

## Land occupation scenario: events that occurred

Land Occupation Scenario	Historical events relating to land
1) Waking up one morning to find that Māori are occupying the household's section	1) Hapū surprised to have Pākehā arrive to claim ownership of Māori land
2) Upon complaining to the police, being told that Parliament had established a process for investigating title to land owned by Pākehā	2) Māori told that Parliament had passed a law creating the Native Land Court to investigate title to land owned by hapū
3) Parliament is comprised of only 6% Pākehā although Pākehā are 40%+ of the total population	3) Māori Representation Act (1867) restricts Māori seats to 4 (approximately 6% of the total) although Māori at the time were over 40% of the population
4) Under the process, Māori are allowed to claim any land they believe to be wrongly taken from them	4) Court case would be triggered by any settler/s declaring to the court that they wanted to purchase the land, regardless of whether hapū had any interest in selling
5) Upon querying about the process by which it was determined that the land had been wrongfully taken, being told: <ul style="list-style-type: none"> <li>a) they should have attended a hui at the marae</li> <li>b) which had been publicly notified on Te Karere;</li> <li>c) they would have been required to employ a Māori consultant to present their case</li> <li>d) they would have had the opportunity to present evidence that their title was valid based on Western concepts (but evidence would be required back to the time when land was acquired from Māori)</li> <li>e) the homeowner would have to employ Māori experts to identify the property in terms of traditional Māori boundaries</li> <li>f) the household would have to remain at the marae throughout the hearings for all land in the immediate area</li> <li>g) the hospitality provided by the marae would be expected to be returned at a later date, in kind</li> </ul>	5) Māori learned belatedly from other hapū that: <ul style="list-style-type: none"> <li>a) the Native Land Court travelled around the country</li> <li>b) notices were posted in English in the towns</li> <li>c) hapū were required to use Western lawyers</li> <li>d) they had the opportunity to present evidence that their title was valid based on Māori concepts of title allowed (but evidence required in relation to any competing claim)</li> <li>e) hapū were required to employ surveyors to locate the traditional boundaries on cadastral maps</li> <li>f) if the hapū representatives were not present on the day their case was called, they forfeited title</li> <li>g) the hapū members had to pay for food and accommodation; if they couldn't afford it, the debt was to be repaid by selling land</li> </ul>
6) However, since the homeowner didn't appear at the hui, the government made the land available to Māori claimants upon their payment of the price set by government; Pākehā ex-owner will not receive any of the payment	6) Government sold the land to settlers and used the revenue to offset cost of running government (see W H Oliver report to Royal Commission on Social Policy)
7) If the family had attended the hui and participated in the process appropriately, the chances are good that their title would have been found to be valid	7) In virtually all cases, the hapū occupying the land were determined to be the rightful owners
8) But, because the government agrees with the 'greenies' that individuals do not have the right to own the earth, only to occupy it, property ownership in a community will be recorded as owned and managed by the local council.	8) But, because the government didn't want land to be recorded as owned by the entire hapū (difficult for settlers to purchase when so many owners had to agree and administratively complicated to keep track of the names), the land was subdivided into a maximum of ten sections and allocated to 10 members of the hapū.
9) Nothing can happen on the land without consensus agreement in the community; families will not have individual property rights.	9) In NZ law, these few owners now had the right to sell individually even though this fundamentally contradicted Māori concepts of community and land occupation.

For further details of Native Land Court operations, see *Te Kooti Tango Whenua* by David William

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