

The Taranaki Report - Kaupapa Tuatahi

CHAPTER 10

'REFORM'

It is the Europeans who beguile us, they are the only race that knows how to beguile people . . . [It was] thought that the Maoris and Europeans were united together with one mind and love, but [the] unity was only at the lips, not for the body . . . There is not a year passes by without the Europeans buying Maori lands . . . If we are sick in body the Europeans are sorry for us, but if there is sickness about the land, they are not sorry . . . Perhaps some might say that the land was paid for [by] money, that is right, but land is the father of money. Tamati Ranapiri, Te Wananga, 24 September 1874

It is absolutely essential, not only for the sake of ourselves, but also for the benefit of the Natives, that the Native titles should be extinguished, the Native customs got rid of, and the Natives as far as possible placed under the same position as ourselves. F A Whitaker, 1877

The continual attempts to force upon the tribal ownership of Maori lands a more pronounced and exact system of individual and personal title than ever obtained under the feudal system of all English speaking peoples had been the evil of Native land dealings in New Zealand. Native Land Laws Commission, 1891

10.1 INTRODUCTION

Like the arrangements made for the administration of the reserves, land tenure reform was also integral to the process of reconstruction that the West Coast Commission began. Ancestral laws on how lands were held, allocated, and inherited were displaced by Government laws that brought Maori into the Government system. Through the Native Land Court and various commissions, Europeans determined which Maori owned what lands and how ownership, devolution, and administration should be organised. Increasingly, Maori land became unrelated to Maori society and culture. This chapter considers how the reform came about and the impact it had on land sales and the land rights of particular hapu.

10.1.1 THE COMPENSATION COURT, WEST COAST COMMISSION, AND NATIVE LAND COURT

The Native Land Court, established in 1865, or the Maori Land Court as it is now known, was the primary instrument for Maori land reform in New Zealand. It made three major changes to the way Maori land was managed. First, according to its understanding of Maori custom, it determined who had land interests. Secondly, it allocated the land in separate allotments to individuals of the group according to

defined shares and it controlled the subsequent devolution of interests by transfer or succession. Finally, it supervised the land's use, management, and alienation. For centuries previously, of course, all three functions of determining, allocating, and managing were undertaken by the hapu, apparently without major complaints.

In Taranaki, however, most Maori land titles come from the West Coast Commission, being land returned from confiscation. Like the court, the commission changed the customary perception of these lands as hapu property, granting them to individuals in defined allotments and in prescribed shares. The Native Land Court managed devolution and alienation from then on. Accordingly, although the instrument first used was different, there was no difference in result between the West Coast Commission, the Compensation Court, and the Native Land Court. Each made changes and converted communal customary tenure to individual ownership, and everything fell under the power of the Native Land Court in the end.

10.2 NATIVE LAND COURT DETERMINATIONS OF OWNERSHIP

The Native Land Court also determined the ownership of lands outside the Taranaki confiscation boundary. This affected the Ngati Tama lands to the north and, to the east, the lands of Ngati Maru, Nga Rauru, and, to a lesser extent, Ngati Ruanui, Tangahoe, Pakakohi, and Whanganui. The Native Land Court's operations in the east were described in chapter 2, which concerned the Crown's purchase of lands between 1872 and 1881. The lands purchased are shown in figure 3. As earlier described, the court's role was marginal. It did not so much determine ownership in those cases as confirm the title of certain owners, as pre-arranged by the Government. Alternatively, it partitioned severances for non-sellers.

Figure 3, however, also discloses a large territory not covered by those transactions, which could have only been Maori customary land at some time. Assuming the ranges that divide Taranaki from the Whanganui River catchment area also describe a reasonable boundary between the hapu of Taranaki and Atihau Whanganui, the area affected could have been some 360,000 acres. We have no particulars for the alienation of most of those lands at this stage. Should we produce a further volume to this report, those alienations would be covered there. We can say at this stage, however, that the customary interests in all those blocks were extinguished after 1865, when the lands passed through the Native Land Court to be awarded to individuals before being sold.

For the moment, we refer to the area to the north of the confiscation line that passed through the Native Land Court. The result there was astonishing, because the ancestral lands, which clearly belonged to Ngati Tama, were awarded to other hapu.

