Some Government Breaches of Te Tiriti o Waitangi

All “unappropriated” or “waste land”, other than that required for the “rightful and necessary occupation of the aboriginal inhabitants of the said Colony” was deemed Crown land In the Land Claims Ordinance 1841. Although not put into effect by the Crown at the time this ordinance gave statutory recognition to the Crown right of pre-emption, at the expense of any rights to Maori rangatiratanga over their own land.

(1841)

Provision was made for Maori education as part of the process of “civilizing” people of iwi descent – “which object may best be attained by assimilating as speedily as possible the habits and usages of the Native to those of the European populations”.

(1844)

William Spain completed his work as Commissioner of Land Claims, investigating the validity of all land purchases made before 1840. However many of his recommendations and findings were never acted upon. For example, the site of Wellington was shown to have been an invalid purchase, but the area was not returned to the iwi nor was compensation paid.

(1845)

British Parliament passed the New Zealand Constitution Act, conceding to the settlers the administration of all matters relating to land in Aotearoa. The parliament of New Zealand was established without iwi representation because voting was restricted to men who owned land on a single title and since people of iwi descent held land communally, they did not have the vote.

(1852)

Beginning of the land wars in Taranaki. The fighting began when the government attempted to force the sale of land at Waitara.

(1858)

Following the government’s invasion of the Waikato the Suppression of Rebellion Act was passed suspending the right to a trial before sentencing (habeas corpus) for those found to be in rebellion against the Crown. Military courts were established for the purposes of sentencing and penalties.

The New Zealand Land Settlements Act was passed empowering confiscation of Maori land in any district where a “considerable number” of Maori were believed to be in rebellion (confiscation of 3 million acres).

(1863)

The Native Reserves Act put all remaining Maori reserves under government control available for lease to Europeans at very low rentals.

(1864)

The Native Land Act was passed which required Land Court hearings to determine land ownership and individualise land title. Owners of iwi descent were forced to spend months in whichever town the court was sitting (if they didn’t appear, their land was automatically taken away) incurring accommodation, legal, land agent and surveying costs. If the land was 5000 acres or less, only ten names were put on the title. This legislation also covered claims of “unjust” confiscations from the land wars - when land was returned to successful claimants, it was in individual rather than communal title. In the next ten years another ten million acres of land were alienated from iwi ownership.

(1865)

The Maori Representation Act was set up with four Maori seats in Parliament in response to settler concern that, with individualization of land titles, voters of iwi descent might outnumber Pakeha in some electorates.

Native Schools Act provides for the setting up of schools in Maori villages so long as the hapu provide the land, half the cost of the buildings and 25% of the teacher’s salary. English is to be the only language of instruction of Maori in schools. Later this policy of “English only” was rigorously enforced.

(1867)

Chief Justice Prendergast dismisses a case brought by Wi Parata of Ngati Toa as having no legal basis. He argued that there was no such thing as legal Maori title to land and that the Treaty of Waitangi could have no bearing on the case because treaties with 'simple barbarians' lacked legal validity. He declared the Treaty a 'simple nullity'.

(1877)

A forced survey of the Parihaka block was peacefully obstructed by Te Ati Awa under Te Whiti's leadership. This non-violent resistance was central to Te Whiti's vision and came forty years before Ghandi in India. Several special Acts were passed over the next two years to try to force the people of Parihaka off their land (eg. men could be arrested without warrant, could be held without trial). When these proved unsuccessful the Government sent in soldiers to destroy the community.

(1879)

Government could deem land owned by people of iwi descent to be suitable for settlement, paying only 5 shillings an acre for it. The market rate at the time was £30.

(1893)

The Advances to Settlers Act provided low interest loans to settlers for land purchase and development; owners of iwi descent were excluded from access to government development finance until the 1930's.

Validation of Invalid Land Sales Act made some past land deals, which were illegal, legal. **(1894)**

Old Age Pensions Act passed; anyone with shares in Maori land was disqualified automatically.

(1898)

The Maori Land Settlement Act compulsorily placed land that was deemed not necessary or not suitable for occupation by its iwi owners under the control of Land Councils; there were no representatives of iwi descent on these Councils.

(1904)

The Suppression of Tohunga Act outlawed the spiritual and educational role of the tohunga. It was a response in particular to the success of the prophet Rua Kenana in convincing his people to remove their children from the debilitating influences of European schools.

(1907)

The Public Works Act authorised the taking of land for public works. Europeans had rights to object and were entitled to compensation, but neither applied in the case of Maori land (until 1974).

(1908)

People of iwi descent were deemed eligible for only half the unemployment benefit available to Europeans; this was amended in 1936.

(1928)

The Maori Affairs Act set up the Maori Affairs Department to act as the agent for the government in purchasing land from people of iwi descent. It could compulsorily purchase Maori land if it was valued at less than £50. If Maori owners of land couldn't or wouldn't develop land according to European standards, the Trustee could lease the land at its unimproved value even if the owners didn't want that. At the end of the lease period if the original owners wanted the land back they had to pay compensation for the improvements; if they couldn't raise the capital for the improvements, they lost the land.

(1953)

14.8% of total population identified themselves as being of iwi descent. 50% of people of iwi descent own their own homes; 70% of all other people do. People of iwi descent are three times more likely to be apprehended and four times more likely to be convicted of an offence, than non-Maori.

(2001)

The United Nations Committee on the Elimination of Racial Discrimination determined that "… the [2004 Foreshore and Seabed] legislation appears to the Committee, on balance, to contain discriminatory aspects against … Maori customary titles over the foreshore and seabed".

(2005)

Treaty Resource Centre
He Puna Matauranga o Te Tiriti