi for fishing.

The Tribunal concluded that the proposed outfall constituted a breach of the treaty and the Chairman of the Tribunal, Judge Edward Taihakurei Durie, states that the tribunal itself was 'an acknowledgement of Māori existence, of their prior occupation of the land and of an intent that the Māori presence would remain and be respected. It made us one country, but acknowledged that we were two people. It established the regime not for uniculturalism, but for bi-culturalism.'

Later in 1975 the conservative National Party was elected. This resulted in a tendency to dismiss Māori issues as merely the grievances of militant radicals, intensifying Māori opposition.

1984 The Labour government significantly extends the authority of the Waitangi Tribunal, enabling it to consider claims that have arisen since 1840. For the first time, Māori are able to seek restitution and compensation for the loss of land and resources.

1976 Takaparawhau Bastion Point

Context: After European settlement of Tamaki Makaurau, Auckland, the lands of the Ngāti Whātua were gradually whittled away. The harbourside area of Bastion Point had been taken by the Crown in the 1850's for defence purposes.

Bastion Point

1976 The government proposes selling part of the reserve for luxury housing. This leads to an occupation of the site by members of the tribe, with 222 people eventually evicted by police after 506 days.

1987 The Waitangi Tribunal finds breaches of the Treaty with respect to Ngāti Whātua. The government agrees with the Tribunal's recommendations and a settlement between the government and Ngāti Whātua with respect to land, including Bastion Point, is reached in 1991. A final settlement with the tribe is reached in 2011.

1982: Te Reo Māori

Context: For many years there had been growing concern among Māori that their language was endangered because too few young people were fluent speakers.

1977 Kara Puketapu becomes head of Māori Affairs and introduces the philosophy of Tu Tangata – Stand Tall. He calls iwi representatives to Wellington, tribal leaders old and young, men and women. They begin to develop policies that come up from the people, and out of that dynamic was born Te Kohanga Reo.

The first kohanga reo (literally: language nest) preschool opened in 1982. There are now more than 460 throughout the country.

1985 Māori immersion schools, kura kaupapa Māori began, gaining formal recognition in the Education Act 1989.

1986: The [State-Owned Enterprises Act](#)

Context: The State-owned Enterprises Act heralded a major overhaul of New Zealand's state sector. A number of government departments became commercially oriented organisations with an emphasis on efficiency and profitability. The SOEs were a cornerstone of 'Rogernomics', the dramatic liberalisation of the New Zealand economy which followed the election of the David Lange-led Labour government in 1984. The name derived from Minister of Finance Roger Douglas, the main driving force behind the controversial initiatives.

The State-Owned Enterprises Act provided for government-owned land and other assets to be transferred to state-owned enterprises. It included a provision stating: "Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi." In 1987, in the significant case of New Zealand Maori Council v Attorney-General, the legislation was amended to provide that land that had been transferred to a state-owned enterprise could be subject to "resumption" where it was the subject of a Waitangi Tribunal recommendation and in other circumstances.

1987 The [Māori Language Act](#) made Māori an official language of New Zealand and established the [Māori Language Commission](#).

1988: The [Treaty of Waitangi Policy Unit](#)

Context: This unit within the Department of Justice was established to assist with Treaty settlement negotiations between the government and Māori tribes. The unit subsequently became the [Office of Treaty Settlements](#) in 1995.

Significant early settlements included the “Sealord deal” in 1992, which was the “full and final settlement of all Māori commercial fishing claims” and covered all Māori tribes.

In the mid-1990s, the government also reached agreements with the large tribes of [Waikato-Tainui](#) and Ngai Tahu. The Deeds of Settlement included compensation valued at NZ\$170 million for each tribe, as well as apologies, and the recognition of certain rights to resources.

[Many more settlements](#) have subsequently been agreed between various tribes and the government.