By descent from the original peoples and subsequent migrants of the Tokomaru waka, Ngati Tama were the ancient holders of a large territory from the far side of the Mokau River in the north to Titoki in the south. Subsequently, by war and marriage, Ngati Tama and Ngati Maniapoto had fused at Mokau. Ngati Rakei and other hapu emerged there with connections to both groups in the usual Maori way. Of course,

while being connected with both Ngati Tama and Ngati Maniapoto, Ngati Rakei and the associated hapu also had an autonomy of their own.

During the nineteenth-century musket wars, when Waikato and Ngati Maniapoto combined to take the fighting into Taranaki, Ngati Tama and others moved south at different times in search of arms from Cook Strait. After the fighting, and in the absence of Ngati Tama, Ngati Rakei occupied small pockets of Ngati Tama land along the coast. Disparate groups of returning Ngati Tama then settled at Tongaporutu and other places, but most Ngati Tama were still absent when the wars with the Government began. There is no evidence that Ngati Tama participated in those wars. Early in the fighting, however, and even before the formal confiscation of the Ngati Tama land had been effected, the military established a redoubt and settlement at Pukearuhe. The southern portion of the Ngati Tama lands was then confiscated in 1865. The area referred to is shown in figure 17. It has been estimated to comprise 74,000 acres.

Following a sitting of the Compensation Court at New Plymouth in 1866, an out-of-court arrangement was made for a handful of 12 persons to receive a mere 3458 acres in settlement of the 74,000 acres wrongly taken. The reasons for that settlement are not known. Because at that time many of Ngati Tama were at the Chathams Islands, and some were possibly at Parihaka, and because adherents of Te Whiti did not recognise that any court or commission had authority to determine Maori land allocations, it is likely that most either declined to or were unable to participate. Given that in our view the Ngati Tama land was not liable for any confiscation at all, we can only presume that the Government agreed to return such a small area because, as had happened throughout north Taranaki, nearly all the bush-free lands on the thin coastal strip had already been taken by Europeans, this was all the cleared land that remained, and it was only the cleared land that Maori were thinking of at the time. We likewise presume that only 12 persons were involved because no one else made claims and the Government agent thought all others would be disentitled as either absentees or rebels. In any event, of the 74,000 acres of Ngati Tama confiscated land, only 3458 acres returned and then to only 12 persons.

Between 1865 and 1868, more Ngati Tama returned home from the Chatham Islands concerned for their ancestral lands. They squatted on those lands, but some later went to Parihaka and became part of the protest movement. They participated in ploughing at Pukearuhe and other places, were arrested and imprisoned, and were not released until 1881. They then returned to Parihaka but soon after it was invaded. Subsequently, they were involved in Parihaka's restoration.

Map 17: Ngati Tama lands

In 1882, soon after the invasion, the Native Land Court sat at Waitara to determine the ownership of the lands north of the confiscation line in two blocks: Mokau-Mohakatino of 55,837 acres and Mohakatino-Parininihi of 66,163 acres. These blocks are also shown in figure 17. At this crucial time, Ngati Tama were at Parihaka and were not popular with either settlers or officials. They could not be excluded from the land as rebels because there was no evidence that they were and because those who had returned only after the war could not possibly have been involved in the fighting. Yet, in officials' eyes, their protests had been the cause of all the trouble. Followers of

Te Whiti were further regarded as suffering from some form of dementia and were also unpopular as absentees. The rights of absentees had been rejected by both Spain's Land Claims Commission and the Compensation Court. Each absentee, if admitted to ownership, would reduce the land available to settlers, and yet no absentee could be excluded on the ground of some war complicity.

We consider that it was a foregone conclusion that the Native Land Court would find against Ngati Tama in respect of the lands north of the confiscation line. The Native Land Court judges were also the judges of the Compensation Court. The Compensation Court had earlier excluded absentees and it had further acquiesced in a settlement in respect of the lands south of the confiscation line whereby only 12 persons received compensation for the Ngati Tama confiscations. For the court to have admitted the whole of Ngati Tama to the lands north of the confiscation line would have made a mockery of that settlement and the Compensation Court's part in it. The Native Land Court was also very political at this time and sensitive to which groups were in the Government's favour. In addition, there is evidence that at that time the court was seeking to ingratiate itself with the Ngati Maniapoto side of Ngati Rakei in order to be accepted into the King Country.

In any event, in a brief judgment the Native Land Court determined that Ngati Tama had been expelled from their lands by Waikato-Maniapoto conquerors and that the conquerors had taken possession of the vacant land, which possession, though 'sparse', was none the less sufficient to show 'a domiciliary intention'. On the other hand, the Ngati Tama reoccupation was 'desultory' and 'trivial' in the court's view and it was insufficient to displace the conqueror's possessory title, obtained by Maori custom.

Though written with the precision and clarity one associates with the chief judge of that court, the decision none the less suffered the impediment of having nothing at all to do with Maori custom, despite its pretensions to the contrary. Like the Compensation Court, the Native Land Court elevated conquest according to European tradition, while Maori placed more weight on whakapapa (genealogy) and ancestral associations. These were Ngati Tama lands. They had been their lands for centuries, and by Maori custom, the Ngati Tama ancestral interests were not so readily extinguishable. An ancestral history is a fact that cannot be written out of existence. The only question was whether some adverse possession had intervened to prevent Ngati Tama reoccupying their ancestral lands. Clearly, none had, or at least not for the whole of the land. Any adverse possession was confined to a few pockets and did not affect the greater part. Ngati Tama could not have been stopped from returning to their land, and they in fact did return. In any event, the possessors of those pockets were not in fact the so-called conquerors. The Waikato-Maniapoto invaders came and went. They did not perfect by occupation such rights of conquest as they may have claimed. Those who occupied the lands, in the absence of Ngati Tama, were Ngati Rakei, who were as much related to Ngati Tama as they were to Maniapoto. Their entry upon the land was limited in scope and concept. They settled in the absence of Ngati Tama, and their right to settle in their absence was not by conquest but by whakapapa.

In Treaty terms, however, the main concern is that the Native Land Court was authorised to determine such a question. It had no business to do so in this instance. The Treaty vested the authority of Maori lands in Maori, not in the Native Land

Court, and that must have included the right of Maori to maintain their own way of reaching agreements. To the extent that it presumed to decide for Maori that which Maori should and could have decided for themselves, the Native Land Court encroached on Maori autonomy and was acting contrary to the Treaty of Waitangi. It follows that the legislation that permitted of that course was also inconsistent with Treaty principles.

It needs to be appreciated, then, that Maori dispute resolution was founded not upon finite rules, like those the Native Land Court imposed, where some won and others missed out, but upon the reaching of pragmatic solutions. Had the court permitted of a Maori process, a just and pragmatic solution was likely. The elements were there. Waikato made it clear that they supported the return of Ngati Tama. If, in the court's reckoning, these were the people who were supposed to have taken the land by conquest, then that fact, known to the court, deserved weight. In any event, a pragmatic solution was at all times feasible and the court need not have done more than record it. Ngati Rakei occupied only pockets of land. Nothing could prevent the hapu from fusing in the usual Maori way or keep Ngati Tama from the balance - nothing, that is, but the Native Land Court.

The real problem appears to have been that the Native Land Court was mainly concerned with promoting itself. During the course of the hearing, it had been contended, for example, that Ngati Tama had returned to the land at the invitation of Waikato and the Maori King. Here was the court's opportunity to elevate itself above the King, perhaps in retaliation for the King's earlier expulsion of judicial officers from Waikato, or to gain favour with Maniapoto, who were not entirely happy with the King at that time. The court wrote:

Whether [the Ngati Tama occupations] were made under the auspices of Tawhaio, chief of Ngati Mahuta, who is sometimes called the Maori King, does not appear; and if it was shown that they were made under such sanctions, that authority would be of no avail in this court; for we do not recognise in Tawhaio or any other man the right to dispose of another man's property.

The court overlooked that, at that time, Maori were willing to submit to the adjudication of the Maori King and that the King's invitation was probably a judgment. The judge also overlooked that he himself was presuming 'to dispose of another man's property'.

In the same vein, Ngati Tama were ridiculed by the court, along with Te Whiti and the Parihaka people. It was said that they were 'seduced by the fanatical influence of Te Whiti, or rendered miserable by the constant interference of Te Rerenga' and that those who had joined Te Whiti had done so in fits of 'temporary insanity'.

We do not, however, infer that Ngati Tama were solely entitled to the whole of the lands to the Mokau River. Though Ngati Tama claims that right, we have not heard from the adjoining interest groups at this stage. Current research material suggests that Ngati Rakei was an autonomous hapu at Mokau at this time, and accordingly, it may be doubtful that an exclusive Ngati Tama authority extended much or at all beyond the Mohakatino River. Until such time as other groups are given notice and are heard, or otherwise agree, we are assuming the Ngati Tama loss through the

Native Land Court was probably equivalent to the greater part of the Mohakatino-Parininihi block, say 66,000 acres. It may not be necessary to determine the matter more precisely, unless the Government proposes compensating every lost acre or unless it is crucial to assessing the apportionment of compensation between hapu.