1994

The government’s proposal to limit all future settlements of historical Treaty claims to a total cap of NZ\$1 billion, known as the “[fiscal envelope](#),” resulted in protests. It was subsequently abandoned.

1995 Moutua Gardens

Context: The gardens had been established on or near the site of Pākaitore pā, a traditional place for trade before European settlement. Te Rūnanga Pākaitore claimed that it had been set aside from the purchase of Whanganui; the local authorities denied this.

In February 1995 Te Rūnanga Pākaitore began a 79-day occupation of Moutua Gardens that was intended to restore te mana of the Whanganui people over the site. The protesters saw Moutua Gardens as a symbol of past grievances. It had become a memorial to kūpapa Māori - those seen as loyal to the Crown. As well as the statue erected in memory of those who had died at [Moutoa](#) ‘in defence of law and order against fanaticism and barbarism’, a statue of the Pūtiki chief Te Keepa Te Rangihiwini (‘Major Kemp’) celebrated his victories over Te Kooti, the ‘murderer of women and children’.

1991 This dispute highlighted the fact that issues dating back to the initial European settlement of the area remained unresolved. Controversy was rekindled by debate about whether Wanganui should be renamed Whanganui. Early lexicographers had missed the silent ‘h’ in the local Māori dialect and spelt the town - and the river - Wanganui. In 1991 the New Zealand Geographic Board responded to calls from some local Māori by changing the name of the river to Whanganui.

2009 The public were consulted on whether to extend the change of name to the town. Opponents, including the mayor, Michael Laws, argued that in the intervening years Wanganui and its people had created ‘its own identity, its own history, its own pride, its own mana’. Cabinet decided that either spelling was acceptable in everyday usage, but instructed government agencies to refer to the town as Whanganui.

2004 Foreshore and Seabed Act

Context: On 18 November 2004, the Labour/Progressive government passed the Foreshore and Seabed Act, which declared that the land in question was owned by the Crown. Māori could, however, apply for “guardianship” of certain areas. The Act was highly contentious.

2004 Criticism of the government, both from Māori and from opposition parties, continued to intensify, and the government began to lose ground in opinion polls. The National Party leader [Don Brash](#) delivered a speech at Orewa saying that the

government was showing strong favouritism to Māori, both in the foreshore and seabed debate and in many other areas of government policy. Brash's speech was condemned both by the government and by many Māori groups, but met with widespread approval from many other sectors of New Zealand society. The government was also facing serious internal debate over its proposed legislation. Many of the party's Māori MPs were deeply unhappy with the government's plans, and raised the possibility of breaking ranks to oppose the legislation in Parliament.

On 8 April 2004, it was announced that the New Zealand First party would give its support to the legislation – the price for this support was that ownership of the seabed and foreshore would be vested solely in the Crown, ending the concept of "public domain" (vesting ownership in the public at large rather than in the state) that United Future had promoted.

2004 The Māori Party

Context: One of the strongest critics of the bill within the Labour Party was [Tariana Turia](#), a junior minister. Turia indicated on a number of occasions that she might vote against the government's bill. It was made clear that voting against a government bill was "incompatible" with serving as a minister, and that doing so would result in Turia's dismissal from that role. Turia was encouraged to either abstain or simply be absent when the vote was taken. On 30 April, however, Turia announced that she would vote against the legislation, and would resign (effective 17 May 2004) from the Labour Party to contest a [by-election](#) in her electorate. She was dismissed from her ministerial post by the Prime Minister the same day.

Tariana Turia and Pita Sharples become co-leaders of the Māori Party. Te Pāti Māori advocates for indigenous rights and centre-left policies to benefit all New Zealanders.



The hikoi at the New Zealand Parliament.

On 5 May 2004, a hikoi (a long walk or march — in this case, a protest march) arrived in Wellington. It had begun in Northland thirteen days earlier, picking up supporters as they drove to the capital. The hikoi, which some estimated to contain fifteen thousand people by the time it reached Parliament, strongly opposed the government's plans, and was highly supportive of Tariana Turia's decision. The party won four seats in the election the following year.