The result for Ngati Tama was disastrous. We are not aware that other hapu were affected as seriously. Without any evidence that they had participated in the war, 74,000 acres of their land were confiscated, of which a mere 3458 acres were returned, and then to only 12 persons. The remainder of their lands, probably some 66,000 acres, was transferred to others, leaving the rest of Ngati Tama landless. The West Coast Commission noted their plight, however, and recovered a further 576 acres for them. The commission was critical of the Native Land Court, reporting on 26 April 1884:

The ancestral northern boundary of the Ngatitama tribe was the Mokau River, which was many years ago shifted to Mohakatino by the peace arrangements, after long hostilities. Subsequently the Northern tribes drove the Ngatitamas from the district, and they migrated to the South, where they remained until the arrival of European settlers, when they began to return, and settled in many places so far as Tongaporutu. During some of the meetings held in Waikato under the auspices of the Maori King movement the Ngatitamas were invited to attend, which they did, and were formally promised the restoration of their ancient rights to the land, and recommended to live on it, which they were doing (so far as Tongaporutu), when the Native Land Court sat and by its decision completely upset the understanding which had been arrived at. So far as I have been able to ascertain the facts, the Ngatitama failed to establish their case in consequence of a mistake in the manner in which it was brought before the Court, and if they had been allowed a rehearing, for which they applied, they would most probably have succeeded in establishing their right to the land between Tongaporutu and the Confiscated Block; but the Chief Judge of the Land Court positively refused a rehearing. The Ngatitama, being thus stripped of all the land they had, were thrown on the world, and appealed to the Government. The Hon the Native Minister, Mr Bryce, suggested to the Commissioner to locate them inside the confiscated boundary; and, there being a small block of about 576 acres near Pukearuhe available for this purpose, which they were willing to accept, it was surveyed for them, and they have been put in possession of it.

Some of them had previously been occupying a portion of town-belt on the south side of the Town of Pukearuhe, which is never likely to be more than a town on paper, and which had, by a former arrangement with the Crown Agent, been made available for settling Native claims. It has been thought desirable to add 71 acres of this belt to their award.

The reserve of 576 acres, which was all in bush, was individualised and apportioned between 50 persons, giving some 12 acres each. For having lost some 134,000 acres, Ngati Tama received in all 4056 acres, even though they were not involved in the war. It is hardly surprising Ngati Tama are not a numerous tribe today, for there was no land to sustain them.

10.2.1 LAND REFORM AND THE TREATY

The process of individualisation begun by the West Coast Commission was finished by the Native Land Court. It will be recalled that less than 0.5 percent of the land that was reserved for Maori was held in the name of hapu. None of that 0.5 percent was development land, but even so, eventually all of it either was individualised by the Native Land Court or came under the Native Land Court's control. The same happened to all other Maori lands. Similarly, the court supervised all matters relating to the ownership, devolution, and transmission of land and the appointment and supervision of land management bodies.

Looking to a number of arrangements by Maori for the management of their lands last century, it is apparent that various land reforms were feasible to meet the twin needs of individual development and community cohesion. We refer, for example, to the proposals of Paora Tuhaere of Orakei (see the Waitangi Tribunal's *Orakei Report*), Te Rangihiwini Keepa (Major Kemp) for Atihau-Whanganui, or the Tuhoe people, as eventually recognised in the Urewera District Native Reserve Act 1896. Elements of such schemes are still apparent today in Maori proposals, such as those for papakainga housing. The examples illustrate that, if land reform was necessary for Maori development, Maori were still better able to propose those reforms themselves, for they based them on their own value systems.

Collectively, the early proposals show that Maori still saw the purpose of the remaining Maori land as being to maintain the social and cultural base of the associated traditional communities. This gave preference to those who lived on or by the land, while not disowning the associational interests of absentees, for the prosperity of the community depended upon the contributions of its residents. It also required such constraints on individual liberties as might be needed to uphold the social and cultural integrity of the group. In practice, this meant restrictions on individual land sales. In brief, the purpose was to give effect to the traditional ethic that the land supports those who support the local community, but no others.

The Government's system ensured that, as succession orders were made to pass lands to children and grandchildren, whether or not they continued to live locally, interests fragmented in geometric progression over the generations. The share of one owner when the land was first Crown granted could be held by over 100 today. Multiple ownership is now the usual characteristic of Maori land, and since this is usually regarded as being a consequence of Maori custom, we need to emphasise once more that custom had nothing to do with the title arrangements that the Government imposed. Fragmentation of title was the second consequence as competing sets of owners sought to partition an ever diminishing quantum of land. Title dispersal followed naturally, as lands, made unworkable through increasing ownership, were sold, leaving a scattering of Maori lands in small and dispersed titles. Absentee ownership became the norm, for only one of the many owners could live upon the land, and most Maori living upon the land were not owners of the freehold but tenants to the numerous absentees. No benefit from rents accruing to absentee shares passed to the local community. Rents followed after the increasingly scattered owners throughout New Zealand, Australia, or wherever else they might be, and the economic power of the land was dissipated. As ownership grew and shares became not worth pursuing, the rents of deceased or missing owners passed for the special purposes of the Maori Trustee. Rents accruing to uneconomic interests passed to the Taranaki Maori Trust Board for general educational purposes. Nothing passed to the hapu to

which the land really belonged. The irony is that the court that first opposed admitting the interests of absentees introduced the system that made absentee ownership the norm.

The Native Land Court system imposed by the Native Land Act 1865 and subsequent legislation, or as imposed by the West Coast Commission, deprived Maori of the authority to make their own determinations on the ownership, devolution, management, and alienation of their land. As such, that legislation and those systems were contrary to the principles of the Treaty of Waitangi. The prejudice to Maori lay in the community's loss of traditional control of the lands in its area and the fact that the lands ceased to provide a benefit to the community that once depended upon them. A more particular prejudice was caused by the increased alienation of Maori land, multiple land ownership, fragmentation of title, title dispersal, absentee ownership, uneconomic interests, missing owners, unbankable titles, tenant farming, rent dispersal, and administrative control by the Maori Land Court, the Maori Trustee, and, later, the Maori Affairs Department. In social and cultural terms, Maori land had been made an illusory and a meaningless asset for the people and community it traditionally served. The Maori land structure that survives today bears no relationship to the customary tenure and values of ancestral law. Ironically, it also does not equate to the Western system it was meant to emulate: there is no general land in such a similar state of multiple ownership and fragmentation. These results would not have happened had the Government acknowledged the right of Maori autonomy and had it allowed Maori to make their own decisions on how to manage their lands.

10.3 LAND REFORM, LAND ALIENATION, AND RESOURCE LOSS

The proclivity of the Government has been to declare solemnly the reservation of Maori lands as a permanent estate for future generations and then, soon after, to purchase them. Chapter 2 disclosed how lands reserved from sales before the wars were individualised and leased or sold shortly afterwards, so that today only 9.6 percent of the lands that were reserved are still held in Maori ownership. The lands largely comprise sacred sites. In the case of the reserves created by the West Coast Commission in 1884, the lands were again individualised, but in most cases, restrictions on sale were incorporated into the Crown grants.

Title restrictions on the sale of land were removed, however, when memorials were not brought down on new titles following partition. Further, sales were progressively permitted by legislation from 1892. Section 109 of the Native Land Amendment Act 1913 permitted the Crown to purchase partitioned reserves either from the Public Trustee with the owners' consent or directly from the owners. Sections 155 and 156 of the Maori Affairs Amendment Act 1967 enabled the Maori Trustee to sell the freehold of reserves to lessees holding perpetual leases.

Eventually, 222,693 acres became vested in the Public Trustee, being 214,675 acres reserved by the West Coast Commission and the then balance of the lands reserved from purchases, 8018 acres. As at 1974, of that 222,693 acres, 141,394 acres, or 63 percent, had been purchased by the Crown or sold by the Public Trustee or the Maori Trustee to lessees. A further 56,993 acres, or 26 percent, was held for Maori under

perpetual leases and was to pass to the PKW Incorporation for administration. The balance, 24,306 acres, or 11 percent, was released from reserve restrictions for the use and occupation of Maori, being some farms and a variety of scenic, marae, cemetery, or other reserves. Figure 18 illustrates the extent of loss in the various regions.