As of 2021 the party's two Members of Parliament are Rawiri Waititi and Debbie Ngarewa-Packer.

2007 Tūhoe Terror Raids

Context: There is a long and tragic history of interactions between the Crown and Tūhoe. The demand for mana motuhake, self-determination or autonomy, was central to the Tūhoe treaty claim. It was a demand that echoed those of previous generations of Tūhoe leaders.

Repeated and brutal invasions of the Urewera district from the mid-1860s partly reflected its status as a place of sanctuary for Māori from elsewhere who were seeking to elude government forces (Judith Binney, *Encircled Lands: Te Urewera, 1820-1921*, p.68).

New Zealand police conducted a series of armed raids on October 15/16, alleging there were paramilitary training camps in the Urewera mountain range near the town of Rūātoki. Citing the Terrorism Suppression Act, police arrested 18 people. Among those arrested was Tūhoe activist Tame Iti. Police claimed Iti was involved in running military-style training camps in the Urewera Ranges and was planning to establish an independent state on traditional Tūhoe land.

2012 Iti and three others were brought to trial on charges of participating in a criminal group and possessing firearms not under the Terrorism Suppression Act as earlier envisaged as an opportunity to test new terror legislation. The jury could not agree on the former charge, but all four were found guilty of firearms offences. Two received nine months' home detention and the other two – including Iti – were sentenced to 2½ years in prison.

2013 The Independent Police Conduct Authority found that police had 'unnecessarily frightened and intimidated' people during the raids.

2014 Police Commissioner Mike Bush apologised for mistakes made during the raids.

1984 Māori Health

Context: A range of Māori health initiatives are introduced, inspired by government commitments to the Treaty of Waitangi but also by increasing concern about health disparities between various population groups.

Although disparities between Māori and non-Māori people have not decreased across all measures, there is recent evidence of

- an increase in Māori life expectancy,
- reductions in mortality rates,
- lower rates of suicide in older people,
- increased access to primary healthcare,
- significant increases in smoking cessation for young Māori women.

1988

The report of the Royal Commission on Social Policy affirmed that the principles of the Treaty, such as partnership, protection and participation, were also relevant to social policies including health and education.

2000

Under the New Zealand Public Health and Disability Act, district health boards were required to “recognise and respect” the principles of the Treaty of Waitangi by ensuring Māori participation in decision making and in the delivery of health services. All major district health boards have appointed senior Māori health managers to spearhead engagement with the health system.

2020 The Education and Training Act

Context: For boards of trustees and principals, the Education and Training Act 2020 has implications in terms of streaming. The Act requires that boards ‘take all reasonable steps to eliminate racism’ and achieve ‘equitable outcomes for Māori students.’

“The Education and Training Act 2020 rightly sets a high bar for schools. Every school is expected to be emotionally safe and inclusive, free from racism, stigma, and discrimination. We welcome these expectations, which are causing schools to examine their practices. Streaming is an anachronism that sifts and sorts young people by perceived ability. Education should hold the highest aspiration for all young people and, above all, help them understand that anything is possible. I am proud that educators are increasingly calling out the damage that streaming has wrought and are moving quickly to support approaches that nurture the potential and efficacy of every young person in Aotearoa, New Zealand. “

Perry Rush, President, New Zealand Principals’ Federation

2021 Government Covid response breach of Treaty of Waitangi

Context: Māori health experts say the Government’s Covid-19 response could constitute a breach of Te Tiriti o Waitangi because it breaches the principles of equity and active protection.

While no-one has lodged a Waitangi Tribunal claim so far, there have been discussions among Māori health providers about whether the vaccine roll-out, and move away from the elimination strategy, are consistent with the principles of Te Tiriti.

This comes as Covid-19 spreads across the North Island, and the gap in the vaccination rates between the general population and the Māori population continues to widen.

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