The Parihaka block is referred to as a case study. The total area eventually returned in Crown grants was 21,760 acres out of an estimated block of 58,000 acres. The bulk of the reserve, about 19,976 acres, was located on the inland side of the coast road. Reserves on the seaward side, the most valuable for farming purposes and the site of the traditional cultivations, were earmarked for European settlers. The Maori reserves on the seaward side were small and isolated, comprising only 1509 acres and with seven of the allotments being made to fulfil promises to individuals.

From 1882 to today, at least 70 percent of the Parihaka reserves has been sold, mainly to the Crown. Today, 2062 acres are held by the PKW Incorporation subject to perpetual lease. Owing to the amalgamation earlier described, this land is owned by Maori from every hapu throughout Taranaki and is no longer held by the people customarily associated with it. Some 15 percent of the original reserves remains in the ownership of the Parihaka people as Maori land.

Map 18: Maori land in 1884 and 1996

Figure 19 illustrates the Parihaka reserve alienations. The nature of the alienations is described in the table below.

Method of alienation/ownership	Acres	Totals	Percent	Totals
Crown purchases	8531		39	
Maori Trustee sales, 1967 to 1976	3102		14	
Sales by the PKW Incorporation	334		2	
Sales by Maori owners	3278		15	
Public works and other appropriations	3	15,248	0.01	70
Converted to general lands	1238	1238	6	6
Held by the PKW Incorporation	2062		9	
Maori owned	3210	5272	15	24
Total	21,760	21,760	100.01	100

Construed in the light of the surrounding circumstances, and for reasons summarised in the *Orakei Report*, the Treaty is to be read as imposing on the Government a duty to protect Maori in the ownership of their land and to ensure that the tribes maintain a sufficient endowment for their foreseeable needs. Successive governments paid lip service to these obligations while not maintaining policies and practices to ensure compliance. Throughout the century, there was little policy for keeping Maori land in Maori ownership before the Maori Affairs Amendment Act 1974. Prior policy was directed to Maori land alienation. It has also been claimed that Maori lands were targeted first for major industrial or public works: harbour works, environmental and scenic reserves, railways, State housing, recreational facilities, sewage works, rifle ranges, golf courses, and Government buildings. We were referred to the acquisition of Maori lands for New Plymouth Airport and, in the late 1970s, for certain petro-chemical industries in the Waitara Valley and at Motunui. Because those acquisitions were raised before us in illustration of a general grievance rather than as specific claims, we have not examined them further, but official attitudes towards the acquisition of Maori land do not appear to have changed until after the Maori land march from Cape Reinga to Wellington in 1975 and the entrenchment of its catch-cry 'Not one more acre . . . !'.

Map 19: Parihaka alienations

Related to the land loss has been a loss of access to natural resources, on which much of Maori culture depends. This has been a long outstanding Taranaki concern, which first came before this Tribunal in the Motunui-Waitara claim of 1983. In the current claims it was alleged that water abstraction had so reduced river flows as to compromise the integrity of fish populations or make them unviable. The majority of the Waiwhakaiho River flow was said to be taken for electricity generation and domestic water supply. It was said that pollution emanating from landfills, industrial plants, and dairy farms and factories has resulted in rivers being no longer able to support aquatic life. The removal of gravel from riverbeds, to the extent that the volcanic bedrock has been exposed in some cases, has resulted in scouring and erosion. In the Waitara River, this has seriously affected the reproduction cycle of the piharau fishery. Deforestation of upper catchment areas has caused erosion, with a build up of silt in the lower reaches. The introduction of exotic fish species has caused a decline in the numbers of indigenous fish. Finally, the enclosure of lands adjacent to rivers in Taranaki has prevented Maori from accessing traditional fisheries.

Similarly, the drainage of wetlands has resulted in the destruction of habitats for fish and waterfowl, and drainage and enclosure have reduced the availability of raupo and harakeke.

The sea has always been an important source of fin-fish and shellfish for Taranaki Maori. It is claimed the quality of many traditional fisheries has been seriously affected by over-fishing and the downstream effects of land-based activities. Specifically, problems exist as a result of dairy farm effluent causing a build up of scum on certain beaches and waste water from industries causing the contamination of shellfish beds, and there has been an unsustainable harvesting of certain species. Nga Rauru complain that no provision was made to secure their access to traditional sea fisheries. They detailed their concerns before the Sim commission, but nothing happened.

The significance of cultural harvest in northern Taranaki was set out in the *Motunui-Waitara Report*. Similar issues were raised at this hearing but in the context of the impact of land loss on access to rivers, lakes, forests, swamps, and foreshores.